



STATE OF ALABAMA  
**BOARD OF HEATING, AIR CONDITIONING  
AND REFRIGERATION CONTRACTORS**



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**Jeffrey M. Becraft**  
EXECUTIVE DIRECTOR

November 16, 2022

**7021 0950 0001 7495 4145**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Zackory Norris  
Alabama Preferred Heating and Cooling, LLC  
1701 COUNTY ROAD 1269  
VINEMONT, AL 35179

RE: In the Matter of Complaints of the Board against Zackory Norris, Certification No. 21001,  
Complaint File: CC-2021-120

Dear Mr. Norris:

Please find enclosed a fully executed copy of the Order of the Board disposing of the above-referenced disciplinary action. At the Board meeting held on November 16, 2022, the Board voted to ratify the terms of the Recommendation of the Administrative Law Judge.

You may file a notice of appeal, pursuant to §41-2-20, Code of Alabama (1975), to the Circuit Court within 30 days of the date of this order. Should you have any questions in this matter, please contact me at (334) 242-5550 or toll-free at (866) 855-1912.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Becraft", with a long horizontal flourish extending to the right.

Jeffrey M. Becraft  
Executive Director

Enclosure

**BEFORE THE STATE OF ALABAMA  
BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS**

**IN THE MATTER OF COMPLAINT OF THE BOARD AGAINST:**

Zackory Norris  
Alabama Preferred Heating and Cooling, LLC  
1701 COUNTY ROAD 1269  
VINEMONT, AL 35179

Certification Number 21001

Complaint File: CC-2021-120

**ORDER**

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors ("the Board"), pursuant to the attached Hearing Officer's Recommendation and the entire administrative record. For good cause shown, it is hereby ORDERED:

THAT the attached Hearing Officer's Recommendation is hereby adopted in its entirety, as if fully set out herein;

THAT the Respondent Zackory Norris, is guilty of violating Section 34-31-21, *Code of Alabama 1975*;

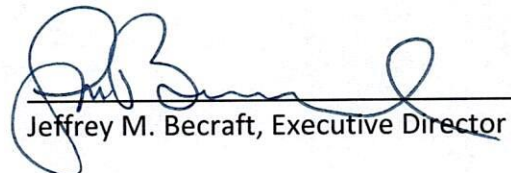
THAT Zackory Norris will attend a mandatory class administered by the Board on January 10, 2023, receive a public reprimand, and pay an administrative fine of \$2,500.00 on the day of the class;

THAT this action has been taken and this Order issued by the Board, effective November 16, 2022; and

THAT a copy of this Order shall be served upon the Respondent Zackory Norris by certified mail, return receipt requested and/or personal service.

Board members voting in favor of said action at the November 16, 2022, meeting were Susan Bolt, Dr. Heshmat Aglan, Misty Forbus, Brett Hall, Joel Owen, Barrett Richard, Brett Warren and Wilbur Webb. Eddie Harper, Albert Davis, and Tim Jordan abstained.

DONE this 16th day of November 2022.

  
\_\_\_\_\_  
Jeffrey M. Becraft, Executive Director

**BEFORE THE STATE OF ALABAMA  
BOARD OF HEATING, AIR CONDITIONING  
AND REFRIGERATION CONTRACTORS**

**ALABAMA BOARD OF HEATING, )  
AIR CONDITIONING AND )  
REFRIGERATION CONTRACTORS, )**

**Complainant, )**

**v. )**

**Complaint File No. CC-2021-120**

**ZACKORY S. NORRIS, )  
ALABAMA PREFERRED HEATING, )  
AND COOLING, LLC )**

**Respondents. )**

**ORDER ON FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

**Procedural Posture**

The Complainant, the Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter “Board”), is a State of Alabama governmental agency charged with the responsibility and authority to carry out the purposes of ALA. CODE § 34-31-18, *et seq.* (1975).

The Respondent, Zackory S. Norris (hereinafter “Norris”), is licensed by the Board as Alabama Contractor Number 21001. Norris is subject to the jurisdiction of the Board.

On November 2, 2021, the Board received a complaint against Alabama Preferred Heating and Cooling, LLC from Bailee Maze (hereinafter “Maze”) who



lives at 790 County Road 1809, Joppa, Alabama 35087. The complaint detailed a number of problems in the provision, installation, and modification of a heat pump and air conditioner.<sup>1</sup>

The Board sent a 20-day letter to Norris on November 11, 2021, advising him of Maze's Consumer Complaint.<sup>2</sup> Norris submitted an undated written response to the Board's 20-day letter.<sup>3</sup>

On December 2, 2021, Brandon Johnson (hereinafter "Johnson"), an investigator for the Board, inspected the work done by Norris on the Maze house. On December 13, 2021, the Board notified Norris by certified mail of a number of life safety and minimum standards violations observed by Johnson during his inspection.<sup>4</sup> On January 20, 2022, Johnson submitted his HACR Board Investigation Report on the inspection of the Maze house.<sup>5</sup> In his report, Johnson noted, "The Contractor was not allowed to finish this job...The violations above represent items which were in a completed state."<sup>6</sup>

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<sup>1</sup> Board Exhibit 1.

<sup>2</sup> Board Exhibit 2.

<sup>3</sup> Board Exhibit 3.

<sup>4</sup> Board Exhibit 24.

<sup>5</sup> Board Exhibit 4.

<sup>6</sup> Board Exhibit 4, page 3.

On September 20, 2022, the Board issued a Summons and Administrative Complaint by personal service outlining the deficiencies in the Maze installation.<sup>7</sup> Norris was properly served notice of the Board's Summons and Administrative Complaint by certified mail.<sup>8</sup>

On October 19, 2022, the undersigned hearing officer, on behalf of the Board, held an administrative hearing for the purpose of hearing the Board's evidence and allowing Norris to present such evidence and any response that he had concerning the complaint. Ellen Leonard, Esq., represented the Board. Robert Russell, Jr., Esq., represented Norris.

The Board offered 26 exhibits, which were admitted into the record. Norris offered 8 exhibits, which were entered into the record. Johnson testified concerning the details of his investigation into this matter. Norris testified on his own behalf and called one witness, Alexander Jordan White.

### **Findings of Fact**

Having reviewed the documentary evidence, having heard the witnesses' testimony, having observed the witnesses' demeanor and assessed their credibility, the undersigned finds the preponderance of the evidence establishes that Norris

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<sup>7</sup> Board Exhibit 25.

<sup>8</sup> *Id.*

provided, installed, modified, and/or repaired a heat pump and air conditioner for Maze with numerous violations as outlined below.

Pursuant to the HACR Board Investigation Report completed by Johnson, the Board charged Norris with the following violations pursuant to the Board's rules:<sup>9</sup>

...

1. The 30-amp braker is oversized for the condenser amperage, in violation of the 2015 International Residential Code M1401.1.<sup>10</sup>
2. ...<sup>11</sup>
3. The condensate pump conductors and the #6-gauge conductors that serve the air handler are wired in parallel sharing common electrical lugs, in violation of the 2014 NFPA 70 Article 310.10 Section 1.<sup>12</sup>
4. The condensate pump is not connected to a suitable electrical receptacle, in violation of the 2015 International Residential Code M1401.1.

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<sup>9</sup> See Board Exhibit 25, the Administrative Complaint.

<sup>10</sup> Board Exhibit 5.

<sup>11</sup> This charge was dropped by the Board prior to the hearing.

<sup>12</sup> Board Exhibit 6 and 7.



5. The hose clamp fitting is not installed on the condensate pump hose, in violation of the 2015 International Residential Code M1401.1.<sup>13</sup>
6. The equipment drain pan does not have the required condensate drain line or an approved water level detection device that will shut off equipment served in the main condensate drain line becomes restricted, in violation of the 2015 International Residential Code M1411.3.1.<sup>14</sup>
7. The thermostat cable does not enter at the manufacturer's designated point of entrance, in violation of the 2015 International Residential Code M1401.1.<sup>15</sup>
8. ...<sup>16</sup>
9. The 14-inch flexible return duct is undersized for the 2.5-ton unit, in violation of the 2015 International Residential Code M1601.1.<sup>17</sup>

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<sup>13</sup> Board Exhibit 8.

<sup>14</sup> Board Exhibit 9.

<sup>15</sup> Board Exhibit 10.

<sup>16</sup> This charge was dropped by the Board prior to the hearing.

<sup>17</sup> Testimony of Johnson

10. The flexible return duct is improperly radiused, in violation of the 2015 International Residential Code M1601.1.1 Section 2.<sup>18</sup>
11. The flexible return duct is improperly supported, in violation of the 2015 International Residential Code M1601.1.1 Section 2.<sup>19</sup>
12. The panned return duct section is not sealed with a UL listed and labeled tape or mastic, in violation of the 2015 International Residential Code M1601.4.1.<sup>20</sup>
13. The panned return duct section is undersized for the 2.5-ton unit, in violation of the 2015 International Residential Code M1601.1.<sup>21</sup>
14. The return air plenum box is not sealed with a UL listed and labeled tape or mastic, in violation of the 2015 International Residential Code M1601.4.1.
15. The return air box does not appear to be mechanically fastened to the air handler, in violation of the 2015 International Residential Code M1601.4.1.

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<sup>18</sup> Board Exhibit 12

<sup>19</sup> Board Exhibits 11 and 12.

<sup>20</sup> Board Exhibit 13.

<sup>21</sup> Board Exhibit 15.



16. Multiple flexible supply ducts contain excess length, in violation of the 2015 International Residential Code M1601.1.1 Section 2.<sup>22</sup>
17. The primary condensate drain is not installed to manufacturer's specifications, in violation of the 2015 International Residential Code M1401.1.<sup>23</sup>
18. The round metal supply duct system insulation does not meet the R-6 minimum, in violation of the 2015 International Residential Code N1103.3.1.<sup>24</sup>
19. The flexible supply ducts are not supported to manufacturer specifications in multiple locations, in violation of the 2015 International Residential Code M1601.4.4.<sup>25</sup>
20. Multiple flexible supply air ducts are not sealed with a UL listed and labeled tape or mastic at the supply air collars and floor boots, in violation of the 2015 International Residential Code M1601.4.1.<sup>26</sup>

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<sup>22</sup> Board Exhibit 17.

<sup>23</sup> Board Exhibit 18.

<sup>24</sup> Board Exhibit 19.

<sup>25</sup> Board Exhibit 20.

<sup>26</sup> Board Exhibits 21 and 22.

21. The outdoor unit is not supported on a concrete slab or other approved material extending the required three inches above grade, in violation of the 2015 International Residential Code M1305.1.4.1.
22. The contractor did not supply a copy of the heat gain, heat loss, duct sizing, drawings, or other important information such as the Manufacturer's Engineering Data used in regard to the above referenced system as set forth in the Board rules and regulations, Section 440-X-5-.03 and the 2015 International Residential Code M1401.3 and M1401.1.

Johnson testified about his findings and described what he saw using the pictures he took during his inspection.

Norris testified about the job. He started the install on a Friday with the intention of returning the next Monday. Norris focused his early work on making the emergency heat operable because Maze had small children and needed heat. Norris replaced an old unit and used some of the prior installation electrical work. Norris could not return on Monday because he had a flare up of an old back issue that resulted in him going to the Cullman Regional Medical Center.<sup>27</sup> Norris communicated his absence to Maze but assured her he would send two other workers

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<sup>27</sup> Respondent's Exhibit 1.

out on Tuesday to continue with the install. Maze texted him back and told him she was not comfortable with the other men returning. Maze stopped Norris from returning to her home and completing the install. Norris testified that many of the violations found could have been remedied if he was allowed to return and complete the installation. One of the most contested issues dealt with whether the 14” ducts were appropriate. Norris explained his calculations and indicated he used the same static air number he used in the past when he installed this same unit on other jobs. Johnson testified the home should have been measured to make sure the number he used was appropriate. Johnson testified that if Norris measured the home before installation, he would have seen that the static air number should have been higher than the number he used. There was no credible evidence that Norris measured the rooms of the home prior to the start of his installation, and he testified he could not provide certain measurements related to Violation #22 because he was prohibited by the homeowner to re-enter the premises.

### **Legal Authority**

Some of the pertinent laws and rules mentioned during the hearing include:

#### **2015 International Residential Code M1305.1.4.1**

Equipment and appliances supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending not less than 3 inches (76mm) above the adjoining ground. Such support shall be in accordance with the manufacturer’s installation instructions...

#### **2015 International Residential Code M1401.1**



Heating and cooling equipment and appliances shall be installed in accordance with the manufacturer's instructions and the requirements of this code.

2015 International Residential Code 1601.1

Duct systems serving heating, cooling and ventilation equipment shall be installed in accordance with the provisions of this section and ACCA Manual D, the appliance manufacturer's installation instructions or other approved methods.

2015 International Residential Code N1103.3.1

Supply and return ducts in attics shall be insulated to a minimum of R-8 where 3 inches (76.2mm) in diameter and greater and R-6 where less than 3 inches (76.2mm) in diameter. Supply and return ducts in other portions of the building shall be insulated to a minimum of R-6 where 3 inches (76.2mm) in diameter or greater and R-4.2 where less than 3 inches (76.2mm) in diameter.

Administrative Regulation 440-X-5-.03 states:

All certified contractors shall be required to provide the Board, if requested, a copy of the heat gain, heat loss, duct sizing, gas piping calculations drawings or other information used by the certified contractor or concerning the installation, service, and repair of heating, air conditioning or refrigeration systems by the certified contractor.

Administrative Regulation 440-X-3-.09 states:

(1) The person in responsible charge must direct the projects involving the installation or service and repair of heating, air conditioning or refrigeration systems under Alabama law. The person in responsible charge must be a full-time employee, owner, partner, or corporate officer of the partnership, corporation, business trust, or other legal entity. This person in responsible charge must possess the requisite skill, knowledge, and experience and have the responsibility to supervise, direct, manage, and control the installation, service, or repair activities of the business entity with which he is affiliated. The Board shall examine the technical and personal qualifications of the

person in responsible charge and may investigate and/or examine that person's qualifications.

...

(3) The certified contractor is responsible for all electrical and gas piping work related to HVAC equipment performed on residential property or HVAC and/or refrigeration equipment on commercial property, and is considered by the Board as the person in responsible charge for such work should the work fail to meet the minimum standards under these rules.

### **Conclusions of Law**

An administrative agency must act within its constitutional or statutory powers, supporting its decision with substantial evidence. "Substantial evidence has been defined as such 'relevant evidence as a reasonable mind might accept as adequate to support a conclusion,' and it must be 'more than a scintilla and must do more than create a suspicion of the existence of a fact to be established.'" Alabama Alcoholic Beverage Control Bd. V. Tyson, 500 So.2d 1124, 1125 (Ala.Civ.App. 1986). The undersigned finds there is substantial evidence to determine that Norris, more probably than not, violated three life safety violations (Violations #1, #3, and #4) and 15 minimum standard violations (Violations #5, #6, #7, #9, #11, #12, #13, #14, #15, #16, #17, #19, #20, #21, and #22) as outlined in Johnson's Investigative Report and supported by the testimony of Johnson and photographs taken during Johnson's investigation. Norris credibly testified he installed a 45-degree elbow with regard to Violation #10, and he credibly testified he had spacers and Johnson

would have found them if he cut the flex duct with regard to Violation #18. The standards Norris violated are set forth in the Board's Administrative Rules and Regulations. Based upon his multiple rule violations, Norris is subject to discipline by the Board pursuant to ALA. CODE § 34-31-32(b) (1975).

### **Recommendation**

The purpose of the Board is outlined in Ala. Code §34-31-19, "...to certify qualified contractors on a state-wide basis in order to **protect the public...**" The penalties for violations are outlined in Ala. Code §34-31-32(b) and Administrative Rules and Regulations §440-X-6-.08. The Administrative rules state, in pertinent part:

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the Board may take one or more of the following actions:

...

(c) Find the respondent guilty of any or all the violations alleged in the administrative complaint. If the Board finds the Respondent guilty of one or more of the violations alleged in the administrative complaint, the Board may take one or more of the following disciplinary actions against the respondent:

1. Reprimand the Respondent.
2. Require additional continuing education hours.
3. Suspend the respondent's certification.
4. Revoke the respondent's certification.



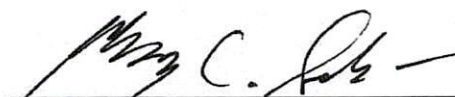
5. Levy a fine not to exceed \$2,000.00 per violation.

...

Counsel for the Board recommended a Public Reprimand, a \$5,250.00 administrative fine for the violations, and require Norris to attend a class taught by Greg Nuby, one of the Board's Compliance Officers, after which the fine would be reduced to \$2,625.00.

The undersigned has carefully considered all the evidence in this case. The undersigned recommends to the Board that Norris' violations support a Public Reprimand; a total administrative fine of \$5,000.00; and Norris be required to attend a continuing education class, after which his administrative fine be reduced by ½ to \$2,500.00.

Done, this 8<sup>th</sup> day of November 2022.



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Randy C. Sallé  
Administrative Law Judge  
State Personnel Department  
64 North Union Street  
Montgomery, Alabama 36130  
Phone: (334) 242-8353  
Fax: (334) 353-9901

**VIA Email and First-Class Mail**

cc: Jeffrey M. Becraft, Executive Director  
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**VIA Certified and First-Class Mail**

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