

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

Dennis Odom
Brother's Heating and Cooling LLC
42 1st Ave. East
Grant, AL 35747

Complaint File Numbers #CC-2022-046

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.


Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Brother's Heating and Cooling LLC
Dennis Odom
42 1st Ave. East
Grant, AL 35747

Certification Number: 19168

Complaint File Number CC-2022-046

SETTLEMENT AGREEMENT

Dennis Odom (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 5052 Seven Pine Circle Huntsville, AL 35816. A Board inspection of the site revealed the following violations:

1. The line voltage power wiring that enters the disconnect is not protected from abrasion, in violation of the 2015 International Residential Code section E3906.1
2. The line voltage power wiring that exits the disconnect is not protected from abrasion, in violation of the 2015 International Residential Code section E3906.1
3. The line voltage power wiring that enters the air handler is not protected from abrasion, in violation of the 2015 International Residential Code section E3906.1
4. The 50-amp breaker installed for the air handler is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
5. The 30-amp breaker installed for the condensing unit is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
6. The sheet metal supply transition does not appear to be completely sealed to the fiberglass duct board supply, in violation of the 2015 International Residential Code M1601.4.1

7. The sheet metal supply transition attached to the air handler is not sealed using an approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code section M1601.4.1
8. The condensate drain line does not have the required trap in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
9. The return box is not sealed using an approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code section M1601.4.1
10. The refrigerant piping insulation does not meet the minimum requirement of R-4, in violation of the 2015 International Residential Code section M1411.6
11. The contractor did not make application for permit or inspection, in violation of the 2015 International Residential Code section R105.1

STIPULATED CONCLUSIONS OF LAW

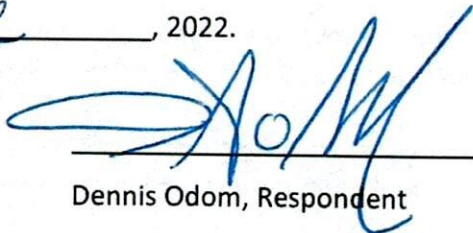
1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama § 34-31-18 et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama, § 34-31-18, et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama § 34-31 (1975)*, or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code June 7, 2023.
3. Respondent agrees to remit a maximum administrative fine of \$1375.00 within thirty (30) days of completion of the class for the above-described conduct.

4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.


Signed this 7 day of June, 2022.



Dennis Odom, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

Charlie Lapsley
Lapsley Heating & Air
P.O. Box 8482
Gadsden, AL 35903

Complaint File Numbers #CC-2022-065

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Lapsley Heating & Air
Charlie Lapsley
P.O. Box 8482
Gadsden, AL 35903

Certification Number: 07147

Complaint File Number CC-2022-065

SETTLEMENT AGREEMENT

Charlie Lapsley (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 218 Sewell St Gadsden, AL 35903. A Board inspection of the site revealed the following violations:

1. The 70-amp breaker that serves the air handler is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
2. The line voltage power wire that serves the air handler is not protected from abrasion where it exits the disconnect, in violation of the 2015 International Residential Code section E3906.1
3. The line voltage power wire that serves the air handler is not protected from abrasion where it enters the air handler, in violation of the 2015 International Residential Code section E3906.1
4. The line voltage power wire that serves the air handler is not protected from physical damage where it enters the breaker panel, in violation of the 2015 International Residential Code section E3802.3.2
5. The disconnect for the air handler is not readily accessible, in violation of the 2015 International Residential Code table E4101.5
6. The condensate pump that serves the air handler does not have the required disconnect, in violation of the 2015 International Residential Code E4101.5.

7. The power cable that serves the condensate pump is not protected from abrasion at a point it enters the disconnect, in violation of the 2015 International Residential Code E3907.6.
8. The breaker that serves the condensate pump is oversized for the electrical wiring that serves the pump, in violation of the 2015 International Residential Code Table E3705.1.
9. The condensate pump is not connected to a properly grounded, grounding type receptacle, in violation of the 2015 International Residential Code M1401.1.
10. The power cable that serves the condensate pump is wired parallel with the air handler power supply, in violation of the NFPA70 2014 Article 310.10.
11. The 60-amp breaker installed for the condensing unit is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
12. The condensing unit is not supplied by an individual branch circuit, in violation of the 2015 International Residential Code section E3703.1
13. The circuit breakers installed in the air handler are upside down, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
14. The air handler is not provided with the required passageway, in violation of the 2015 International Residential Code section M1305.1.3
15. The air handler is not provided with the required luminaire device, in violation of the 2015 International Residential Code section M1305.1.3.1
16. The air handler is not provided with the required depth in the work platform, in violation of the 2015 International Residential Code section M1305.1.3
17. The air handlers work platform is not level, in violation of the 2015 International Residential Code section M1305.1.3
18. The attic access does not meet the minimum requirements of 22"x30", in violation of the 2015 International Residential Code section M1305.1.3
19. The supply trunk is not sealed to the air handler with an approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code section M1601.4.1
20. The flexible return duct is not sealed to the take-off collar with an approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code section M1601.4.1
21. The panned ceiling return is not completely sealed, in violation of the 2015 International Residential Code section M1601.4.1

22. The 20x20 filter back return grill is undersized for 2-1/2 ton system, in violation of the 2015 International Residential Code section M1601.1
23. At least 4 flexible supply duct runs are not supported to prevent sagging, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1601.4.4
24. The ceiling supply boots are not sealed to the ceiling, in violation of the 2015 International Residential Code table N1102.4.1.1
25. At least 2 supply duct runs do not have the proper radius where it enters the ceiling supply boots, in violation of the 2015 International Residential Code section M1601.1.1 section 2
26. The condensate drain does not have the required trap, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1
27. The condensate pump is not above the flood rim of the drain pan, in violation of the M1411.3.4
28. The required electrical outlet is not installed at the air handler, in violation of the 2015 International Residential Code section E3901.12
29. The refrigerant piping insulation does not meet the minimum of the R-4, in violation of the 2015 International Residential Code section M1411.6

STIPULATED CONCLUSIONS OF LAW


1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code September 27, 2023.

3. Respondent agrees to complete the Alabama Power Course 1502 E. All classes need to be attended in person and do not count towards the Board required four (4) hours per year.
4. Respondent agrees to remit a maximum administrative fine of \$2000.00 within thirty (30) days of completion of the class for the above-described conduct.
5. The Respondent agrees to provide the Board with electrical contractor information.
6. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
7. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
8. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
9. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
10. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this 27 day of Sept, 2023.


Charles Lapsley, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

BILLY W THOMAS
Ohana, Inc. dba Thomas HVAC Company
1312 1/2 BRIAR HOLLOW TRAIL SE
HUNTSVILLE, AL 35802

Complaint File Numbers #CC-2022-124 & 2023-026

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:

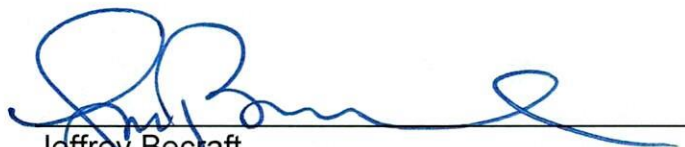
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.


Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Billy W Thomas
Ohana, Inc. dba Thomas HVAC Company
128 Wells Road
Meridianville, AL 35759

Certification Number: 05095

Complaint File Number CC-2022-124 & CC2023-026

SETTLEMENT AGREEMENT

Billy W Thomas (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 569 Johnson Ave. New Hope, AL 35760. A Board inspection of the site revealed the following violations:

Main level

1. The 30-amp breaker installed for circuit 2 on the air handler is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.
2. The 8-gauge line voltage wire installed for circuit 1 is undersized for the minimum circuit ampacity of 58-amps, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.

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3. The 10-gauge line voltage wire for the condensing unit is undersized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.
4. The air handler does not have the required disconnect, in violation of the 2015 International Residential Code E4101.5.
5. The supply air duct work and return duct work does not appear to be sized and installed according to ACCA manual D, in violation of the 2015 International Residential Code section M1601.1
6. The flexible supply duct runs are not supported to prevent sagging, in violation of the 2015 International Residential Code section M1601.4.4.
7. The supply boots are not sealed to the ceiling, in violation of the 2015 International Residential Code table N1102.4.1.1
8. No locking refrigerant access port caps installed, in violation of the 2015 International Residential Code section M1411.8
9. Refrigerant piping insulation does not meet the minimum of R-4, in violation of the 2015 International Residential Code section M1411.6.
10. The heater kit is not marked on the air handler nameplate, in violation of the 2015 International Residential Code M1401.1 and the manufacturer's installation instructions.

Upstairs system

11. The air handler line voltage power wire is not installed according to the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.

12. The 50-amp breaker installed for the condensing unit is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.
13. The air handler does not have the required disconnect, in violation of the 2015 International Residential Code E4101.5.
14. The disconnect for the condensing unit is not readily accessible, in violation of the 2015 International Residential Code table E4101.5.
15. The condensing unit does not have the required clearance on the service side of the equipment, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.
16. The supply air duct work and return duct work does not appear to be sized and installed according to ACCA manual D, in violation of the 2015 International Residential Code section M1601.1
17. The 16" flexible return duct is undersized for a 3-ton system, in violation of the 2015 International Residential Code section M1601.1
18. The flexible supply duct runs are not supported to prevent sagging, in violation of the 2015 International Residential Code section M1601.4.4.
19. The supply boots are not sealed to the ceiling, in violation of the 2015 International Residential Code table N1102.4.1.1
20. No locking refrigerant access port caps installed, in violation of the 2015 International Residential Code section M1411.8

21. Refrigerant piping insulation does not meet the minimum of R-4, in violation of the 2015 International Residential Code section M1411.6.

22. The heater kit is not marked on the air handler nameplate, in violation of the 2015 International Residential Code M1401.1 and the manufacturer's installation instructions.

Garage bonus room

23. The 50-amp breaker installed for the air handler is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.

24. The 30-amp breaker installed for the condensing unit is oversized, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.

25. The air handler does not have the required disconnect, in violation of the 2015 International Residential Code E4101.5.

26. The luminaire device is not protected from damage, in violation of the 2015 International Residential Code section M1305.1.3.1.

27. The return is not completely sealed to the air handler with an approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code section M1601.4.1.

28. The flexible return duct does not have the proper radius where its leaves the air handler, in violation of the 2015 International Residential Code section M1601.1.1 section 2

29. Refrigerant piping insulation does not meet the minimum of R-4, in violation of the 2015 International Residential Code section M1411.6.

30. No locking refrigerant access port caps installed, in violation of the 2015 International Residential Code section M1411.8
31. The heater kit is not marked on the air handler nameplate, in violation of the 2015 International Residential Code M1401.1 and the manufacturer's installation instructions.
32. The condensate drain does not have the required depth in the trap, in violation of the manufacturer's installation instructions and the 2015 International Residential Code section M1401.1.
33. The condensate drain line is not configured to allow maintenance of the drain without cutting, in violation of the 2015 International Residential Code section M1411.3.3
34. The contractor did not make application with the building official for permit or inspection, in violation of the 2015 International Residential Code section R105.1
35. The Board is making a request for a copy of the duct air tightness test as required by the 2015 International Residential Code N1103.3.3.
36. The Board has made a formal request for 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.

In addition, Respondent installed and/or serviced a heating and air conditioning system at 2188 Solitude Road, Albertville, Alabama 35950. A Board inspection of the site revealed the following violations:

37. The 30-amp breaker installed for the condensing unit is oversized, In violation of the 2018 International Residential Code section M1401.1.

38. The line voltage power wire is not protected from physical damage where it enters the house, in violation of the 2018 International Residential Code section E3802.3.2.
39. The luminaire device is not protected from damage, in violation of the 2018 International Residential Code section M1305.1.2.1.
40. The supply air duct work does not appear to be sized and installed according to ACCA manual D, in violation of the 2018 International Residential Code section M1601.1
41. The 14x30 filter back return grill is undersized for a 2-1/2 system, in violation of the 2018 International Residential Code section M1601.1.
42. No locking refrigerant access port caps installed, in violation of the 2018 International Residential Code section M1411.8.
43. Heater kit is not labeled on the air handler nameplate, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section M1401.1.
44. The condensate drain does not have the required depth in the trap, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section M1401.1.
45. The condensate drain line is not configured to allow maintenance of the drain without cutting, in violation of the 2018 International Residential Code section M1411.3.3
46. The board is making a request for a copy of the duct air tightness test as required by the 2018 International Residential Code N1103.3.3.
47. The board is making a formal request for 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 2018 International Residential Code M1401.3.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code on September 20, 2023.
3. Respondent agrees to remit a maximum administrative fine of \$2250.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to

otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.

8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

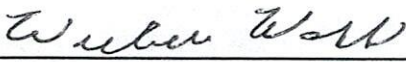
Signed this 10 day of Oct. 10th, 2024.


A handwritten signature in black ink, appearing to read "Billy W Thomas", written over a horizontal line.

Billy W Thomas, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.


Board Chairman


Jeffrey M. Becraft
Executive Director

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

NICK L TATUM
Conrad Watson Air Conditioning, Inc.
1339 TAG ROAD
MONROEVILLE, AL 36460

Complaint File Numbers #CC-2023-041

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:

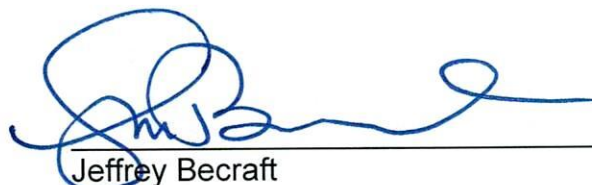
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Nick L. Tatum
Conrad Watson Air Conditioning, Inc
22 Perry Avenue
Monroeville, AL 36460

Certification Number: 05173

Complaint File Number CC-2023-041

SETTLEMENT AGREEMENT

Nick L. Tatum (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 208 Pecan Drive Brewton, AL 36462. A Board inspection of the site revealed the following violations:

1. The 90-amp power supply breaker that serves the attic air handler is oversized, in violation of the 2015 International Residential Code M1401.1.
 2. The attic house power cables located in the air handler's service space are exposed and subject to physical damage, in violation of the 2015 International Residential Code E3802.3.2.
 3. The attic working space decking for the air handler and air handler disconnect is not complete, in violation of the 2015 International Residential Code M1305.1.
 4. There is not an unobstructed attic space for servicing at the air handler unit, in violation of the 2015 International Residential Code M1305.1.3.
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5. There is not an unobstructed access to the attic air handler disconnect, in violation of the 2015 International Residential Code Table E4101.5.
6. The attic light is located where it is exposed to damage, in violation of the 2015 International Residential Code M1305.1.3.1.
7. The outdoor disconnect space for service and maintenance is obstructed, in violation of the 2015 International Residential Code Table E4101.5.
8. The attic abandoned furnace gas line outlet is not capped, in violation of the 2015 International Residential Code G2415.15.
9. There is an attic power cable routed under the air handler and in the auxiliary pan that is subject to water damage, in violation of the 2015 International Residential Code Table E3801.4.
10. The attic air handler wood supports do not appear to be water resistant, in violation of the 2015 International Residential Code M1411.3.4.
11. The attic heat pump electric heater kit is not marked, in violation of the 2015 International Residential Code M1401.1.
12. The attic supply air plenum does not appear to be mechanically fastened to the air handler, in violation of the 2015 International Residential Code M1601.4.1.
13. The attic return air plenum does not appear to be mechanically fastened to the air handler, in violation of the 2015 International Residential Code M1601.4.1.
14. The attic supply air plenum 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 attic return air duct is not sealed with a UL listed and labeled tape or mastic, in violation of the 2015 International Residential Code M1601.4.1.
16. The return air 20X20 filter back grill is undersized for a 5-ton system, in violation of the 2015 International Residential Code M1601.1.
17. The attic drain line does not have the continuous slope towards the drain line outlet, in violation of the 2015 International Residential Code M1411.3.
18. The attic drain line is not configured to permit maintenance without cutting the drain line, in violation of the 2015 International Residential Code M1411.3.3.
19. The attic return air duct board plenum is not insulated to R-8, in violation of the 2015 International Residential Code N1103.3.1.
20. The outdoor unit is not positioned so to prevent water from roof falling directly on it, in violation of the 2015 International Residential Code M1401.1.

STIPULATED CONCLUSIONS OF LAW

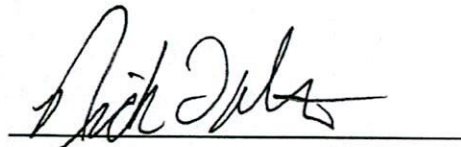
1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board on September 20, 2023.

3. Respondent agrees to remit a maximum administrative fine of \$2500.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this 20th day of September, 2023.

A handwritten signature in black ink, appearing to read "Nick L. Tatum", written over a horizontal line.

Nick L. Tatum, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

RODNEY A PETTWAY
Pettway Heating & Air
913 WILLOW BEND ROAD
PELHAM, AL 35124

Complaint File Numbers #CC-2023-079

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:

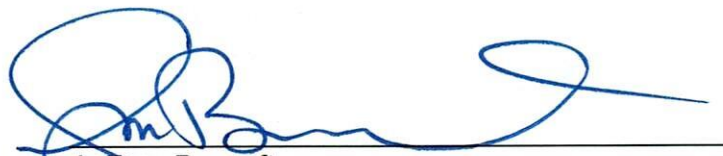
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Rodney A Pettway
Pettway Heating & air
913 Willow Bend Rd
Pelham, AL 35124

Certification Number: 17105

Complaint File Number CC-2023-079

SETTLEMENT AGREEMENT

Rodney A Pettway (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 14 Martin Circle Camden Alabama 36726. A Board inspection of the site revealed the following violations:

1. The 60-amp breaker appears to be oversized for the heater amperage, in violation of the 2018 International Residential Code M1401.1.
 2. The 40-amp breaker is oversized for the outdoor unit amperage, in violation of the 2018 International Residential Code M1401.1.
 3. The Type NM electrical cable serving the air handler is not protected from damage(at the point it leaves the outside panel until it enters the structure), in violation of the 2018 International Residential Code E3802.3.2.
-

4. The air handler does not have the required service clearance, in violation of the 2018 International Residential Code M1305.1.3.
5. The primary condensate drain contains a joint that is not solvent cemented, in violation of the 2018 International Residential Code P3003.9.2.
6. The 20x25 Return air filter back grille is undersized for the 3-ton system, in violation of the 2018 International Residential Code M1601.1.
7. The flexible return duct does not meet the required R-8 insulation value in violation of the 2018 International Residential Code N1103.3.1.
8. Multiple ducts do not maintain the required clearance to earth in violation of the 2018 International Residential Code M1601.4.8.
9. Multiple flexible supply ducts are not supported properly, in violation of the 2018 International Residential Code M1601.4.4.
10. Multiple flexible supply air ducts are not sealed with a UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code M1601.4.1.
11. The equipment does not have an auxiliary drain line installed or a water level detection device installed to shut off the equipment served, in the event the main condensate line becomes restricted, in violation of the 2018 International Residential Code M1411.3.1.
12. The outdoor unit is not level, in violation of the 2018 International Residential Code M1401.1.
13. The required factory downflow conversion kit is not installed, in violation of the 2018 International Residential Code M1401.1.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
 2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code April 9, 2024.
 3. Respondent agrees to remit a maximum administrative fine of \$1400.00 within thirty (30) days of completion of the class for the above-described conduct.
 4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
 5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
 6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
 7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
-

8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this April day of 09, 2024.



Rodney A Pettway, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

LEONARD B SIERS
Nice Ham, LLC dba One Hour Heating and Air Conditioning
135 DOLPHIN POINT RD
NICEVILLE, FL 32578

Complaint File Numbers #CC-2023-017

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:

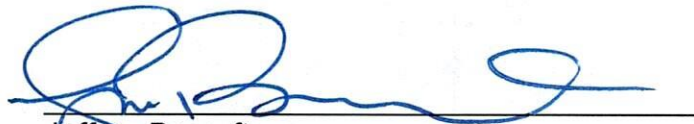
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Leonard B Siers
Service Minds LLC dba One Hour Heating & Air
135 Dolphin Point Rd
Niceville, FL 32578

Certification Number: 18006

Complaint File Number CC-2023-017

SETTLEMENT AGREEMENT

Leonard B Siers (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

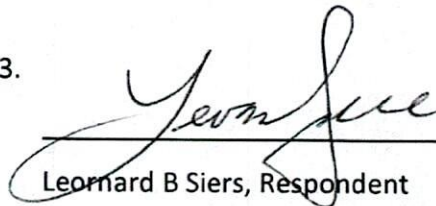
Respondent installed and/or serviced a heating and air conditioning system at 166 Daventry Drive Calera, Alabama 35040. A Board inspection of the site revealed the following violations:

1. The air handler is provided with a service platform that is not attached to wood framing, in violation of the 2018 International Residential Code M1305.1.2, R503.2.3 and R503.1.1.
2. The luminaire that serves the air handler is not protected from damage, in violation of the 2018 International Residential Code M1305.1.2.1.
3. The primary condensate drain is not configured to permit maintenance without cutting, in violation of the 2018 International Residential Code M1411.3.3.

STIPULATED CONCLUSIONS OF LAW


8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this _____ day of _____, 2023.


Leonard B Siers, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
 2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code on September 11, 2024.
 3. Respondent agrees to remit a maximum administrative fine of \$1125.00 within thirty (30) days of completion of the class for the above-described conduct.
 4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
 5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
 6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
 7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
-

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

BRIAN K SEGARS
Jack Segars Heating & Air Conditioning
3505 WARRIOR RIVER ROAD
HUEYTOWN, AL 35023

Complaint File Numbers #CC-2023-072

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Segars Air Control, Inc.
Brian K Segars
3505 Warrior River Road
Hueytown, AL 35023

Certification Number: 99040

Complaint File Number CC-2023-072

SETTLEMENT AGREEMENT

Brian K Segars (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 109 County Road 1162 Cullman, AL 35057. A Board inspection of the site revealed the following violations:

1. The supply trunk line is not sealed to the air handler with an approved UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code section M1601.4.1.
2. The return box is not sealed to the air handler with an approved UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code section M1601.4.1.
3. The supply trunk's R-6 insulation does not meet the minimum R-value of R-8, in violation of the 2018 International Residential Code section N1103.3.1.

4. The supply duct run outs R-6 insulation does not meet the minimum R-value of R-8, in violation of the 2018 International Residential Code section N1103.3.1.
5. The supply duct run outs are not sealed to the supply trunk line with an approved UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code section M1601.4.1.
6. The 14" flexible return appears to be undersized for a 2 ½ ton system, in violation of the 2018 International Residential Code section M1601.1.
7. The flexible return duct does not have the proper radius where it enters the air handler, in violation of the 2018 International Residential Code section M1601.1.1 paragraph 2.
8. The flexible return duct's R-6 insulation does not meet the minimum R-value of R-8, in violation of the 2018 International Residential Code section N1103.3.1.
9. No locking refrigerant access port caps installed on condensing unit, in violation of the 2018 International Residential Code section M1411.8.
10. The refrigeration piping R-3.3 insulation does not meet the minimum R-value of R-4, in violation of the 2018 International Residential Code section M1411.6.
11. The board is making a request for a copy of the duct air tightness test as required by the 2018 International Residential Code N1103.3.3.
12. The board is making a formal request for 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 2018 International Residential Code M1401.3

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code, September 18, 2024.
3. Respondent agrees to remit a maximum administrative fine of \$400.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.

8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this 18th day of Sept., 2024.



Brian K Segars, Respondent

RATIFICATION

Refusal of Electrical Violations Affidavit

Before me, the undersigned Notary Public, in and for said County and State, personally Brian Segars, who is known to me and who being first duly sworn, deposes and says as follows:

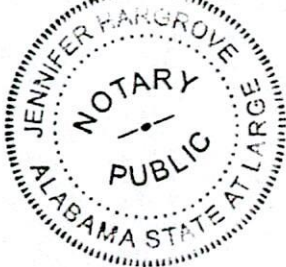
1. I have reviewed the violations found by Board investigator pertaining to the consumer complaint listed below and have personal knowledge of the facts hereinafter set forth
2. That the electrical violations found were not performed by me nor an individual employed by my company _____ but were instead performed by Hayes Electrical
Segars Air Control, Inc.
3. I declare under penalty of perjury, under the laws of the State of Alabama that all statements contained in this affidavit, and any accompanying documents, are true and correct, with full knowledge that all statements made in this affidavit are subject to investigation and that any false or dishonest answer to any question may be grounds for further disciplinary action by the Board including to revocation of my license or application.

Further deponent saith not. I sign this affidavit under penalties of perjury.

Brian Segars

Contractor

SWORN TO and SUBSCRIBED before this 14th day of March 2024.



Jennifer Hargrove

Notary Public, State at Large

My Commission Expires: 10/26

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

JEFFREY F WAGNER
Castle Air Heating & Air Conditioning, LLC
2825 HOLIDAY DRIVE
HUNTSVILLE, AL 35805

Complaint File Numbers #CC-2024-015

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Castle Air Heating & Air Conditioning, LLC
Jeffrey F Wagner
2825 Holiday Drive
Huntsville, AL 35805

Certification Number: 05144

Complaint File Number CC-2024-015

SETTLEMENT AGREEMENT

Jeffrey F Wagner (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 332 Brownsboro Road, Brownsboro Road 35741. A Board inspection of the site revealed the following violations:

Downstairs system

1. At least 3 flexible supply duct runs are not supported to prevent sagging, in violation of the 2018 International Residential Code section M1601.4.4.
 2. The supply air boots are not sealed to the ceiling, in violation of the 2018 International Residential Code Table N1102.4.1.1.
 3. The refrigerant access ports located outdoors on the downstairs condensing is not fitted with locking tamper resistant caps or secured to prevent unauthorized access, in violation of the 2018 International Residential Code M1411.8.
-

4. The heater kit was not marked on the nameplate of the air handler, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section M1401.1.

Upstairs system

5. The panned ceiling return for the upstairs unit is not sealed using an approved listed and labeled tape or mastic, in violation of the 2018 International Residential Code section M1601.4.1
6. The supply air boots are not sealed to the ceiling, in violation of the 2018 International Residential Code Table N1102.4.1.1.
7. The refrigerant access ports located outdoors on the upstairs condensing is not fitted with locking tamper resistant caps or secured to prevent unauthorized access, in violation of the 2018 International Residential Code M1411.8.
8. The heater kit was not marked on the nameplate of the air handler, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section M1401.1.
9. The board is making a formal request for 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 2018 International Residential Code M1401.3.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code.
3. Respondent agrees to remit a maximum administrative fine of \$875.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this 18 day of Sept, 2024.



Jeffrey F Wagner, Respondent

Refusal of Electrical Violations Affidavit

Before me, the undersigned Notary Public, in and for said County and State, personally Jeffrey F. Wagner who is known to me and who being first duly sworn, deposes and says as follows:

1. I have reviewed the violations found by Board investigator pertaining to the consumer complaint listed below and have personal knowledge of the facts hereinafter set forth

2. That the electrical violations found were not performed by me nor an individual employed by my company _____ but were instead performed by David 256-337-1895
Castle Air Heat & Air

3. I declare under penalty of perjury, under the laws of the State of Alabama that all statements contained in this affidavit, and any accompanying documents, are true and correct, with full knowledge that all statements made in this affidavit are subject to investigation and that any false or dishonest answer to any question may be grounds for further disciplinary action by the Board including to revocation of my license or application.

Further deponent saith not. I sign this affidavit under penalties of perjury.


Contractor

SWORN TO and SUBSCRIBED before this 14th day of March 2024.

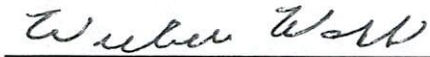



Notary Public, State at Large

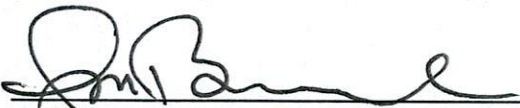
My Commission Expires: 10/26

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

EDWARD S EAST
Your Heat & Air Man
120 VICTORY TRAIL
PELHAM, AL 35124

Complaint File Numbers #CC-2023-127

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Edward S East
Your Heat and Air Man
120 Victory Trail
Pelham, AL 35124

Certification Number: 13125

Complaint File Number CC-2023-127

SETTLEMENT AGREEMENT

Edward S East (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 746 Eastern Manor Lane Birmingham, AL 35215. A Board inspection of the site revealed the following violations:

1. The 40-amp breaker is oversized for the condenser amperage in violation of the 2018 International Residential Code M1401.1.
 2. The disconnect box that serves the outdoor unit is not securely fastened in place, in violation of the 2018 International Residential Code E3404.8.
 3. The power cable that serves the furnace is not protected from physical damage, in violation of the 2018 International Residential Code E3802.3.2.
 4. The power cable that serves the furnace is not protected from abrasion (at the point it enters the furnace), in violation of the 2018 International Residential Code E3907.6.
-

5. The Type-B venting system transition fitting is not installed to manufacturers specifications, in violation of the 2018 International Residential Code G2427.6.2.
6. The flexible gas line is not installed per the manufacturer's specifications, in violation of the 2018 International Residential Code M1401.1.
7. The duct board plenum does not appear to be mechanically fastened to the air handler, in violation of the 2018 international Residential Code M1601.4.1.
8. The drain line is not installed per the manufacturer's specifications, in violation of the 2018 International Residential Code M1401.1.
9. The refrigerant access ports located outdoors is not fitted with locking tamper resistant caps or secured to prevent unauthorized access, in violation of the 2018 International Residential Code M1411.8.
10. The condenser does not maintain the required clearance from the structure, in violation of the 2018 International Residential Code M1401.1.
11. The exposed section of supply duct is not sealed with a UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code M1601.4.1.
12. The coil to plenum and furnace to plenum connection is not sealed with a UL listed and labeled tape or mastic, in violation of the 2018 International Residential Code M1601.4.1.

STIPULATED CONCLUSIONS OF LAW

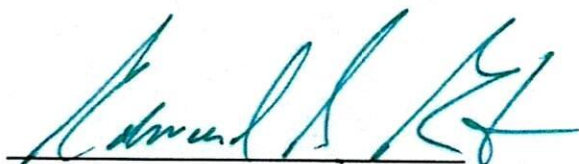
1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
-

2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code on September 11, 2024.
3. Respondent agrees to remit a maximum administrative fine of \$1425.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

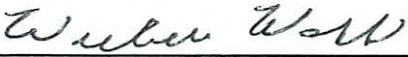
Signed this _____ day of _____, 2024.

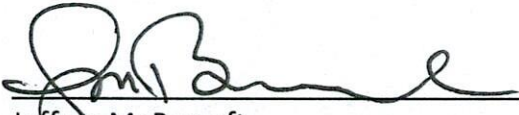
A handwritten signature in blue ink, appearing to read "Edward S East", written over a horizontal line.

Edward S East, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.


Board Chairman


Jeffrey M. Becraft
Executive Director

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

TYLER W HORTON
Quality Air Services
1060 CHINCH CREEK RD.
PIEDMONT, AL 36272

Complaint File Numbers #CC-2024-008

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.


Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Tyler W Horton
Quality Air Services
1060 Chinch Creek Road
Piedmont, AL 36272

Certification Number: 21146

Complaint File Number CC-2024-008

SETTLEMENT AGREEMENT

Tyler W Horton (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 3070 Chinnabee Road Munford, AL 36268. A Board inspection of the site revealed the following violations:

1. The #10 Type NM cable that serves the outdoor unit is not supported, in violation of the 2018 International Residential Code E3802.1
2. The #6 Type NM cable that serves the indoor unit is not supported, in violation of the 2018 International Residential Code E3802.1.
3. The vapor barrier is incomplete on one section of the repaired metal supply duct, in violation of the 2018 International Residential Code M1601.4.6.
4. The unused gas vent is not capped or closed, in violation of the 2018 International Residential Code M1801.10.

5. The refrigerant access ports located outdoors is not fitted with locking tamper resistant caps or secured to prevent unauthorized access, in violation of the 2018 International Residential Code M1411.8.
6. The floor is not sealed at a point the refrigerant tubing enters the air handler, in violation of the 2018 International Residential Code P260.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent agrees to complete a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code.
3. Respondent agrees to remit a maximum administrative fine of \$1700.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.

6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.

7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.

8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this _____ day of _____, 2024.

Tyler Horton, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

JOHN A BOUTWELL
Big John's Heating and Air, LLC
P O BOX 1149
GONZALEZ, FL 32560

Complaint File Numbers #CC-2023-065 & 2023-122

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.


Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
John A Boutwell
Big John's Heating and Air, LLC
P O Box 1149
Gonzalez, FL 32560

Certification Number: 98133

Complaint File Number CC-2023-065

SETTLEMENT AGREEMENT

John A Boutwell (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 9970 Lakeview Drive Foley, Alabama 36535. A Board inspection of the site revealed the following violations:

1. There are four condensate drain line polyethylene tubing joints that have a reduction in the ¾-inch interior dimension drain line size, in violation of the 2018 International Residential Code P3002.3.1.
2. The condensate drain line is not configured to permit clearing of blockages and perform maintenance without the drain line being cut, in violation of the 2018 International Residential Code M1411.3.3.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code on March 14, 2024.
3. Respondent agrees to remit a maximum administrative fine of \$250.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.

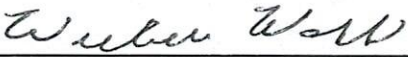
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.


Signed this _____ day of _____, 2024.

John A Boutwell, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.


Board Chairman


Jeffrey M. Becraft
Executive Director

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

SHANON L SHAUGHNESSY
454 SHADOW HILL DR
BREWTON, AL 36426

Complaint File Numbers #CC-2023-037

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:

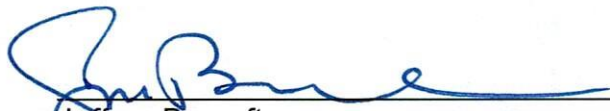
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Shannon L Shaughnessy
A/C Man of Alabama, LLC
454 Shadow Hill Drive
Brewton, AL 36426

Certification Number: 06069

Complaint File Number CC-2023-037

SETTLEMENT AGREEMENT

Shannon L Shaughnessy (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 40 Willie Robbins Road, Uriah, Alabama 35480. A Board inspection of the site revealed the following violations:

1. The 6/2 THHN power cable where it enters the furnace cabinet electrical box is not protected from abrasion, in violation of the 2018 International Residential Code E3907.6.
2. The 10/2 NM-B power cable where it enters the furnace cabinet electrical box is not protected from abrasion, in violation of the 2018 International Residential Code E3907.6.
3. The ground cable that serves the air handler does not comply with the conditions outlined for conductors in parallel, it is not the same length, it is not same size in circular mil area, in violation of the 2014 National Electrical Code 310(H)(2).

4. The Goodman 3.5-ton Heatpump is not a manufacturer approved match for the Aspen 4-ton evaporator coil, in violation of the 2018 International Residential Code M1401.1.
5. The return air 17.5X20 inches fixed louvered opening grill is undersized for a 3.5-ton system, in violation of the 2018 International Residential Code M1601.1.
6. The air handler fasteners that hold the main cover and electrical box covers in place are missing, in violation of the 2018 International Residential Code M1401.1.
7. The condensate drain line is not configured to permit clearing of blockages and perform maintenance without the drain line being cut, in violation of the 2018 International Residential Code M1411.3.3.
8. The condensate drain line tubing located in the crawl space is not supported, in violation of the 2018 International Residential Code Table P2605.1.
9. The condensate drain line tubing is not listed drain line material, in violation of the 2018 International Residential Code M1411.3.2.
10. The evaporator condensate drain line does not have a trap installed, in violation of the 2018 International Residential Code M1401.1.
11. The board is has requested for a copy of the heat gain, heat loss, duct sizing, drawings or other important information such as the Manufacturer's Engineering Data used in regards to the above referenced system as set forth in the Board Rules and Regulations, Section 440-X-5-.03 and the 2018 International Residential Code M1401.3 that was not received.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.

2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent agrees to complete a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International Residential Code.
3. Respondent agrees to remit a maximum administrative fine of \$2700.00 within thirty (30) days of completion of the class for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.
8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

Signed this _____ day of _____, 2023.


Shannon L Shaughnessy, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.



Board Chairman



Jeffrey M. Becraft
Executive Director

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

MARTY L GILLEY
Gilley's Heating & Air LLC
1600 COBB LANE
ENTERPRISE, AL 36330

Complaint File Numbers #CC-2022-088

ORDER

This cause comes before the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (the "Board") pursuant to the Settlement Agreement entered for the above reference case. For good cause shown, it is hereby ORDERED:


THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board November 13, 2023, and,

THAT, a copy of this Order shall be served upon Respondent by first class mail, in the United States Postal Service.

Board members present at the November 13, 2024, Board Meeting: Susan Bolt, Albert Davis, Eric Franklin, Misty Forbus, Brett Hall, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 14th day of November 2024.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Marty L Gilley
Gilley's Heating and Air, LLC
613 Glover Ave.
Enterprise, AL. 36330

Certification Number: 93209

Complaint File Number CC-2022-088

RECEIVED

JUL 31 2023

HACR BOARD

SETTLEMENT AGREEMENT

Marty L Gilley (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractors (hereinafter referred to as "the Board") hereby agrees to the following:

STIPULATED FACTS

Respondent installed and/or serviced a heating and air conditioning system at 359 Lakes Drive Enterprise, AL. 36330. A Board inspection of the site revealed the following violations:

1. The 40amp circuit breaker that serves the outdoor unit is oversized, in violation of the 2015 International Residential Code M1401.1.
2. The Romex fitting that is installed in the back of the disconnect box for the outdoor unit is not secured to the disconnect box, in violation of the NFPA 70 NEC 2014 Article 314.17.
3. The sheath for the nonmetallic cable does not extend the minimum ¼" inside the disconnect box, in violation of the NFPA 70 NEC 2014 Article 314.17.
4. The electrical cable that serves the air handler is not secured to the breaker box located in the attic at a point it exits the box, in violation of the NFPA 70 NEC 2014 Article 314.17.
5. The electrical cable that serves the furnace is not secured to the furnace at a point it exits the furnace, in violation of the NFPA 70 NEC 2014 Article 314.17.
6. The required flame rollout protection is not installed underneath the furnace, in violation of the 2015 International Residential Code M1401.1 and G2408.1.

7. The gas pipping that serves the furnace is not installed per the manufacturer's specifications, in violation of the 2015 International Residential Code M1401.1 and G2408.1.
8. The passageway that serves the furnace does not have continuous solid flooring, in violation of the 2015 International Residential Code M1305.1.3.
9. The 7/16" floor sheathing does not meet the minimum requirements for a 24" spacing, in violation of the 2015 International Residential Code Table R503.1.
10. The cased coil is not provided with a clear and unobstructed passageway in violation of the 2015 International Residential Code M1305.1.3.
11. The cased coil does not have the required service clearance, in violation of the 2015 International residential Code M1305.1.3.
12. The 16" flexible return air duct is undersized for a 3½ Ton system, in violation of the 2015 International Residential Code M1601.1.
13. The 20x30 return air filter back grill is undersized for a 3½ Ton system, in violation of the 2015 International Residential Code M1601.1.
14. The 20x30 return air box is not insulated, in violation of the 2015 International Residential Code N1103.3.1.
15. The 16" flexible return air duct is not sealed with a UL approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code M1601.1.1 Sect. 2.
16. Multiple flexible supply air ducts are not insulated to the required R-8, in violation of the 2015 International Residential Code N1103.3.1.
17. Multiple flexible supply air ducts are not sealed with a UL approved listed and labeled tape or mastic, in violation of the 2015 International Residential Code M1601.1.1 Sect.2.
18. There is at least one supply air boot that is not sealed to the ceiling (Master Bathroom), in violation of the 2015 International Residential Code Table N1102.4.1.1.
19. The primary condensate drain does not maintain the required slope in direction of discharge, in violation of the 2015 International Residential Code M1411.3.
20. The contractor did not provide his State of Alabama Certification number on the invoices submitted with the complaint, in violation of the Laws, Rules and Regulations Section 34-31-24.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that the above listed findings by the Board are in violation of the Board's Minimum Standards, and thus grounds for discipline by the Board under *Code of Alabama* § 34-31-18 *et seq.* and the jurisdiction of the Board.
2. Respondent acknowledges he is subject to the provisions of the *Code of Alabama*, § 34-31-18, *et seq.* and the jurisdiction of the Board.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent agrees to complete 4 (four) hours ACCA Manual D continuing education as well as 4 (four) hours in National Electric Code continuing education before October 1, 2023.
3. Respondent agrees to remit a maximum administrative fine of \$3050.00 within thirty (30) days for the above-described conduct.
4. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its civil remedies available under Alabama Law against the Respondent.
5. Respondent understands that this Settlement Agreement may be presented to an attorney of Respondent's choice for review and counsel prior to signing the same.
6. Respondent acknowledges and understands that this Settlement Agreement, once final, is public information, and may be published in the Board's next newsletter or posted on the Board's website.
7. Respondent knowingly and voluntarily enters into this settlement agreement and expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to

otherwise challenge or contest the validity of the Settlement Agreement, the findings of fact, conclusions of law and imposition of discipline herein.

8. This Settlement Agreement shall become effective upon the execution by the parties previously mentioned and, upon ratification by the Board; it shall be made a part of the official minutes of the Board's next regularly scheduled meeting.

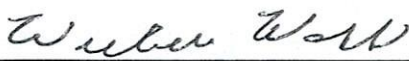
Signed this 27 day of July, 2023.


A handwritten signature in black ink, appearing to read 'Marty Gilley', written over a horizontal line.

Marty Gilley, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 13th day of November 2024.


Board Chairman


Jeffrey M. Becraft
Executive Director