

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

STANLEY LEE DAVIS
Davis Service Company, LLC
422 SANDBOOK LANE
TUSCALOOSA, AL 35405

Complaint File Numbers #CC-2018-119

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 January 29, 2025, 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 January 29, 2025, Board Meeting: Susan Bolt, Eric Franklin, Mark Gallier, Misty Forbus, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 5th day of February 2025.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF

Stanley Lee Davis
422 Sandbrook Lane
Tuscaloosa, AL 35405

Certification Number: 2015201

Complaint File Number: CC-2018-119

SETTLEMENT AGREEMENT

Stanley Lee Davis (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 1630 21 Street East, Tuscaloosa, Alabama. A Board inspection of the sites revealed the following combined violations:

1. The outdoor heat pump power supply is not protected from damage, in violation of the 2015 International Residential Code E3907.6.
2. The 60-amp circuit breaker that serves the outdoor heat pump is oversized, listed for a maximum 30-amps, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.

3. The outdoor furnace gas vent roof jack is not the correct type that conveys all gases outdoors, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code G2426.5 & G2427.3.
4. The attic furnace gas vent system is not supported, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code G2426.5 & G2427.6.1.
5. The attic furnace gas vent system does not have enough vertical height, in violation of the 2015 International Residential Code G2427.6.8 & table 2428.2(1).
6. The attic furnace does not have a gas line sediment trap, in violation of the 2015 International Residential Code G2419.4.
7. The attic furnace supply gas connector is not protected from damage, in violation of the 2015 International Residential Code G2422.1.2.3.
8. There is not a receptacle installed at or near the appliance located in the attic, in violation of the 2015 International Residential Code M1305.1.3.1.
9. There's not a level, clear and unobstructed attic space for servicing the furnace and coil, in violation of the 2015 International Residential Code M1305.1.3.
10. The attic passageway does not have continuous solid flooring, in violation of the 2015 International Residential Code M1305.1.3.
11. There is not an attic condensate drain trap installed, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.
12. The attic condensate drain line is not insulated, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.
13. The attic secondary condensate drain line is not installed, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1

14. The attic auxiliary pans drain tubing is not supported, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code P2605.
15. The attic evaporator coil grommets are not installed, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.
16. The attic evaporator coil cabinet is not level, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.
17. The attic auxiliary pan is not positioned completely under the evaporator coil and furnace, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1401.1.
18. The attic furnace is not sitting on approved material, in violation of the 2015 International Residential Code M1411.3.4.
19. The attic supply air plenum does not appear to be mechanically fastened to the evaporator coil, in violation of the 2015 International Residential Code M1601.4.1.
20. The attic return air plenum does not appear to be mechanically fastened to the furnace, in violation of the 2015 International Residential Code M1601.4.1.
21. The attic supply air plenum is not sealed properly, in violation of the 2015 International Residential Code M1601.4.1.
22. The attic return air plenum is not sealed properly, in violation of the 2015 International Residential Code M1601.4.1.
23. The outdoor and attic refrigerant tubing insulation is incomplete, in violation of the manufacturer's installation instructions and in violation of the 2015 International Residential Code M1411.6.

24. The outdoor and attic refrigerant tubing insulation appears to not be R-4, in violation of the 2015 International Residential Code M1411.6.
25. The outdoor heat pump is not 3-inches above the adjoining grade, in violation of the 2015 International Residential Code M1305.1.4.1.
26. The outdoor exterior wall flashing at the place where the tubing enters the house is not complete, in violation of the 2015 International Residential Code R703.1 & 703.4.
27. The refrigerant circuit access ports located outdoors does not have the required locking-type caps, in violation of the 2015 International Residential Code M1411.8.

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

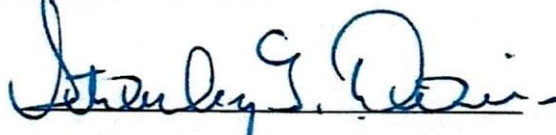
1. Respondent shall not in the future violate the provisions of the *Code of Alabama* § 34-31 (1975), or the Rules promulgated thereunder.
2. Respondent has completed a mandatory class provided by the Board pertaining to the 2015 International Fuel Gas Code and Mechanical Code, and 2015 International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

3. Respondent agrees to allow the Board to conduct a class to educate his staff regarding the violations outlined under stipulated facts above.
4. Respondent agrees to remit an administrative fine of \$2,875.00 to the Board the day of completion of the class outlined in number three above for the above described conduct.
5. Respondent agrees to a one year probationary period where Board compliance officers may randomly inspect any job performed in the State of Alabama without notice.
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. 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. 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. The Board is holding in abeyance the decision of the revocation hearing held on June 16, 2021. The Respondent understands that if he fails to fully comply with all the terms of this settlement agreement that the Board will move forward with the revocation process.

Signed this 16 day of June, 2021.



Stanley Lee Davis, Respondent

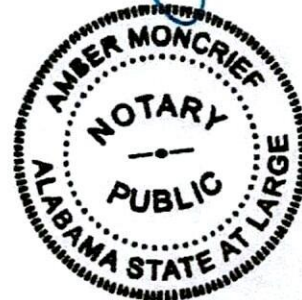
Jeffrey Becraft, Executive Director

SWORN to and SUBSCRIBED before me on this the 16 day of

June, 2021.


Notary Public

My Commission Expires: 9/9/24




RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 29th day of January, 2025.

A handwritten signature in black ink, appearing to read "Bret Warren", is written over a horizontal line.

Bret Warren

Board Chairman

A handwritten signature in black ink, appearing to read "Jeffrey M. Becraft", is written over a horizontal line.

Jeffrey M. Becraft

Executive Director

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

MARVIN K PETTY
Petty's Heating & Cooling
3107 GREENHILL DR.
HUNTSVILLE, AL 35810

Complaint File Numbers #CC-2023-027 & 2022-116

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 January 29, 2025, 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 January 29, 2025, Board Meeting: Susan Bolt, Eric Franklin, Mark Gallier, Misty Forbus, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 5th day of February 2025.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Petty's Heating & Cooling
Marvin K Petty
3107 Greenhill Dr.
Huntsville, AL 35810

Certification Number: 03238

Complaint File Number CC-2023-027 & 2022-116

SETTLEMENT AGREEMENT

Marvin K Petty (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 1739 Dekathalon Way Huntsville, AL 35816. A Board inspection of the site revealed the following violations:

1. The flexible supply duct connected to the metal supply trunk line is not supported to prevent sagging, in violation of the 2018 International Residential Code section M1601.4.4.
2. The refrigerant piping insulation does not meet the minimum of the R-4, in violation of the 2018 International Residential Code section M1411.6. The flexible duct runs are not supported to prevent sagging, in violation of the 2018 International Residential Code section M1601.4.4.
3. 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.

4. 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.

*The condensing units would not operate in heat mode.

Respondent installed and/or serviced a heating and air conditioning system at 251 Natchez Trail
Huntsville, AL 35806. A Board inspection of the site revealed the following violations:

1. The furnace exhaust vent does not have proper clearances from combustible materials where it exits the roof, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section G2426.5.
2. The furnace exhaust vent does not have the 1/4" upward slope per running foot, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section G2426.5.
3. The furnace exhaust vent does not have the required supports, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section M1401.1.
4. The luminaire device is not protected from damage, in violation of the 2018 International Residential Code section M1305.1.2.1.
5. The switch disconnects installed for the furnace is not guarded against accidental contact of energized parts that are operating at 50 volts or more, in violation of the 2018 International Residential Code section E3404.9.
6. The flexible gas connector is concealed behind the furnace housing, in violation of the manufacturer's installation instructions and the 2018 International Residential Code section G2422.1.2.3.

7. The furnace does not have the required 30 inches of clearance on the service side of the equipment, in violation of the 2018 International Residential Code section M1305.1.2.

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 March 14, 2023.
3. Respondent agrees to remit a maximum administrative fine of \$1000.00 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 14 day of March, 2024.

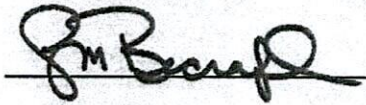

Marvin K Petty, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 29th day of January, 2025.

A handwritten signature in black ink, appearing to read "Bret Warren", is written over a horizontal line.

Bret Warren
Board Chairman

A handwritten signature in black ink, appearing to read "Jm Becraft", is written over a horizontal line.

Jeffrey M. Becraft
Executive Director

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

Jerome McCarter
Optimist Heating & Cooling LLC
757 Simmsville Road
Alabaster, AL 35007

Complaint File Numbers #CC-2023-032

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 January 29, 2025, 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 January 29, 2025, Board Meeting: Susan Bolt, Eric Franklin, Mark Gallier, Misty Forbus, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 5th day of February 2025.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Jerome McCarter
Optimist Heating & Cooling LLC
757 Simmsville Rd
Alabaster, AL 35007

Certification Number: 21087

Complaint File Number CC-2023-032

SETTLEMENT AGREEMENT

Jerome McCarter (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 5442 Merrifield Drive, Valley Grande Alabama 36703. A Board inspection of the site revealed the following violations:

1. The rigid metal gas line serving the furnace contains an unapproved (stress) bend in violation of the 2018 International Residential Code G2416.1.
2. The Type NM electrical cable that serves the wall plug laying in the return is not rated to pass through the return air plenum, in violation of the 2014 NFPA 70 300.22
3. The primary condensate drain contains a joint that is not glued, in violation of the 2018 International Residential Code P3003.3.2.
4. The return air plenum is not sealed from the furnace combustion air space, in violation of the 2018 International Residential Code M1401.1.

5. The wall cavity used as a return air plenum is not sealed, in violation of the 2018 International Residential Code M1601.1.

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 April 9, 2024.
3. Respondent agrees to remit a maximum administrative fine of \$625.00 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 9 day of April, 2024.



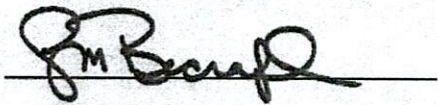
Jerome McCarter, Respondent

RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 29th day of January, 2025.

A handwritten signature in black ink, appearing to read "Bret Warren", is written over a horizontal line.

Bret Warren
Board Chairman

A handwritten signature in black ink, appearing to read "Jeffrey M. Becraft", is written over a horizontal line.

Jeffrey M. Becraft
Executive Director

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

Jeffery L Franklin
Autumn Air Inc
2010 Old Montgomery Hwy
Birmingham, AL 35244

Complaint File Numbers #CC-2023-005 & 2023-045

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:

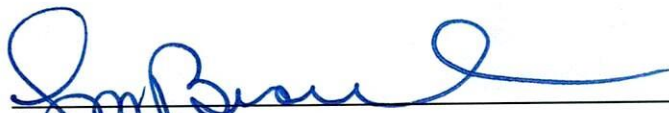
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board January 29, 2025, 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 January 29, 2025, Board Meeting: Susan Bolt, Eric Franklin, Mark Gallier, Misty Forbus, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 5th day of February 2025.



Jeffrey Beoratt
Executive Director

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

IN THE MATTER OF
Jeffery L Franklin
Autumn Air Inc
2010 Old Montgomery Hwy
Birmingham, AL 35244

Certification Number: 16090

Complaint File Number CC-2023-005 & CC-2023-045

SETTLEMENT AGREEMENT

Jeffery L Franklin (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 831 Parsons Rd Bessemer, AL 35022. A Board inspection of the site revealed the following violations:

1. The 60-amp breaker is oversized for the heater amperage, in violation of the 2018 International Residential Code M1401.1.
2. The UV lamp conductors and the #6-gauge conductors that serve the package unit are wired in parallel sharing common electrical lugs, in violation of the 2014 NFPA 70 Article 310-10 Section 1.
3. The (10x22 O.D). square metal supply and return air duct is undersized for the 3-ton unit in violation of the 2018 International Residential Code M1601.1.

Respondent also installed and/or serviced a heating and air conditioning system at 509 Lane Park Run Maylene, AL 35114. A Board inspection of the site revealed the following violations:

1. The single wall gas connector vent system is cracked in two locations, in violation of the 2015 International Residential Code G2425.15.2.

2. The copper gas piping serving the furnace is not installed to manufacturers specifications, in violation of the 2015 International Residential Code M1401.1.
3. The drain pan that is installed in 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 2015 International Residential Code M1411.3.1.
4. The 25x25 return air filter are undersized for the 4-ton unit, in violation of the 2015 International Residential Code M1601.1.
5. The (12x25 O.D). square metal return air duct is undersized for the 4-ton unit in violation of the 2015 International Residential Code M1601.1.
6. The furnace is supplied with only a side return connection 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 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 \$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.

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 Sept., 2023.


Jeffery L. Franklin, Respondent


RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 29th day of January, 2025.

A handwritten signature in black ink, appearing to be "Bret Warren", written over a horizontal line.

Bret Warren

Board Chairman

A handwritten signature in black ink, appearing to be "Jeffrey M. Becraft", written over a horizontal line.

Jeffrey M. Becraft

Executive Director

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

Willie L Tucker
Metro Heating & Cooling
4012 Wenonah Road
Birmingham, AL 35221

Complaint File Numbers #CC-2023-108

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:

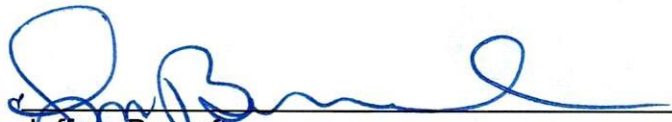
THAT, the attached Settlement Agreement, entered into by the parties, is hereby adopted in its entirety, as if fully set out herein;

THAT, this action has been taken and this Order issued by the Board January 29, 2025, 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 January 29, 2025, Board Meeting: Susan Bolt, Eric Franklin, Mark Gallier, Misty Forbus, Eddie Harper, Tim Jordan, Barrett Richard, Bret Warren and Wilbur Webb.:

DONE, this the 5th day of February 2025.



Jeffrey Becraft
Executive Director

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

IN THE MATTER OF
Willie L Tucker
Metro Heating & Cooling
4012 Wenonah Road
Birmingham, AL 35221

Certification Number: 03209

Complaint File Number CC-2023-108

SETTLEMENT AGREEMENT

Willie L Tucker (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 604 27th Street S.W. Birmingham, AL 35211. A Board inspection of the site revealed the following violations:

1. The electrical outlet serving the condensate pump is not protected from accidental contact of energized parts operating at 50 volts or more, in violation of the 2018 International Residential Code E3404.9.
2. The electrical box that serves the condensate pump is not securely fastened in place, in violation of the 2018 International Residential Code E3404.8.
3. The 40-amp breaker is oversized for the condenser, in violation of the 2018 International Residential Code M1401.1.

4. The power cable that serves the condenser is not protected from abrasion (at a point it enters the outdoor unit), in violation of the 2018 International Residential Code E3907.6.
5. The drain pan that is installed in 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.
6. The primary condensate drain does not meet manufacturers requirements, in violation of the 2018 International Residential Code M1401.1.
7. The primary condensate drain line is not configured to permit maintenance without requiring the drain to be cut, in violation of the 2018 International Residential Code M1411.3.3.
8. The air handler does not have a clear and unobstructed passageway for servicing the unit, in violation of the 2015 International Residential Code M1305.1.3.
9. The indoor coil to supply ductwork connections are not sealed with a UL approved listed and labeled tape or mastic, in violation of the 2018 International Residential Code M1601.4.1.
10. The 10x24 and 10x30 return air filter back grills are undersized for a 3 Ton unit, in violation of the 2018 International Residential Code M1601.1.
11. The refrigerant tubing insulation is incomplete in multiple locations, in violation of the 2018 International Residential Code M1411.6.
12. The refrigerant tubing is not supported in multiple locations in violation of the 2018 International Residential Code M1401.1.

13. 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.
14. 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.

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 \$1625.00 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 11 day of Sept, 2024.

A handwritten signature in blue ink, appearing to read "Willie L. Tucker", written over a horizontal line.

Willie L Tucker, Respondent

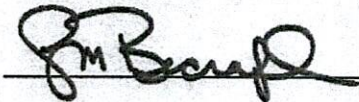
RATIFICATION

This Settlement Agreement has been recorded in the official minutes; shall become effective; and has been ratified by the Board on this 29th day of January, 2025.

A handwritten signature in black ink, appearing to be "Bret Warren", is written over a horizontal line.

Bret Warren

Board Chairman

A handwritten signature in black ink, appearing to be "Jeffrey M. Becraft", is written over a horizontal line.

Jeffrey M. Becraft

Executive Director