



REFRIGERATION UP-DATE

STATE BOARD OF REFRIGERATION EXAMINERS

2013

Board Adopts Policy

The Board, at its last meeting, adopted the following policy regarding the interpretation of N.C. General Statute 87-58(a)(1):

Adopted by the North Carolina State Board of Refrigeration Examiners on November 8, 2013 Pursuant to N.C. Gen. Stat. 150B-2(7a)

Whereas the Board was created for the purpose of carrying out the provisions of the Refrigeration Contractor statutes, and is statutorily responsible for establishing rules, regulations and policies necessary to fulfill its public protection duties; and,

Whereas the Board sought in the 2009 Legislative Session to streamline the regulatory process in order to stimulate job creation, and eliminate unnecessary regulation by amending the definition of "refrigeration trade or business" in N.C. Gen. Stat. 87-58(a) to clarify that it was not necessary to have a license from this Board in order to provide certain minimal services including the replacement of lamps, fuses, and door gaskets; and,

Whereas the House Bill proposing to accomplish that reduction in regulation was subsequently modified by the legislative drafting staff in a way that was intended to be nonsubstantive, and for formatting purposes only, and those changes were adopted and the legislation thereafter ratified and signed by the Governor; and,

Whereas the reformatting had the unintended consequence of apparently causing some confusion in the minds of those seeking to comply in good faith because two separate exemptions under the proposed language were merged into what could be construed as a single conditional exemption; and,

Whereas the original intent of the Board, the bill sponsors, the legislative committees, and the legislature was clearly to reduce the regulatory requirements although the reformatted version could be misconstrued to actually increase the regulations;

Therefore the Board adopts the following policy to clarify N.C. Gen. Stat. 87-58(a)(1): That the Board shall administer, interpret and enforce N.C. Gen. Stat. 87-58(a)(1) to mean that the mere "replacement of lamps, fuses, and door gaskets" are not included in the definition of "refrigeration trade or business" and that the mere provision of those services would not in and of themselves require licensure by this Board.

Special points of interest:

- *The Board sought to streamline the regulatory process in order to stimulate job creation and eliminate unnecessary regulation.*
- *Board sought to amend the definition of "refrigeration trade or business" to clarify that it was not necessary to have a license in order to provide certain minimal services.*

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**STATE BOARD OF
REFRIGERATION
EXAMINERS**

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Suggestions for articles of interest for publication in this newsletter are welcome.

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2014 License Renewals due December 31st

All 2013 refrigeration contracting licenses expire on December 31st. Renewal applications received after that date will be subject to a \$35 reinstatement fee.

A 2014 renewal/reinstatement form was mailed to all refrigeration contractors in early October. If you have misplaced your application or did not receive your form, please contact the Board office for a duplicate form.

Here and There



The members and staff of the Board would like to take this opportunity to wish you and your families a happy holiday season and a prosperous New Year.

The Board met in September for a general business meeting and election of officers. The following will serve during 2014:

J. M. King, Chairman

T. E. Street, Secretary

C.L. Smith, Treasurer

Please notify the Board office as soon as possible when you change your trade name, address or phone number. Since much of the information mailed by the Board is done presort standard, it is absolutely necessary that contractors keep the office advised of address changes as soon as they become effective.

2013 Disciplinary Action

Penalties for violation of the licensing law and Board rules vary depending on the facts and circumstances of each case.

Ahrens, Scott, Dallas, NC. Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on January 29, 2013 demanding respondent immediately cease and desist from offering or rendering commercial refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.

CBRE, Inc., Deerfield, IL. Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on February 12, 2013 de-

manding respondent immediately cease and desist from offering or rendering commercial refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.

Drake, Paul A., Technical Services, Chesapeake, VA. Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on March 26, 2013 demanding respondent immediately cease and desist from offering or rendering commercial refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.

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SBRE Scholarships

In 2013, SBRE scholarships were awarded to the following students: Eli C. Billings, Surry Community College; Christopher D. Cobb, Pitt Community College; Vincent S. Cornish, Wake Technical Community College; William Melton III, Roanoke-Chowan Community College; Aaron B. Natoli, Fayetteville Technical Community College; Randall D. Tilley, Surry Community College; and Cody J. Tyn-dall, Pitt Community College. Congratulations to all those awarded a scholarship!

These scholarships are available to persons enrolled in or interested in enrolling in an Associate in Applied Science Degree Program of study in HVAC/R, or those interested in enrolling in or enrolled in an Associate in Applied Degree Program of study in commercial refrigeration.

Applicants must meet the following criteria to qualify for a scholar-

ship:

1. Be a resident of NC;
2. Be enrolled (or intend to enroll) in an Associate in Applied Science Degree of Study in Commercial Refrigeration or HVAC/R Technology;
3. Maintain a grade point average at or above the level required for graduation;
4. Continue for the duration of the scholarship at the college where he or she was enrolled at the time of the scholarship award.

Two or more scholarships are awarded annually depending on available funds. Scholarship applications are due in the Board office by April 15 of each year. Scholarship applications have been mailed to the community college financial aid offices and HVAC/R instructors.

If you would like more information on the SBRE Scholarship, either call the Board office, (919) 779-4711, for a scholarship application or

download one from the Board's website, refrigerationboard.org.



Shown above is SBRE Board member Zeke Smith, right, and William Melton III at the presentation of Mr. Melton's scholarship.

2013 Disciplinary Action cont.

Lane, Doug, Country Boys, Shiloh, NC. Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on November 9, 2013 demanding respondent immediately cease and desist from offering or rendering commercial refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.

Leopard, Tony, Leopard's Restaurant Services, Inc., Brevard, NC. Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on December 20, 2012 demanding respondent immediately cease and desist from offering or rendering commer-

cial refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.

McConnell, Edward, Mr. Ed's Appliance Repair, Moravian Falls, NC.

Allegations of refrigeration contracting without a license. Board approved a Cease and Desist Order on September 20, 2013 demanding respondent immediately cease and desist from offering or rendering commercial refrigeration contracting without a valid refrigeration contractors' license issued under

the provisions of N. C. Gen. Stat. §87-57.

Tomlinson, Larry, Upstate Trailer Services, LLC, Greenville, NC. Allegations of refrigeration contracting without a license. Letter of Warning signed June 27, 2013 cautioning respondent against doing refrigeration contracting without a valid refrigeration contractors' license issued under the provisions of N. C. Gen. Stat. §87-57.





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UP-DATE

The Board would like to take this opportunity to thank the speakers at this year's Up-Date who did an outstanding job informing our contractors on the ice machine industry and the use of glide refrigerants: Bill Litchy, Tech Service Manager, Scotsman Ice Machines, and Paul Sullivan, Tech Services, Honeywell Genetron Refrigerants.



And we can never thank our exhibitors and sponsors enough. These companies made it possible to offer the show and seminars at no cost to the attendees. 2013 exhibitors and sponsors were: ACR Supply Co., Airgas, Ammonia Refrigeration Pro-

gram, Sampson Community College, Baker Distributing, Bally Refrigerated Boxes, Bitzer, USA, Cannon Marketing, Inc., C. C. Dickson Co., Dynatemp International, Empire Marketing Group, Engineering Equipment Sales, E. V. Dunbar Company, Frank Door Co., Heatcraft Refrigeration Products LLC, Hill Phoenix, hil-mor, Honeywell, Johnson Controls, Johnstone Supply, Linzmaier and Associates, Inc., Machine & Welding Supply, McCall's Inc., Southeast, MidSouth Marketing, Rectorseal Corporation, Spectronics Corporation, Parker Hannifan – Sporlan, Steve Lee and Associates, The

Flora Group, Triad One, Tuttle Co., United Components, and United Refrigeration.



Please thank these companies for supporting the activities of the Board.

Due to economic conditions, there will not be an Up-Date in 2014.