

**DOCKETED**

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<b>Project Title:</b>	2022 Field Verification and Diagnostic Testing OIR Proceeding
<b>TN #:</b>	246532
<b>Document Title:</b>	Investigation Report 1-01
<b>Description:</b>	N/A
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<b>Docketed Date:</b>	10/13/2022



# Investigation Report Number 1-01

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## Standards Compliance Branch Investigation Report

### Complaint Information

Investigator: Ronnie Raxter

Date Complaint Received: 01/19/2021

Name of Complainant(s): Homeowner

Subject(s) of Complaint (Rater, Provider, Other): Rater, FV&DT Provider

Type of Service Offered by Subject of Complaint: FV&DT Rating Services, FV&DT Provider Services

### Factual Allegations Submitted by Complainant

Contractor told complainant that the heating, ventilation, and air conditioning (HVAC) system would be duct tested.

Complainant does not believe the HVAC system was installed correctly.

Complainant does not believe that the HVAC system can pass quality assurance (QA) or that the system was tested after installation, and therefore the complainant wants to see the QA report.

The complainant does not have documentation depicting the results of the field verification and diagnostic testing (FV&DT).

Summary of allegations: Complainant hired an HVAC contractor. The contractor indicated that the ducts would be cleaned and sealed to less than 15 percent leakage and that a FV&DT rating would be included. The complainant felt the FV&DT rater hired by the contractor did not stay long enough to properly administer the FV&DT. The complainant also felt the installation was wrong, and that the duct was intruding into the home. The complainant requested that the Home Energy Rating System (HERS) provider, CHEERS, perform a quality assurance inspection (QAI) on the system. The complainant was left with the impression the system passed QAI (the system appears to have failed QAI but met the Building Energy Efficiency Standards). The complainant was refused access to the QAI report. The complainant filed complaints with the Contractors State License Board (CSLB) and the Better Business Bureau (BBB) primarily based on the refusal of documentation showing an accurate duct leakage reading. The complainant was sent a letter from the lawyer of the FV&DT rater company to which the rater belonged encouraging the complainant to withdraw the complaints.

### Documents submitted by Complainant:

Image 4: Image of complainant's floors alleging that Image 3 (below) was not taken in the home of complainant.

Image 5: Image of complainant's floors alleging that Image 3 (below) was not taken in the home of complainant.

**Additional Documents Reviewed by Staff:**

Image 1: Complainant's timestamped home security camera documenting rater alleged arrival time. (Omitted due to personal identifying information (PII))

Image 2: Complainant's timestamped home security camera documenting rater alleged departure time. (Omitted due to PII)

Image 3: Image from FV&DT rater to the BBB alleging values. These values were entered into compliance documentation.

Image 4: Image of complainant's floors alleging that Image 3 was not taken in the home of complainant.

Image 5: Image of complainant's floors alleging that Image 3 was not taken in the home of complainant.

Image 6: Image of complainant's floors and the CHEERS QAI procedure then underway.

Compliance Documents for Airflow, Refrigerant Charge, and Duct Leakage. (Omitted due to PII)

Copy of contract with HVAC contractor. (Omitted due to PII)

**Summary of the California Energy Commission's (CEC) Investigation:**

Date	Staff	Investigatory action taken
04/20/2021	Ronnie Raxter	Interviewed Complainant.
04/05/2021	Ronnie Raxter	Discussion with provider and request for QA information and data related to rater named in complaint.

**Persons Interviewed:**

Date	Person Interviewed	Summary of Interview
01/11/2020	Complainant	Interviewer's summary: "Found out that the rater had given the complainant the forms. The complainant wanted the QA report done by CHEERS on the rater. The code did no to give any direction on the QA report by the provider."

Date	Person Interviewed	Summary of Interview
04/20/2021	Complainant	Interview was a series of questions pertaining to the hiring process and costs of the FV&DT rater.
01/08/2021	Complainant	Complainant states that the rater was only present for 20 minutes. The complainant is also having trouble getting compliance forms from the rater.
01/19/2021	Complainant	Complainant wants, but is unable to get, the CHEERS QAI report. Complainant claims CHEERS is refusing to share report.
04/05/2021	CHEERS	Discussed CEC investigation with the provider. CEC requested QA information and data related to the complaint CHEERS.

### **CEC Staff Findings:**

Complainant had an air conditioner unit replaced in May 2020.

HERS rater passed the system.

Complainant complained to CHEERS because they do not believe their system was installed correctly, or that the system was tested by the initial FV&DT rater.

Complainant provided photos to CHEERS of rater in house.

CHEERS said that they would perform QA on the system after involvement from the CEC but would not provide the QA report to the complainant.

CHEERS also did not provide the test reports (other than pass/fail) to the complainant.

Complainant filed a complaint with to the authority having jurisdiction (AHJ) (City of Modesto) who came out to inspect the ducts and failed the system; but no follow up occurred.

Complainant filed a complaint with the BBB against the rating company.

Rater company provided the BBB with photos the complainant gave to the CHEERS as proof the rater was in the house, along with other photos that appeared to be cropped, and a single photo with carpet in the background that had the value indicated on the Certificate of Verification (CF3R).

Complainant provided photos of the area in the house where the FV&DT occurred to support claim that home only has hardwood floors and no carpet.

Rater's lawyer sent letter to complainant, telling them to withdraw their complaint with the BBB. Indicating that the photos had an alleged global positioning system and timestamp that indicated that the photos were from their house and that the performed test took a total of 42 minutes.

Complainant provided screenshot of their security system with a timestamp (the timestamp is created by the security company – this cannot be adjusted) that appears to show the rater leaving 20 minutes after arriving, which is 22 minutes before the photo with carpet was allegedly taken at their residence.

CHEERS verified to CEC staff that the rater failed the QA.

The allegation of fraud against the rater has gone uninvestigated by CHEERS, and the rater remains in good standing.

**Steps taken by CEC as a result of findings:**

CEC staff approached CHEERS to provide an explanation of the QA procedure and results.

CEC staff contacted the law firm who had written to encourage the complainant to retract their complaint from the BBB.

CEC staff contacted the BBB but received no response.

**Was this report provided to complainant (Yes/No)?:**

No.

**Report prepared by:**

Name: Maxwell Crosby

Title: Associate Energy Specialist (TED)

Date: 10/07/2022

# APPENDIX A:

## Photo Evidence Submitted by Complainant

Image 1:



Image 2:



Image 3:

Date taken

May	26	2020
8	48	AM

Size  
2.3 MB

Dimensions:  
2448 x 3264

Shot  
1/30 sec. f/2.2 4.15mm

ISO  
50

Device  
iPhone 6

Folder path

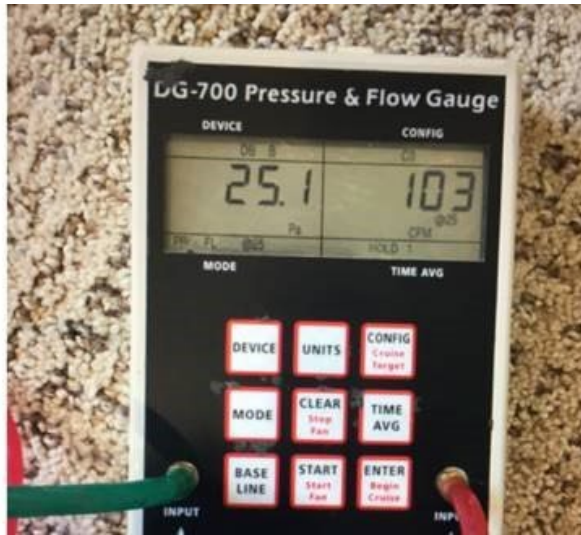


Image 4:





Image 5:



Image 6:

