

BEFORE THE HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION  
LICENSING BOARD  
DIVISION OF LABOR  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS

Batch #: 9  
Article #: 92148969009997902401364450  
Date/Time: 3/16/2021 8:52:42 AM

IN RE: BRADLEY FRY, individually  
503 Buena Vista  
Van Buren, AR 72956

Internal File #:  
Internal Code:

**ORDER**

On the 10<sup>th</sup> day of February 2021, this matter came before the Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board of the State of Arkansas. Marcus C. Devine, Associate Counsel, Department of Labor and Licensing, represented the agency. Bradley Fry did not appear personally in his own behalf, although he was properly notified about the Hearing on this matter. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. On January 23, 2021, the Arkansas Department of Labor issued a civil money penalty to Mr. Bradley Fry in the total amount of **\$750.00**. This sum represented a \$250 penalty for performing HVACR work without a license. Additionally, this sum includes a civil penalty of \$250 each for 2 violations of the State HVACR Code as adopted by the Board.
2. Bradley Fry had the opportunity to request a timely hearing before the Board which was held on Wednesday, February 10, 2021 at 10 a.m.
3. Bradley Fry is not licensed by the HVACR Licensing Board.
4. Bradley Fry is doing business and holding himself out to the public as a duly licensed heating ventilation air conditioning individual.

5. Bradley Fry performed the HVACR work in Van Buren without a license.
6. There were 3 violations of the State HVACR Code as adopted by the board.

**CONCLUSIONS OF LAW:**

1. Ark. Code Ann. § 17-33-301 (a) and (b) prohibits any person from performing heating, ventilation, air conditioning and refrigeration work in Arkansas without a license.

2. Ark. Code Ann. § 17-33-202 *et. seq.* authorizes the Department of Labor and Licensing to assess a civil money penalty subject to appeal to the board for licensing violations; violations the HVACR Code Authority Act, Ark. Code Ann. § 17-33-204 *et seq.*; and violations of rules promulgated by the board.

3. The civil money penalty in this case equals or is less than the \$250 per violation for a first offense established by statute. Ark. Code Ann. § 17-33-204. The penalties also are within the guidelines established by rule of the board.

4. The board, in its discretion, may increase or decrease a penalty taking into consideration:

- a. The degree and extent of harm to the public safety or to property, or the potential for harm;
- b. The duration and gravity of the violation;
- c. Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
- d. Whether the violation involved elements of fraud or deception either to the public or the Board, or both;
- e. The violator's prior disciplinary record with the Board;
- f. Whether and to the extent which the violator profited by the violation.

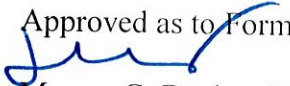
**IT IS THEREFORE ORDERED** that the civil money penalty assessed by the Director of the Department of Labor and Licensing against Bradley Fry in the amount of **\$750.00** is affirmed.

HEATING, VENTILATION, AIR CONDITIONING and  
REFRIGERATION LICENSING BOARD  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS

By:   
Alan Dean, Chairman

Date: 3/10/2021

Approved as to Form:



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