

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

**IN RE: GLEN REAVIS, individually and
 AC HEROES
 609 Neal Street
 Farmington, AR 72730
 Case #BB11172020A**

ORDER

On the 14th day of April 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. Glen Reavis was properly notified and informed of the hearing but did not attend. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On March 9, 2021, the Arkansas Department of Labor issued a civil money penalty to Mr. Glen Reavis in the total amount of **\$1250.00**. This sum represented a \$250 penalty for performing HVACR work without a license. Additionally, this sum includes a civil penalty of \$250 each for 4 separate violations of the State HVACR Code as adopted by the Board.
2. Glen Reavis was timely notified of his hearing before the Board which was held on Wednesday, April 14, 2021 at 10 a.m.
3. Glen Reavis is not currently licensed by the HVACR Licensing Board.

4. Glen Reavis was doing business and held himself out as being licensed and able to contract for and complete HVACR work.

5. Glen Reavis has performed the HVACR work without a license.

6. There were 5 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.

5. In the present case the board has not increased the civil money penalty assessed against Glen Reavis. However, it is important to note:

a. There was no testimony from Mr. Reavis to explain or attempt to mitigate the proposed violations and the absence of a defense established to the Board his awareness that the work he was performing that required licensed HVACR personnel. This was willful and intentional.

b. Mr. Reavis did directly profit from his violations because he was the contracting party. He was not a mere employee following the instructions of an employer.

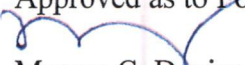
IT IS THEREFORE ORDERED that the civil money penalty assessed by the Director of the Department of Labor and Licensing against Glen Reavis in the amount of **\$1250.00** is affirmed.

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

By: 
Alan Dean, Chairman

Date: 4 / 24 / 2021

Approved as to Form:


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