

**BEFORE THE HVAC/R BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: AURELIO ARMENTA WAIVER REQUEST

ORDER

This matter came before the HVACR (Heating, Ventilation, Air Conditioning, Refrigeration) Board on Wednesday February 13, 2022. The petitioner, Aurelio Armenta, seeks approval for a registrant application for which he is currently ineligible due to prior criminal convictions. The HVACR Board has the authority to waive disqualification of a license based on a criminal conviction if the Board decides that the applicant meets requirements listed in Ark. Code Annotated § 17-3-102(b)(2). Mr. Armenta appeared before the Board via zoom for the hearing.

FINDINGS OF FACT:

1. The petitioner (“Armenta”) is requesting a registrant application from the Board for which he is currently ineligible due to criminal convictions from 2017.
2. Armenta appeared before the Board via zoom and testified that he is on track to successfully complete probation on February 17, 2023.
3. Armenta also provided a professional letter or recommendation.

CONCLUSIONS OF LAW:

1. The board has authority to waive disqualification of a license based on a criminal conviction pursuant to Ark. Code Ann. §17-3-102(b)(1).
2. A basis upon which a waiver may be granted includes without limitation:

- a. The age at which the offense was committed;
 - b. The circumstances surrounding the offense;
 - c. The length of time since the offense was committed;
 - d. Subsequent work history since the offense was committed;
 - e. Employment references since the offense was committed;
 - f. Character references since the offense was committed;
 - g. Relevance of the offense to the occupational license; and
 - h. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public. Ark. Code Ann. §17-3-102(b)(2).
3. In the present case, the Board considered the testimony from Armenta and the letter of recommendation.
 4. The Board was informed of the nature of the criminal convictions and the time which the offenses took place.
 5. The Board also acknowledged that Armenta would be working under a licensed HVACR employer as a registrant as opposed to working on his own as a licensee.
 6. The Board voted to grant Armenta's request for a registrant application.

THEREFORE, the Board grants Armenta's request for the HVACR registrant application.

IT IS SO ORDERED.

HVACR BOARD

By: AD

Alan Dean, Chairman

Date: 5-11-2020

Approved by:

/s/ Miles Morgan

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