

**BEFORE THE HVACR BOARD  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS**

**IN RE:**           AUSTIN TREAT – WAIVER REQUEST

**ORDER**

This matter came before the HVACR Board (the “Board”) on Wednesday November 9, 2022. The petitioner, Austin Treat (“Treat”), seeks approval to obtain an HVACR registrant license which he is currently ineligible due to a prior felony conviction. The HVACR Board has authority to waive disqualification of a license based on a criminal conviction if the Board decides that the applicant meets requirements listed in the Ark. Code Ann. § 17-3-102(b)(2). Treat did not appear before the Board for the hearing.

**FINDING OF FACT:**

1. Treat is requesting approval from the Board to obtain a registrant license. Due to his prior felony conviction from April 2022, he is currently ineligible to obtain the license.
2. Treat did not appear before the Board.
3. Staff reviewed documents and recommended approval based on personal and professional letters of 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 and safety of the public. Ark. Code Ann. § 17-3-102(b)(2).
3. In the present case, the Board was informed of the nature of the criminal conviction and the facts surrounding the criminal conviction.
4. The Board reviewed staff's recommendation to approve Treat's waiver request.

THEREFORE, the Board grants Austin Treat's waiver request for an HVACR registrant license.  
IT IS SO ORDERED.

HVAC/R BOARD

  
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Alan Dean, Chairman

11-10-22  
Date

Approved by:

/s/ Miles Morgan  
Miles Morgan, 2017-049  
Associate General Counsel  
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