

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

IN RE: Benedicto Meneses
B.Y.M. Heating & Cooling
233 E Colorado Ave
Springdale, AR 72764

ORDER

On this 11th day of January 2023, this matter came before the HVACR Licensing Board (the "Board"). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the agency. Benedicto Meneses ("Meneses") was properly notified and appeared before the Board via zoom. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On December 15, 2022, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the "Notice") to Meneses. The Notice provided that the hearing would be held on Wednesday January 11, 2023, at 10:00 a.m. in the fourth floor Board Room of the offices of the Arkansas Department of Labor and Licensing (the "Department").
2. Meneses appeared via zoom for the hearing.
3. Anthony Woodard, HVACR Section Chief, testified that Meneses DBA as B.Y.M. Heating & Air has engaged in a pattern of activity not conducive to the trust and wellbeing of the public by accepting payment for work not performed. Woodard also testified about multiple complaints regarding Meneses and his business practices.
4. Lennox Industries obtained a judgment against Meneses for \$23,756.39 for Meneses's failure to pay for equipment provided by Lennox. (72CV-19-1347).


5. The Department received a complaint from Gustavo Pena in December 2021 in which Pena paid Meneses \$6,458.00 to install a Type I Hood with a start date of May 2020. Meneses completed the job in March 2022 after Woodard and inspector, J.C. Brenamen, met with Meneses at the jobsite.
6. The Department received a complaint on June 27, 2022, from Ron Shumate. Meneses accepted a check for \$5,173.00 from Shumate, but Meneses has failed to perform any work and has failed to refund the money to Shumate.
7. The Department received a complaint on August 2, 2022, from Izmar Ramos. Meneses received a check from Ramos on June 14, 2022 but failed to perform any work. Ramos testified that only after filing the complaint with the Department that Meneses did refund the money to Ramos.
8. The Department received a complaint on August 24, 2022, from Luis Avelar. Avelar paid \$26,600.00 to install a walk-in cooler/freezer. Meneses has failed to perform any work and has not contacted Avelar concerning a potential refund.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 17-33-307 authorizes the Board to suspend or revoke any license or registration if it finds that the holder of the license or registrant has demonstrated incompetency to act as a license holder or registrant or has violated the State HVACR Code, statutes, or rules promulgated by the Board.
2. Section III "Definitions" of the Board's rules include (13) "Pattern of Incompetence" which means one or more of the following: (a) A history of repeat offenses as described by citation reports. (b) One or more impositions of civil penalties by the Board. (c) Criminal activity not conducive to the trust and wellbeing of the public.
3. In the present case, the Board agrees with staff recommendation to revoke Meneses's HVACR license based on his "pattern of incompetence."
4. One (1) year after the date of revocation, an application may be made for a new license or registration.

IT IS THEREFORE ORDERED that the Board revokes Benedicto Meneses's HVACR License # 1554590.

HVACR LICENSING BOARD,
DEPARTMENT OF LABOR AND LICENSING,
STATE OF ARKANSAS

By: 

Alan Dean, Chairman

Date: 1-12-2023

Approved as to Form:

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