

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

IN RE: BRAD WIDENER – WAIVER REQUEST

ORDER

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday May 11, 2022. The petitioner, Brad Widener, seeks approval to obtain a HVAC/R registrant license which he is currently ineligible due to prior felony conviction. The HVAC/R Board has authority to waive disqualification of a license based on a criminal conviction if the Board decided that the applicant meets requirement listed in the Ark. Code Annotated § 17-3-102(b)(2). Mr. Widener appeared before the Board via zoom for the hearing.

FINDING OF FACT:

1. The petitioner (“Widener”) is requesting approval from the Board to obtain an HVAC/R registrant license, due to his prior felony conviction from November 2018 he was ineligible.
2. Widener appeared before the Board via zoom.
3. Staff reviewed files and recommended approval based on letters of recommendation and nature of crime.

CONCLUSIONS OF LAW:

1. The Board has authority to waive disqualification of a registrant 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 fact that Widener's probation is to expire in April of 2023.
4. The Board voted to grant Widener's a registrant license.

THEREFORE, the Board grant's Brad Widener, an HVAC/R registrant license.
IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

5-12-2022

Date

Approved by:



Miles Morgan, 2017-049
Associate General Counsel
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