

**BEFORE THE ELECTRICAL EXAMINER BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: Caleb Fuesling– **WAIVER REQUEST**

ORDER

This matter came before the Electrical Examiner Board on Tuesday July 19, 2022. The petitioner, Caleb Fuesling, seeks approval to receive approval to sit for the Journeyman license exam which he is currently ineligible due to a prior felony conviction. The Electrical Examiner 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 Annotated § 17-3-102(b)(2). Mr. Fuesling did not appear before the Board for the hearing.

FINDING OF FACT:

1. The petitioner (“Fuesling”) is requesting approval from the Board to sit for the Journeyman license exam. Due to his prior felony conviction from June 2021, he is currently ineligible to sit for the exam.
2. Fuesling did not appear before the Board.
3. Staff reviewed documents and recommended approval based on letters of recommendation and completion of probation.

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 fact that Fuesling's probation is set to expire in 2022.
4. The Board reviewed staff's recommendation to affirm a motion to approve Fuesling's request.
5. The Board voted to grant Fuesling the ability to sit for the Journeyman license exam.

THEREFORE, the Board grant's Caleb Fuesling, the ability to sit for the Journeymen license exam.

IT IS SO ORDERED.

ELECTRICAL EXAMINERS BOARD

Charlotte Bradley
Charlotte Bradley, Chairman

8-1-2022
Date

Approved by:

/s/ Miles Morgan

Miles Morgan, 2017-049
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