

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

IN RE: Choice Home Warranty
2147 NJ-27
Floor 4
Edison, NJ 08817-3365

ORDER

On this 8th day of March 2023, this matter came before the HVACR Licensing Board (the “Board”). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the agency. Choice Home Warranty (“CHW”) was properly notified via USPS but did not appear before the Board for the hearing. Based on testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On January 25, 2023, the Board issued a civil money penalty to CHW in the total amount of \$750.00. This sum includes a civil penalty of \$250.00 under Arkansas Code § 17-33-301 for each of the three violations for employing a technician to perform HVACR work without a license.
2. On January 30, 2023, at 1:51 p.m., CHW received timely notice of the hearing before the Board which would be held on Wednesday, March 8, 2023, at 10:00 a.m. The notice included a ZOOM link for virtual attendance.
3. Code Enforcement Director, Lindsay Moore (“Moore”), testified that CHW contracted with Darren Hayes (“Hayes”) DBA “License 2 Chill” to perform HVACR work at the residence of Crissy Buffkin on November 24, 2021.

4. Moore testified that Hayes was not licensed on November 24, 2021, and has never been licensed with the HVACR Board.

5. Moore, along with Chief HVACR Section Manager Anthony Woodard and Code Enforcement Coordinator, Samantha Martinez, met with Hayes on July 1, 2022. Moore testified that Hayes confirmed that he was contracted to perform HVACR work by CHW for three (3) days. Hayes did not deny that he had been working without a license when CHW contracted with him.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 17-33-301 (a) and (b) prohibits any person from performing heating, ventilation, air conditioning or refrigeration work in Arkansas without a license.

2. Ark. Code Ann. § 17-33-105 authorizes the Board to assess a civil money penalty subject to hearing by the Board for any violation of the State HVACR Code, statutes, or rules adopted by the Board.

3. The civil money penalty in this case equals or is less than the \$250.00 per violation for a first offense established by statute. Ark. Code Ann. § 17-33-105.

4. The Board agrees with the staff recommendation and assesses a civil money penalty against CHW in the amount of \$750.00.

IT IS THEREFORE ORDERED that a civil money penalty is hereby assessed against Choice Home Warranty in the amount of \$750.00.

HVACR LICENSING BOARD,

DEPARTMENT OF LABOR AND LICENSING,

STATE OF ARKANSAS

By: 

Alan Dean, Chairman

Date: 7-9-2023

Approved as to Form:

Miles Morgan, 2017049

Associate Counsel

Arkansas Department of Labor and Licensing

900 West Capitol

Little Rock, AR 72201

(501) 682-4507