

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

**IN RE: Christopher Johnson
Henry's Heat & Air
602 Homer St.
Magnolia, AR 71753**

ORDER

On the 14th day of June 2023, this matter came before the HVACR Licensing Board (the "Board"). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the Board. Christopher Johnson ("Johnson") 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 April 25, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the "Notice") to Johnson. The Notice provided that the hearing would be held on Wednesday June 14, 2023, at 10:00 a.m. in the fourth-floor board room of the Arkansas Department of Labor and Licensing.
2. Johnson appeared before the Board via zoom.
3. HVACR Inspector Doug Pearson ("Pearson") testified that he conducted an inspection at Mt. Gillard Church located at 112 Ouachita 395 in Camden, Arkansas on November 10, 2022.
4. During the inspection, Pearson met with Johnson at the church who provided Pearson a copy of his Class B HVACR license. Pearson informed Johnson of various violations of the State HVACR mechanical code ("Code") and informed Johnson that he had seven days to start correcting the violations.
5. On November 18, 2022, Pearson returned to the location and met with Johnson to see if Johnson had made progress on correcting the code violations. Pearson observed new code

violations after noticing that Johnson had performed additional HVACR work on the church. Pearson explained that he would provide Johnson additional time to make corrections and Johnson agreed that he would make the corrections.

6. On December 13, 2022, Pearson attempted to call Johnson four (4) times and sent him a text messaging urging Johnson to meet him on location to discuss the lack of progress.

7. Pearson returned to the location on January 10, 2023, to meet Johnson who failed to appear. Pearson left a “stop work” order and performed a second inspection documenting seventy-nine (79) Code violations.

8. Pearson testified that he is not aware if the HVACR work was ever completed.

9. Johnson testified that he did not return to the jobsite because the church had hired a new contractor.

10. Johnson also testified that he primarily works in maintenance of HVACR units as opposed to larger install operations such as the Mt. Gillard Church and that he has no other pending installation jobs.

11. Based on Johnson’s testimony that his primary employment in the HVACR industry consists of maintenance, the Board discussed transferring his Class B license to a Class C license which would prevent Johnson from performing HVACR installations but allow him to continue HVACR maintenance.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 17-33-105 authorizes the Board to assess a civil penalty not to exceed two hundred fifty dollars (\$250.00) for any violation of the State HVACR mechanical code, statutes, or rules adopted by the Board. Each day of a continuing violation may be treated as a separate violation.


2. Pursuant to Section XII of the Administrative Rules Pertaining To The Licensing Of Heating, Ventilation, Air Conditioning And Refrigeration Contractors (“HVACR Board Rules”), an HVACR license holder may transfer to a lower classification of HVACR license without examination.

3. The Board votes to transfer Johnson's Class B HVACR license to a Class C license based on the reasons stated in this order.

4. The Board also assesses a civil money penalty against Johnson in the amount of \$5,000.00 for Code violations.

IT IS THEREFORE ORDERED that the Board transfers Christopher Johnson's Class B HVACR license to a Class C license and imposes a civil money penalty against Christopher Johnson DBA Henry's Heat & Air in the amount of \$5,000.00.

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

By: 

Alan Dean, Chairman

Date: 6-19-2023

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