

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

IN RE: Clinton Gilbey

207 Glenn Oaks Dr.

Benton, AR 72015

ORDER

On the 9th day of August 2023, this matter came before the HVACR Licensing Board (the “Board”). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the Board. Clinton Gilbey (“Gilbey”) was properly notified and appeared before the Board in person. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On June 21, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the “Notice”) to Gilbey. The Notice provided that the hearing would be held on Wednesday August 9, 2023, at 10:00 a.m. in the fourth-floor board room of the Arkansas Department of Labor and Licensing.
2. Gilbey appeared before the Board.
3. William Blankenship (“Blankenship”), HVACR Section Inspector, testified that he conducted an inspection on February 21, 2023, at the residence of Tiffany Lanthier (“Lanthier”) who filed a complaint.
4. During his inspection, Blankenship was informed that Gilbey arrived in a TSI Inc. truck and it appeared he worked for that company. Blankenship noticed that a new system had already been installed by another contractor.

5. Blankenship ran a license check for Gilbey and discovered that his registrant license expired in 2010. Blankenship contacted Haskell City Hall and determined that Gilbey did not pull a permit to work on the Lanthier residence.
6. Lanthier provided Blankenship with three copies of checks that Gilbey had accepted for the HVACR work he performed.
7. Gilbey did not dispute Blankenship's allegations and testified that he intends to reimburse Lanthier roughly half of the amount of compensation he accepted.
8. In Blankenship's inspection report, he cited Gilbey for working without a license on four (4) separate occasions while performing HVACR work on Lanthier's home. He also cited Gilbey for performing HVACR work without the proper city permit and failing to post a jobsite sign.
10. Blankenship contacted Jimmy Hogue, owner of TSI, Inc., and he advised that he had no knowledge that Gilbey was working as an HVACR licensee.

CONCLUSIONS OF LAW

1. It is unlawful for any person to engage in HVACR work without the appropriate license or registration provided by Arkansas law, unless exempt under Ark. Code Ann. § 17-33-301 *et seq.*
2. The Administrative Rules Pertaining To The Licensing Of Heating, Ventilation, Air Conditioning, And Refrigeration Contractors ("HVACR Board Rules") define "registrant" as any person who does not hold a Class A, B, C, D or E HVACR license and who can only perform work for an HVACR licensee and who holds a current registration.
3. 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.
4. Gilbey performed HVACR work on four (4) separate occasions without a license while working on the Lanthier residence. Gilbey also failed to acquire the requisite city permit and did not post a jobsite sign while performing the work.

5. The Board agrees with the staff recommendation and assesses a civil money penalty in the amount of \$1,500.00 for the reasons stated in this order.

IT IS THEREFORE ORDERED that the Board imposes a civil money penalty against Clinton Gilbey in the amount of \$1,500.00.

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

By: 

Alan Dean, Chairman

Date: 8-14-2023

Approved as to Form:
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