

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

IN RE: Darren Hayes

5510 Camp Robinson Rd

North Little Rock, AR 72058

ORDER

On the 13th day of September 2023, this matter came before the HVACR Licensing Board (the "Board"). Miles Morgan, Associate Counsel, Department of Labor and Licensing represented the Board. Darren Hayes ("Hayes") was properly notified but failed to appear before the Board for the hearing. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On August 7, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the "Notice") to Hayes. The Notice provided that a hearing before the HVACR Licensing Board would be held on Wednesday September 13, 2023, at 10:00 a.m. in the fourth-floor board room of the Arkansas Department of Labor and Licensing (the "Department").
2. Hayes did not appear before the Board.
3. Anthony Woodard ("Woodard"), HVACR Section Chief Inspector, testified that an inspection was conducted on July 6, 2023, at the residence of Brandon Mink ("Mink") who filed a complaint with the Department.
4. During the investigation, Mink advised that the job was paid in full, and that Chad Wall ("Wall") and Darren Hayes performed the HVACR work. The inspection revealed multiple violations of the State HVACR mechanical code ("Code").

5. Woodard was aware that both Wall and Hayes did not possess valid HVACR licenses due to outstanding civil money penalties previously issued by the Board.
6. The inspection revealed eight (8) violations of the State HVACR mechanical code ("Code").
7. Mink provided a copy of two cancelled checks made out to Darren Hayes for \$1,710.00 and \$75.00. Mink also provided a copy of a cancelled check made out to Chad Wall for \$349.65.
8. In the inspection report, Hayes is cited for engaging in HVACR work without the proper license at the Mink residence on nine (9) separate occasions and eight (8) separate violations of the Code.
9. The Board finds that Hayes performed HVACR work without the proper license on nine (9) separate occasions and another eight (8) violations of the Code.

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. 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.
3. Hayes engaged in HVACR work without the proper license on nine (9) separate occasions resulting in eight (8) separate violations of the Code.
4. The Board agrees with the staff recommendation and hereby assesses a civil money penalty in the amount of \$5,000 against Hayes.

IT IS THEREFORE ORDERED that the Board imposes a civil money penalty against Darren Hayes in the amount of \$5,000.00.

HVACR LICENSING BOARD,
DEPARTMENT OF LABOR AND LICENSING,

STATE OF ARKANSAS

By: 

Alan Dean, Chairman

Date: 9-19-2023

Approved as to Form:
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