

**BEFORE THE HVAC/R BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: DUSTIN GARVER – WAIVER REQUEST

ORDER

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday June 8, 2022. The petitioner, Dustin Garver seeks approval to obtain an HVAC/R registrant license which he is currently ineligible due to prior felony conviction. The HVAC/R Board has authority to waive disqualification of a license based on a criminal conviction if the Board decided that the applicant meets requirements listed in the Ark. Code Annotated § 17-3-102(b)(2). Mr. Garver did appear before the Board in-person for the hearing.

FINDING OF FACT:

1. The petitioner (“Garver”) is requesting approval from the Board to obtain an HVAC/R registrant license, due to his prior felony conviction from April 2019, he was ineligible.
2. Garver did appear before the Board in-person.
3. Staff reviewed files 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 registrant 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 Garver's probation is to expire in April 2023.
4. The Board reviewed staff recommendation to affirm a motion to approve Garver's request.
5. The Board voted to grant Garver's registrant license.

THEREFORE, the Board grant's Dustin Garver, an HVAC/R registrant license.

IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

6-9-2022
Date

Approved by:



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