

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

IN RE: DUSTIN KHOURY LICENSURE WAIVER

ORDER

This matter came before the HVACR (Heating, Ventilation, Air Conditioning, & Refrigeration) Board on Wednesday, December 8, 2021. The petitioner, Dustin Khoury, seeks a licensure waiver, by and through his counsel, Robby Golden. Mr. Khoury has prior criminal convictions that disqualify him from licensure. The HVACR Board has the authority to waive disqualification of a license based on a criminal conviction if the Board decides that the applicant meets the requirements listed in Ark. Code Annotated §17-3-102(b)(2). Mr. Khoury and Mr. Golden both appeared before the Board for the hearing.

FINDINGS OF FACT:

1. The petitioner (“Khoury”) has worked as a registrant under John David Smith, Sr. License Nos. 0104422 and 0144731, from 2008 until Mr. Smith’s passing in 2021. Khoury and Mr. Smith have no history of license complaints or license related issues.
2. Due to Mr. Smith’s passing, Khoury has not been able to continue working without an HVACR license.
3. Khoury is currently ineligible to receive a license due to criminal convictions from 2018. Khoury was sentenced to community corrections, where he received and successfully completed drug abuse treatment.

4. The HVACR Board may waive disqualification of a license if they decide an applicant meets certain qualifications.
5. Khoury and his counsel, Robby Golden, appeared before the Board during the hearing and provided information for the board to consider. Included in the packet of information were multiple reference letters and a drug treatment certificate of completion.

CONCLUSIONS OF LAW:

1. The board has authority to waive disqualification of a 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 or safety of the public. Ark. Code Ann. §17-3-102(b)(2).
3. In the present case, the Board considered the personal and professional reference letters provided by Khoury, as well as his work history following the convictions.


The Board was informed of the nature of the criminal convictions and the date which the offenses took place.

4. The Board concludes that Khoury be allowed to sit for the HVACR licensing examination.
5. In the event Khoury passes the examination, Khoury and/or his counsel, shall be in direct communication with the Department of Labor and Licensing legal counsel regarding any violation of Khoury's parole or suspended imposition of sentence.
6. Any violation of Khoury's parole or suspended imposition of sentence will result in immediate suspension of his license until the Board reconvenes for a hearing.

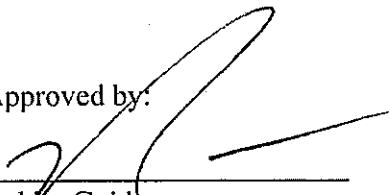
THEREFORE, the Board grants the licensure waiver allowing Mr. Khoury to sit for the HVACR licensing examination, conditioned upon Mr. Khoury and/or his counsel contacting the Department of Labor and Licensing legal counsel in the event of Mr. Khoury violating his parole or suspended imposition of sentence.

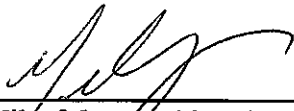
IT IS SO ORDERED.

HVACR BOARD

By: 
Alan Dean, Chairman

Date: 2-9-2022

Approved by: 
Robby Golden
Attorney at Law



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