

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

IN RE: **George Hathaway**
 8 Cervia Ln
 Hot Springs Village, AR 72732

ORDER

On this 8th day of February 2023, this matter came before the HVACR Licensing Board (the "Board"). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the agency. George Hathaway ("Hathaway") 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 January 12, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the "Notice") to Hathaway. The Notice provides that the department staff is recommending the imposition of a civil money penalty in the amount of \$750.00 for three separate violations of the HVACR Code and Board rules.
2. Hathaway testified before the Board that he was helping a friend, Tom Wordlow ("Wordlow"), with "handy-man" work due to the Wordlow's recent health struggles. Hathaway stated that Wordlow complained that his AC unit was not working properly after Doug's Heat and Air failed to connect the plenums to the equipment. Hathaway connected the plenums for Wordlow as a favor and was not paid to do so.
3. Inspector Don Brannen ("Brannen") made contact with Hathaway who admitted that he was not licensed to perform HVACR work, but assisted Wordlow as a favor. Brannen testified that Doug's Heat and Air came back to Wordlow's residence to correct the code violations.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 17-33-202 et seq. authorizes the Department of Labor and Licensing to assess a civil money penalty subject to appeal to the Board for licensing violations; violations of the HVACR Code Authority Act, Ark. Code Ann. § 17-33-204 et seq.; and violations of rules promulgated by the Board.
2. It is unlawful for any person to engaged in HVACR work without the appropriate license or registration provided by this chapter, unless exempted pursuant to this chapter. Ark. Code Ann. § 17-33-101.
3. In the present case, the Board heard from Hathaway and voted to dismiss the civil penalty assessment.

IT IS THEREFORE ORDERED that the civil penalty assessment against George Hathaway is hereby dismissed.

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

By: 

Alan Dean, Chairman

Date: 2-13-2023

Approved as to Form:
Miles Morgan, 2017-049
Associate Counsel

Arkansas Department of Labor and Licensing

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