

BEFORE THE ARKANSAS HVAC/R BOARD

IN THE MATTER OF HERSHAL GENE GROUND, RESPONDENT

CASE NO. DB02212024B

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas HVAC/R Board (“Board”) at 10:00 a.m. on June 12, 2024, located at 900 West Capitol Ave., Suite 400, Little Rock, AR 72201. Hershhal Gene Ground (“Respondent”) did not appear personally nor was represented by counsel. Arkansas Department of Labor and Licensing Counsel Lacie Kirchner appeared on behalf of the Board.

Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about February 15, 2024, the Board received a complaint from Milady Escamilla regarding HVAC work completed at her residence of 2900 Hinson Road, Little Rock, AR 72205.
2. On February 21, 2024, Arkansas Department of Labor and Licensing Inspector Don Brannen went to Ms. Escamilla’s residence and completed an inspection of the work completed.
3. Inspector Brannen was informed by Ms. Escamilla that Hershhal Gene Ground (“Respondent”) had completed the work done on her home.
4. Ms. Escamilla provided Inspector Brannen with a copy of a Cashier’s check made out to Respondent in the amount of \$9,500.00 and several text messages between Ms. Escamilla and Respondent regarding the work her performed.
5. Inspector Brannen noted multiple code compliance deficits, as well as damage to the upstairs outdoor unit during his inspection of 2900 Hinson Road.
6. Inspector Brannen did a license check and determined Respondent had no HVAC license or registration with the Board.

7. On February 23, 2024, Inspector Brannen met with Respondent who confirmed he did complete the work on 2900 Hinson Road and that he was not licensed.
8. Respondent did not receive a local permit prior to completing the work.
9. Respondent did not have a license number displayed on his vehicle while completing the work.
10. Inspector Brannen discussed possibly remedies with Respondent, including a full refund. Respondent informed Inspector Brannen that he could not provide a full refund and would hire a licensed individual to complete the work.
11. On or about March 13, 2024, Respondent contacted Inspector Brannen to inform him that he had received an estimate for the work but that he could not pay that amount and would continue to locate additional estimates.
12. On March 22, 2024, Ms. Escamilla contacted Inspector Brannen to inform him of her conversation with Respondent regarding her options for a refund and that should she was going to consider her options.
13. On March 29, 2024, Inspector Brannen contacted Ms. Escamilla who stated she would accept a refund and removal of the equipment.
14. On April 4, 2024, Inspector Brannen received an email from Respondent's attorney with a copy of the refund letter to Ms. Escamilla which included an equipment quote and refund check for labor.
15. On April 9, 2024, Inspector Brannen received an email from Ms. Escamilla stating she never agreed to the refund and that she is refusing to accept the refund.
16. As of the date of the hearing, it is unknown as to whether or not Ms. Escamilla cashed the refund check.

CONCLUSIONS OF LAW

1. Respondent's actions as set forth above in Findings of Fact 3-7, constitute violations of Ark. Code Ann. §17-33-301 in that Respondent failed to obtain the necessary license to perform HVAC/R work.
2. Respondent's actions as set forth above in Findings of Fact 7, constitute a violation of Ark. Code Ann. §17-33-104 in that Respondent failed to obtain a local permit.


3. Respondent's actions as set forth above in Findings of Fact 8, constitute a violation of Ark. Code Ann. §17-33-304 in that Respondent failed to properly display a license number on his vehicle.

ORDER

1. Respondent is hereby ordered to pay a civil money penalty in the amount of one-thousand and five hundred dollars (\$1,500) within sixty (60) days of the date of this Order.
2. Any further violations of law or rules of the Board or failure on the part of the Respondent to comply with the terms and conditions of this Order may result in additional sanctions.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the County in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service of this Order.

HEATING, VENTILLATION, AIR CONDITIONING and
REFRIGERATION LICENSING BOARD, DEPARTMENT
OF LABOR AND LICENSING,
STATE OF ARKANSAS

By: 
Alan Dean, Chairman

Date: 6-17-2024

Approved as to form:
/s/ Lacie Kirchner
Lacie Kirchner, 2014041
Attorney
Arkansas Department of Labor and Licensing