

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

**IN RE:        James Kimble**  
**ALCO Heat and Air**  
**28 HWY 261**  
**Colt, AR 72326**

**ORDER**

On the 12<sup>th</sup> day of July 2023, this matter came before the HVACR Licensing Board (the “Board”). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the Board. James Kimble (“Kimble”) was properly notified but did not appear before the Board. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. On June 12, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the “Notice”) to Kimble. The Notice provided that the hearing would be held on Wednesday July 12, 2023, at 10:00 a.m. in the fourth-floor board room of the Arkansas Department of Labor and Licensing.
2. Code Enforcement Coordinator, Samantha Martinez, testified that the Notice was delivered to Kimble on June 26, 2023, via certified USPS mail.
3. Kimble did not appear before the Board for the hearing.

4. Mechanical Inspector, Don Brannen (“Brannen”), testified that he conducted an inspection on April 20, 2023, at the residence of Melinda McCown (“McCown”) in Wynne, Arkansas.
5. Brannen testified that he met Wynne Code Enforcement Official, Chris Damron, at his office prior to the inspection and confirmed that Kimble failed to acquire a permit from the City of Wynne to perform HVACR work on McCown’s residence.
6. McCown informed Brannen that Kimble’s nephew, Ronald Kimble, performed the HVACR work along with Tommy Catlett.
7. Brannen confirmed that James Kimble’s license expired on August 31, 2022, and Ronald Kimble’s registration had also expired. Brannen found no record of Tommy Catlett in the license database.
8. McCown provided a contract from ALCO Heat and Air with Ronald Kimble’s signature and James Kimble’s license number.
9. In Brannen’s inspection report, he cited licensee, James Kimble, for forty-five (45) violations of the State HVACR mechanical code, statutes and rules adopted by the Board.
10. Brannen testified that he attempted to contact James Kimble and Ronald Kimble several times between April 20, 2023, and May 15, 2023 with no response.

#### **CONCLUSIONS OF LAW:**


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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. The Board agrees with the staff recommendation to assess a civil money penalty against James Kimble in the amount of \$11,250.00 for the reasons stated in this order.

**IT IS THEREFORE ORDERED** that the Board imposes a civil money penalty against James Kimble DBA ALCO Heat and Air in the amount of \$11,250.00.

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, 2017049  
Associate Counsel  
Arkansas Department of Labor and Licensing  
900 West Capitol  
Little Rock, AR 72201  
(501) 682-4507