

**BEFORE THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: James L. Smith – **WAVIER REQUEST**

ORDER

This matter came before the Board of Electrical Examiners (the “Board”) on Tuesday July 18, 2023. The petitioner, James L. Smith (“Smith”), seeks approval for an electrical apprenticeship license. Smith is currently ineligible to obtain an electrical apprenticeship license due to a prior felony conviction. The Board of Electrical Examiners has authority to waive disqualification of a license due to a criminal conviction if the Board decides that the applicant meets requirements listed in the Ark. Code Annotated § 17-3-102(b)(2). Smith appeared before the Board via zoom for the hearing.

FINDING OF FACT:

1. Smith is requesting approval from the Board to obtain an electrical apprenticeship license. Due to his prior felony conviction, he is ineligible for licensure.
2. Smith appeared before the Board via zoom for the hearing.
3. Staff reviewed documents provided by Smith and recommended approval based on letters of recommendation and his parole status.

CONCLUSIONS OF LAW:

1. The Board has authority to waive disqualification of licensure due to 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 Smith's parole status is scheduled to expire in July 2027.

THEREFORE, the Board grant's James L. Smith's waiver request to obtain an electrical apprenticeship license.

IT IS SO ORDERED.

ELECTRICAL EXAMINERS BOARD

Charlotte Bradley

Charlotte Bradley, Chairman

July 18, 2023

Date

Approved by:

/s/ Miles Morgan

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