

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

IN RE: JASON ARTER – WAIVER REQUEST

ORDER

This matter came before the HVACR Board (the “Board”) on Wednesday October 12, 2022. The petitioner, Jason Arter (“Arter”), seeks approval to obtain an HVACR registrant license which he is currently ineligible due to a prior felony conviction. The Board has authority to waive disqualification of a license based on a criminal conviction if the Board decides that the applicant meets requirements listed in the Arkansas Code § 17-3-102(b)(2). Arter did appear before the Board via zoom for the hearing.

FINDING OF FACT:

1. Arter is requesting approval from the Board to obtain a registrant license. Due to his prior felony conviction from October 2021, he is currently ineligible to obtain the license.
2. Arter did appear before the Board via zoom.
3. Staff reviewed documents and recommended to approve Arter’s waiver request based on letters of recommendation and completion of probation.

CONCLUSIONS OF LAW:


1. The Board has authority to waive disqualification of a registrant 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 and safety of the public. Ark. Code Ann. § 17-3-102(b)(2).
3. The Board was informed of the nature of the criminal conviction and the fact that Arter's probationary sentence is set to expire in 2026.
 4. The Board reviewed staff's recommendation to approve Arter's waiver request.

THEREFORE, the Board grants Jason Arter's waiver request for the HVACR registrant license.

IT IS SO ORDERED.

HVACR BOARD


Alan Dean, Chairman

10-17-2022
Date

Approved by:

Miles Morgan

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