

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

**IN RE: Michael Flory Jr.
 Perfect Timing Heating and Air
 290 Hill Blvd.
 London, AR 72847**

ORDER

On the 14th day of June 2023, this matter came before the HVACR Licensing Board (the “Board”). Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the Board. Michael Flory Jr. (“Flory”) 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 May 15, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the “Notice”) to Flory. The Notice provided that the hearing would be held on Wednesday June 14, 2023, at 10:00 a.m. in the fourth-floor board room of the Arkansas Department of Labor and Licensing.
2. Flory appeared before the Board via zoom.
3. Anthony Woodard (“Woodard”), HVACR Section Chief Inspector, testified that he conducted an inspection on April 3, 2023, at the residence of Thomas Mayes (“Mayes”) who requested an inspection, alleging that his HVACR system was not operating properly.
4. During his inspection, Woodard was informed that Flory with Perfect Timing Heating and Air (“Perfect Timing”) performed the HVACR work. Woodard discovered that Flory was licensed as a registrant under the Class A license of Joey Keilbarth, who owns AirPro HVACR

Services, but did not perform the work in question under the supervision of Joey Keilbarth or any other HVACR licensee.

5. Woodard also discovered that Flory was holding himself out to customers as a licensed HVACR technician and operating an HVACR company, Perfect Timing, without an appropriate HVACR license.

6. Woodard reported six (6) violations of the State HVACR mechanical code (“Code”) during his inspection. Mayes informed Woodard that the furnace was moved from a utility closet inside the home to the attic by Flory.

7. Mayes provided copies of two (2) cancelled checks totaling \$15,672.62 paid to Perfect Timing for HVACR work.

8. Flory accepted \$15,672.62 in compensation for his HVACR work and testified that he has not reimbursed Mayes.

9. In Woodard’s inspection report, he cited Flory for working beyond the scope of his registration on six (6) separate occasions while performing HVACR work on Mayes’s home and six (6) separate violations of the Code.

10. The Board finds that Flory performed the HVACR work outside the scope of his registration by performing the work without any supervision by Joey Keilbarth or any other Class A or B HVACR licensee, and another six (6) violations of the Code.

CONCLUSIONS OF LAW

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. The Administrative Rules Pertaining to The Licensing Of Heating, Ventilation, Air Conditioning, And Refrigeration Contractors (“HVACR Board Rules”) define “registrant” as any person who does not hold a Class A, B, C, D or E HVACR license and who can only perform work for an HVACR licensee and who holds a current registration.

3. 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.

4. While licensed solely as a registrant, Flory performed HVACR work that required a Class A or B license on six (6) separate occasions while working on Mayes's home, in violation of Arkansas law.

5. The Board agrees with the staff recommendation and hereby revokes Flory's registration for the reasons stated in this Order.

6. The Board also assesses a civil money penalty against Flory in the amount of \$1,500.00 for working beyond the scope of his registrant license on six (6) separate occasions and for six (6) violations of the Code.

7. One (1) year after the date of revocation, an application may be made for a new license or registration pursuant to Section X of the HVACR Board Rules.

IT IS THEREFORE ORDERED that the Board revokes Michael Flory Jr.'s HVACR registrant license # 1117051 and imposes a civil money penalty against Michael Flory Jr. DBA Perfect Timing Heating and Air in the amount of \$1,500.00.

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

By:  _____

Alan Dean, Chairman

Date: 6-19-2023