

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

IN RE: Nichalaus Davis – **WAIVER REQUEST**

ORDER

This matter came before the Board of Electrical Examiners (the “Board”) on Tuesday March 21, 2023. The petitioner, Nichalaus Davis (“Davis”), seeks approval for an electrical apprenticeship license. Davis is currently ineligible to obtain an electrical apprenticeship license due to a prior felony conviction. The Board 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). Davis did not appear before the Board for the hearing.

FINDING OF FACT:

1. Davis is requesting approval from the Board to obtain an electrical apprenticeship license. Due to his prior felony conviction, he is ineligible to for licensure.
2. Davis did not appear before the Board.
3. Staff reviewed documents provided by Davis and recommended approval based on letters of recommendation and his probationary status.

CONCLUSIONS OF LAW:

1. The Board has authority to waive disqualification of a license 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 Davis probation is scheduled to expire in October 2023.

THEREFORE, the Board grant's Nichalaus Davis's waiver request to obtain an electrical apprenticeship license.

IT IS SO ORDERED.

ELECTRICAL EXAMINERS BOARD

Charlotte Bradley
Charlotte Bradley, Chairman

March 22, 2023
Date

Approved by:

/s/ Miles Morgan

Miles Morgan, 2017-049
Associate General Counsel
Arkansas Department of Labor and Licensing
900 West Capitol Ave Suite 400
Little Rock, AR 72201