

**BEFORE THE HVAC/R BOARD  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS**

**IN RE:           NICKOLLAS ROE – WAIVER REQUEST**

**ORDER**

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday June 8, 2022. The petitioner, Nickollas Roe seeks approval to obtain an HVAC/R registrant license which he is currently ineligible due to prior felony conviction. The HVAC/R Board has authority to waive disqualification of a license based on a criminal conviction if the Board decided that the applicant meets requirements listed in the Ark. Code Annotated § 17-3-102(b)(2). Mr. Roe did appear before the Board via zoom for the hearing.

**FINDING OF FACT:**

1. The petitioner (“Roe”) is requesting approval from the Board to obtain an HVAC/R registrant license, due to his prior felony conviction from November 2014, he was ineligible.
2. Roe did appear before the Board via zoom.
3. Staff reviewed files and recommended denial 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. In the present case, the Board was informed of the nature of the criminal conviction and the fact that Roe's probation is to expire in June 2032.
4. The Board reviewed staff recommendation to deny a motion to approve Roe's request.
5. The Board received a statement from Mr. Roe during the hearing.
6. The Board voted to grant Roe's registrant license.

THEREFORE, the Board grant's Nickollas Roe, an HVAC/R registrant license.

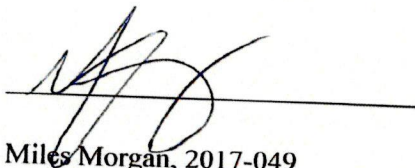
IT IS SO ORDERED.

HVAC/R BOARD

  
\_\_\_\_\_  
Alan Dean, Chairman

6-9-2002  
\_\_\_\_\_  
Date

Approved by:

A handwritten signature in black ink, appearing to be 'Miles Morgan', is written over a solid horizontal line.

Miles Morgan, 2017-049  
Associate General Counsel  
Arkansas Department of Labor and Licensing  
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