

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

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

ORDER

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday July 13, 2022. The petitioner, Richard Davis seeks approval to obtain an HVAC/R registrant license which he is currently ineligible due to a prior felony conviction. The HVAC/R 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 Ark. Code Annotated § 17-3-102(b)(2). Mr. Davis did not appear before the Board for the hearing.

FINDING OF FACT:

1. The petitioner (“Davis”) is requesting approval from the Board to obtain an HVAC/R registrant license. Due to his prior felony conviction from November 2021, he is currently ineligible to obtain a license.
2. Davis did not appear before the Board.
3. Staff reviewed files and recommended denial based on a lack of letters of recommendation and unknown probation status.

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 made aware of the fact that Davis did not provide information pertaining to his probation status.
 4. Furthermore, Davis did not provide staff with good contact information and Davis did not appear before the Board in person or via zoom.
 5. The Board reviewed staff recommendation to deny the motion to approve Davis' request.
 6. The Board voted to deny Davis a registrant license.

THEREFORE, the Board denied Richard Davis an HVAC/R registrant license.

IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

7-25-22
Date

Approved as to form:

/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