

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

IN RE: ROBERT ROE – WAIVER REQUEST

ORDER

This matter came before the HVACR Licensing Board (the “Board”) on Wednesday March 6, 2024. The petitioner, Robert Roe (“Petitioner”), 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 Ark. Code Annotated § 17-3-102(b)(2). Petitioner did appear before the Board via zoom for the hearing.

FINDING OF FACT:

1. Petitioner is requesting approval from the Board to obtain an HVACR registrant license. Due to his prior felony conviction from June 2011, he is currently ineligible to obtain the license.
2. Petitioner did appear before the Board via zoom.
3. Petitioner’s employer, Donald Sullivan, Sullivan Construction Heating & Air, testified on behalf of Petitioner.
4. Staff reviewed documents submitted by Petitioner and recommended referring the decision to approve or deny to the Board.

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 heard from the Petitioner and his employer, Donald Sullivan.
 4. The Board voted to deny Petitioner's waiver request for an HVAC/R registrant license.
- THEREFORE, the Board denies Petitioner's waiver request for an HVAC/R registrant license.

IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

3-11-2024
Date

Approved as to form:

/s/ Lacie Kirchner
Lacie Kirchner, 2014041
Attorney
Arkansas Department of Labor and Licensing