

**BEFORE THE BOARD OF ELECTRICAL EXAMINERS
STATE OF ARKANSAS**

IN RE: KENNY WHISNANT
 J-8062

ORDER

On this 15th day of March, 2016, this matter came before the Board of Electrical Examiners of the State of Arkansas. Kenny Whisnant appeals his denial to renew his license without an examination. He appeared personally and was represented by his wife, Jacki Whisnant. Denise P. Oxley, General Counsel, Department of Labor, represented the department. The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. Kenny Whisnant was initially licensed as a journeyman electrician, license #J-8062, in 2006. He was licensed pursuant to reciprocal agreement with the State of Oklahoma.
2. Mr. Whisnant's license expired on January 31, 2014.
3. The Whisnants lost their poultry farm and did not have a permanent residence of their own from 2010 until March 2013. Mrs. Whisnant stated that the reason they lost the farm was that the poultry integrator filed bankruptcy and their contract was not renewed.
4. From 2013 until July 2015, Mr. Whisnant was working out of state. During this time he handled his annual renewal of his Oklahoma license, but unintentionally let his Arkansas license expire. At the time Mr. Whisnant's Arkansas renewal notice was mailed, he no longer resided at the address he had on file with the Board. According to Mrs. Whisnant, this was the address of their former poultry farm.

5. Beginning in July 2015, Mr. Whisnant experienced some very serious health problems. It was not until October 22, 2015 that his wife attempted to contact the Electrical Division of the Department of Labor regarding his journeyman license.

6. Mr. Whisnant was advised that his license had been expired for over one (1) year, and that he must take an examination in order to reinstate his Arkansas journeyman electrician license. This appeal to the board followed.

CONCLUSIONS OF LAW:

7. Ark. Code Ann. § 17-28-301(b)(5) provides that “[i]f the license is not renewed within one (1) year after the expiration date on the license, the licensee shall be required to take another examination as administered by the Board of Electrical Examiners of the State of Arkansas.”

8. In terms of having his license reinstated pursuant to reciprocity, the Reciprocal Agreement between the Arkansas Board of Electrical Examiners and the Oklahoma Construction Industries Board provides, in pertinent part, as follows:

An applicant is not eligible for a license under this agreement if:

* * *

c. the applicant has failed to renew his/her journeyman electrician license in the application state within the timeframe allowed by that state for renewal without being required to take the license examination;

Agency Exhibit No. 1.

9. The Board recently relaxed its rules regarding reinstatement of a license, effective April 21, 2016. Even under the relaxed rules, however, an applicant must pass an examination if the license has been expired for more than one (1) year, or qualify for reciprocity. *See* Rules of the Board of Electrical Examiners, Rule 010.13-013(D)(6)(a) and (d)(April 21, 2016). In either

event, Mr. Whisnant must take the journeyman examination in order to reinstate his journeyman license.

10. All licensees are required to keep a current address on file with the Board. Rules of the Board of Electrical Examiners, Rule 010.13-013(B)(June 1, 2008).

IT IS THEREFORE ORDERED that Kenny Whisnant's application for renewal of his journeyman electrician license is denied until he passes the journeyman licensing examination.

BOARD OF ELECTRICAL EXAMINERS
STATE OF ARKANSAS

By: Danny King
Danny King, Chairman

Date: 5/17/2016

Approved as to Form:

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