

BEFORE THE BOARD OF ELECTRICAL EXAMINERS
STATE OF ARKANSAS

IN RE: TONY BOYD
 J-7745

ORDER

On the November 21, 2017, this matter comes before the Board of Electrical Examiners of the State of Arkansas. Denise P. Oxley, General Counsel, Department of Labor, represented the department. Tony Boyd appeared personally in his own behalf, seeking reinstatement of his Journeyman Electrician license. The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. Tony Boyd was licensed as a Journeyman Electrician in 2004. His license expired September 30, 2013, and he did not renew his license. He now seeks reinstatement of his license.
2. Mr. Boyd's uncontested testimony was that he was employed by a public school district and lost his job when he developed health issues. He did not work at all for a number of years due to his health. He now wishes to return to work as an electrician.
3. Mr. Boyd also testified that his renewal notice would have gone to the school district and he simply overlooked the renewal of his license. He testified that he has not been performing electrical work since his license expired.
4. Mr. Boyd was tested for his license. He is current on his continuing education. He has no prior disciplinary action. The Department of Labor has no record of any complaint

made against Mr. Boyd. The department has no record of inspections reflecting non-compliant electrical work performed by Mr. Boyd.

5. Mr. Boyd submitted payment to the department of all late fees and penalties due should the board approve his reinstatement.

CONCLUSIONS OF LAW:

1. Effective March 6, 2017, there was a significant change in the board's ability to handle renewal or reinstatement of a license which had been expired for more than one (1) year. *See* 2017 Ark Acts 381. No longer is re-testing required, although there is a significant increase in the late fees, together with a large penalty for renewal after thirty-six (36) months. *Id. codified at* Ark. Code Ann. §17-28-301(b)(Supp. 2017).

2. The Board of Electrical Examiners may deny renewal or reinstatement of a license for cause. Ark. Code Ann. §17-28-301(b)(5)(A).

3. The board's rules list a number of considerations the board may consider, in addition to others, in its deliberation of whether to impose sanctions. Denial of reinstatement or renewal is such a sanction. Specifically:

1. The nature and degree of the misconduct for which the sanction is being imposed.
2. The seriousness and circumstances surrounding the misconduct.
3. The loss or damage to clients or others.
4. The assurance of future compliance.
5. The profit to the wrongdoer.
6. The avoidance of repetition.
7. Whether the conduct was deliberate, intentional or negligent.
8. The deterrent effect on others.
9. The conduct of the individual, corporation or other entity during the course of the disciplinary proceeding.
10. Any prior enforcement actions or sanctions, including warnings.
11. Matters offered in mitigation or extenuation. . .

Board of Electrical Examiners Rule 010.13-007(R)(April 21, 2016).

4. In the present case, it is important to note that the failure to timely renew was not a serious matter, as no electrical work was performed without a license and there was no loss or damage to a customer or others. There are no prior disciplinary actions and no evidence that anyone was misled. While the failure to timely renew was negligent, there was the extenuating factor of Mr. Boyd's health.

IT IS THEREFORE ORDERED that the journeyman electrician license of Tony Boyd be reinstated and renewed upon payment of all statutory fees and penalties. If renewal is not effected within thirty (30) days of the date of this order, then the matter shall again be referred to the board for hearing.

BOARD OF ELECTRICAL EXAMINERS
STATE OF ARKANSAS

By: Danny King
Danny King, Chairman

Date: 3-20-2018

Approved as to Form:

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