

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

IN RE: Montana Bagley – **WAIVER REQUEST**

ORDER

This matter came before the HVACR Licensing Board (the “Board”) on Wednesday January 8, 2025. The petitioner, Montana Bagley (“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 for the hearing via zoom.

FINDING OF FACT:

1. Petitioner is requesting approval from the Board to obtain a registrant license. Due to his prior felony convictions from September 2016 and July 2022, he is currently ineligible to obtain the license.
2. Petitioner did appear before the Board for the meeting.
3. Staff reviewed documents provided by Petitioner and made no recommendation 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 convictions and the facts surrounding the conviction.
4. The Board reviewed Petitioner's waiver request and motioned to approve the request.

THEREFORE, the Board grants Petitioner's waiver request for an HVACR registrant license.

IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

1-13-2025

Date

Approved as to form:

/s/ Lacie Kirchner

Lacie Kirchner, 2014041

Attorney

Arkansas Department of Labor and Licensing