

**BEFORE THE ARKANSAS HVAC/R LICENSING BOARD
IN THE MATTER OF DAVID GREEN, RESPONDENT
LICENSE NO. 15113540 EXP 5/31/2025
CASE NO. DB09052024C**

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas HVAC/R Board ("Board") at 10:00 a.m. on February 12, 2025, located at 900 West Capitol Ave., Suite 400, Little Rock, AR 72201. David Green ("Respondent") did not appear personally or by counsel.

Finding proper notice had been given Respondent, the Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. David Green ("Respondent") is and at all times relevant, has been licensed by the Board as a Class B HVAC Mechanic, license number 1513540.
2. Respondent is the certified class holder for Greens Heating and Air. ("Greens").
3. On or about August 27, 2024, Inspector Don Brannen received a complaint from Shiela Olloway stating that Greens had installed a new HVAC system at 616 Beechwood, West Helena, AR 72390 on April 24, 2023, and that the system continually had problems.
4. Ms. Olloway stated in the complaint that Greens serviced the new system twice since its installation and additional parts and cost have been required. Since then, she has had another HVAC company out to the property to look at the system and she was informed that the system should have been under warranty and additional costs should not have been required.
5. Inspector Brannen scheduled an onsite inspection at 616 Beechwood, West Helena, AR 72390 for September 5, 2024.
6. On September 5, 2024, Inspector Brannen noted several violations of the IMC code and found no permit had been pulled for the date the new system had been installed.

7. On September 9, 2024, Inspector Brannen emailed the Respondent a copy of the inspection report noting code deficiencies and a warning pertaining to the permit not being obtained.
8. On or about September 15, 2024, Inspector Brannen called the Respondent to confirm if he had received the email containing the inspection report. The Respondent affirmed he had received the email but stated, he would not make repairs as his compensation for the work was not enough to make the system in compliance with code.
9. On September 26, 2024, Inspector Brannen performed a final inspection of the property and found no corrections had been made. Brannen did learn that a permit had been pulled for the property by Greens on September 11, 2024, but no work had been performed on that date nor since.
10. Inspector Brannen noted three (3) instances in which the gas fitting work was not performed in accordance with IFGC, reused gas line, flex penetrating cabinet, and no sediment trap at the gas supply.
11. Inspector Brannen noted three (3) instances in which electrical work was not performed in accordance with the applicable code, power supply connection no strain relief, disconnect workspace, and electric conduit support.
12. Inspector Brannen observed nine (9) instances in which the system had not been installed for efficient utilization of energy.
13. The closet ceiling had not been rodent proofed.
14. Inspector Brannen observed four (4) instances of incorrect clearance to combustibles.
15. Inspector Brannen observed four (4) areas in which the condenser clearance from the grade was incorrect.
16. The condensate drain was running up hill.
17. Drain line connection was to a reduced pipe size.
18. The return grill was undersized.
19. Penetration to outside wall was not sealed.
20. The outside line set was not sleeved.
21. The copper suction line was exposed.

CONCLUSIONS OF LAW

1. Respondent's actions, as set forth above in Findings of Fact 6, constitute a violation of Ark. Code Ann. §17-33-104 in that Respondent failed to obtain a required local permit.
2. Respondent's actions, as set forth above in Findings of Fact 10, constitutes three (3) violations of Ark. Code Ann. §17-33-103(a).
3. Respondent's actions, as set forth above in Findings of Fact 11, constitutes three (3) violations of Ark. Code Ann. §17-33-103(c).
4. Respondent's actions, as set forth above in Findings of Fact 12, constitutes nine (9) violations of 2021 IMC 301.2 Energy Utilization.
5. Respondent's actions, as set forth above in Findings of Fact 13, constitute a violation of 2021 IMC 301.17 Rodent Proofing.
6. Respondent's actions, as set forth above in Findings of Fact 14, constitutes four (4) violations of 2021 IMC 304.1 Installation, General.
7. Respondent's actions, as set forth above in Findings of Fact 15, constitutes four (4) violations of 2021 IMC 304.10 Clearances from grade.
8. Respondent's actions, as set forth above in Findings of Fact 16, constitute a violation of 2021 IMC 307.2.1 Condensate disposal.
9. Respondent's actions, as set forth above in Findings of Fact 17, constitutes a violation of 2021 IMC 307.2.2 Drainpipe material and size.
10. Respondent's actions, as set forth above in Findings of Fact 18, constitute a violation of 2021 IMC 603.2 Duct sizing.
11. Respondent's actions, as set forth above in Findings of Fact 19, constitute a violation of 2021 IMC 1109.5 Refrigerant pipe penetrations.
12. Respondent's actions, as set forth above in Findings of Fact 20, constitute a violation of 2021 IMC 1109.7 Condensate control.
13. Respondent's actions, as set forth above in Findings of Fact 10, constitute a violation of 2021 IFGC 105.4 Used material, appliances and devices.
14. Respondent's actions, as set forth above in Findings of Fact 10, constitute a violation of 2021 IFGC 408.4 Sediment trap.

13. Respondent's actions, as set forth above in Findings of Fact 10, constitute a violation of 2021 IFGC 105.4 Used material, appliances and devices.
14. Respondent's actions, as set forth above in Findings of Fact 10, constitute a violation of 2021 IFGC 408.4 Sediment trap.
15. Respondent's actions, as set forth above in Findings of Fact 10, constitute a violation of 2021 IFGC 411.1.3.3 Prohibited locations and penetrations.

ORDER

1. Respondent is hereby ordered to pay a civil money penalty in the amount of eight thousand, two hundred and fifty dollars (\$8,250) within thirty (30) days of the date of this Order.
2. Any further violations of law or rules of the Board or failure on the part of the Respondent to comply with the terms and conditions of this Order may result in additional sanctions.

Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the County in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service of this Order.

HEATING, VENTILLATION, AIR CONDITIONING and
REFRIGERATION LICENSING BOARD, DEPARTMENT
OF LABOR AND LICENSING,
STATE OF ARKANSAS

By: 

Alan Dean, Chairman

Date: 02-24-2025

Approved as to form:

/s/ Lacie Kirchner

Lacie Kirchner, 2014041

Attorney

Arkansas Department of Labor and Licensing