

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

IN RE: MICHAEL D. JOHNSON – WAIVER REQUEST

ORDER

This matter came before the HVACR Licensing Board (the “Board”) on Wednesday, September 11, 2024. The petitioner, Michael D. Johnson, (“Petitioner”), seeks approval to obtain an HVACR registrant license for which he is currently ineligible due to a prior felony conviction.

FINDING OF FACT:

1. The Board has authority to waive disqualification of a license based on a criminal conviction if the Board decides that the applicant meets the requirements listed in Arkansas Code § 17-3-102(b)(2).
2. Petitioner appeared before the Board for the hearing via zoom.
3. Staff reviewed documents provided by Petitioner and recommended approval or disapproval of the waiver request be determined by the Board.
4. Petitioner submitted a letter of recommendation from his parole officer and two letters of recommendation from his prospective employer.
5. The Board reviewed the documents submitted as well as testimony provided by petitioner in response to questions about his criminal history.

CONCLUSIONS OF LAW:

1. The Board has authority to waive disqualification of a registrant for failure to meet licensing requirements because of a criminal conviction pursuant to Arkansas Code § 17-3-102(b).
2. A basis upon which a waiver may be granted under Arkansas Code § 17-3-102(b)(2) 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.
3. After reviewing the evidence presented concerning the nature of and facts surrounding the criminal conviction, the Board voted to grant Petitioner's waiver request.

IT IS SO ORDERED this 22 day of September, 2024.

HVAC/R BOARD



Alan Dean, Chairman

Approved as to form:

/s/ Daniel L. Parker

Daniel L. Parker

Ark. Bar No. 87130

General Counsel

Arkansas Department of Labor and Licensing