BEFORE THE HVAC/R BOARD DEPARTMENT OF LABOR AND LICENSING STATE OF ARKANSAS

IN RE:

LAWRENCE RICE - WAIVER REQUEST

ORDER

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration)

Board on Wednesday August 10, 2022. The petitioner, Lawrence Rice seeks approval to obtain an HVAC/R registrant license which he is currently ineligible due to a prior felony conviction. The HVAC/R 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). Mr. Rice did not appear before the Board for the hearing.

FINDING OF FACT:

- 1. The petitioner ("Rice") is requesting approval from the Board to obtain an HVAC/R registrant license. Due to his prior felony conviction from April 2016, he is currently ineligible.
- 2. Rice did not appear before the Board.
- Staff reviewed documents and recommended approval based on letters of recommendation and completion of probation.

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).
- In the present case, the Board was informed of the nature of the criminal conviction and the fact that Fulmer's probationary sentence is set to expire in December 2027.
- 4. The Board reviewed staff's recommendation to affirm a motion to approve Rice's request.
- 5. The Board voted to grant Lawrence Rice a registrant license.

THEREFORE, the Board grant's Lawrence Rice, an HVAC/R registrant license.

IT IS SO ORDERED.

HVAC/R BOARD

Alan Dean, Chairman

8-11-22

Date

Approved by:

/s/ Miles Morgan

Miles Morgan, 2017-049
Associate General Counsel
Arkansas Department of Labor and Licensing
900 West Capitol Ave Suite 400
Little Rock, AR 72201