

BEFORE THE ARKANSAS HVAC/R LICENSING BOARD

IN THE MATTER OF SHAWN HUMES, RESPONDENT

LICENSE NO. 1513279 EXP 1/31/2024

CASE NO. KB02262024A

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Heating Ventilation Air Conditioning and Refrigeration (HVAC/R) Licensing Board (“Board”) at 10:00 a.m. on May 8, 2024, located at 900 West Capitol Ave, Suite 400, Little Rock, AR 72201. Respondent appeared personally via zoom and was not represented by counsel. Arkansas Department of Labor and Licensing Counsel Lacie Kirchner appeared on behalf of the Board.

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. On February 7, 2024, Shawn Humes, (“Respondent”) appeared via zoom and without counsel at a hearing before the Arkansas HVAC/R Licensing Board (“Board”), for violation(s) of the 2021 International Mechanical Code (“IMC”) found at the Wilson residence in case number KB11282023D.
2. Respondent was licensed by the Board as a Class B HVAC Mechanic, which expired on January 31, 2024.
3. The investigation report included the following thirty-two (32) violations of the IMC Code:
 - a. One (1) violation of IMC 601.5 Return Air Opening.
 - b. One (1) violation of IMC 602.2.1 Materials Within Plenums.
 - c. Three (3) violations of IMC 301.10 Electrical.
 - d. One (1) violation of IMC 307.2.4 Condensate Traps.
 - e. Eighteen (18) violations of IMC 603.9 Joints, Seams and Connections.

- f. One (1) violation of IMC 603.4.2 Duct Lap.
 - g. Two (2) violations IMC 301.17 Rodentproofing.
 - h. One (1) violation of IMC 302.1 Structural Safety.
 - i. One (1) violation of IMC 304.1 Manufacturers Instructions.
 - j. Two (2) violations of IMC 603.2 Duct Sizing, and
 - k. One (1) violation of IMC 603. 16 Weatherproofing.
4. During the February 7, 2024 hearing, the Board heard testimony from both the Respondent and Arkansas Department of Labor and Licensing (“ADLL”) Mechanical Inspector Kerry Baker.
 5. The Board agreed to table a motion with the following conditions:
 - a. The Board hereby is extending the Respondent an opportunity to make code corrections after hearing his testimony.
 - b. The Board will make a motion in regard to this case no later than May 8, 2024, after hearing testimony from ADLL inspectors and Respondent.
 - c. In the event the Respondent has not made the necessary corrections before the date listed in paragraph b, the Board may impose penalties as purposed.
 6. On or about February 8, 2024, following the Board’s request, ADLL Chief Mechanical Inspector Anthony Woodard performed a follow up inspection of the Wilson residence. Woodard noted the following two (2) additional violations of the IMC:
 - a. One (1) violation of IMC 304.1 Installation, and
 - b. One (1) violation of IMC 604.9 Thermal Continuity.
 7. On or about February 9, 2024, Chief Mechanical Inspector Woodard, Mechanical Inspector Baker, and Respondent spoke regarding the return air being undersized for the equipment to operate properly, the insulation placed in the ductwork not meeting manufacturers installation instruction and the installed insulation noting meet the fire and smoke rating required by the International Residential Code.
 8. On or about February 21, 2024, Respondent spoke with Mechanical Inspector Baker and reaffirmed that he would make all corrections. Later that day, the Respondent called and spoke with Chief Mechanical Inspector Woodard, stating he would only seal joints and make no other corrections. Chief Mechanical Inspector Woodard informed Respondent

that he had been given an opportunity by the Board to make these corrections.

Respondent stated, "I would rather pay the penalty than make changes".

9. On or about February 23, 2024, Inspector Baker performed a re-inspection of the Wilson residence. Respondent was present and informed Mechanical Inspector Baker he would fix the joints, correct the return by pulling and tightening the flex duct, but he would not replace the ductwork or cover duct.
10. On or about February 26, 2024, Mechanical Inspector Baker performed a final inspection of the Wilson residence. The final inspection report noted several violations were still present and due to some alterations made by Respondent additional violations were created. The following fifteen (15) violations were present:
 - a. One (1) violation of Arkansas Code §17-33-301 License required.
 - b. One (1) violation of IMC 312.1 Manual J Load – Did not Provided Requested Load Calculation.
 - c. One (1) violation of IMC 603.6.1 Flexible Air Ducts – Installation Instructions.
 - d. One (1) violation of IMC 604.9 Thermal Continuity.
 - e. Three (3) violations of IMC 603.9 Joints, Seams, and Connections.
 - f. Two (2) violations of IMC 603.2 Duct Sizing.
 - g. Two (2) violations of IMC 602.2.1 Materials within plenums.
 - h. Two (2) violations of IMC 302.1 Structural Safety.
 - i. One (1) violation of IMC 301.17 Rodentproofing, and
 - j. One (1) violation of IMC 603.16 Weatherproofing.

CONCLUSIONS OF LAW

1. Respondent's actions, as set forth above in Findings of Fact 6-10, constitute violations of Ark. Code Ann. §17-33-307 and the 2021 IMC in that Respondent failed to make all the required corrections as outlined during the February 7, 2024, hearing and for further violations of the 2021 IMC.

