

BEFORE THE HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION
LICENSING BOARD

DIVISION OF LABOR

DEPARTMENT OF LABOR AND LICENSING

STATE OF ARKANSAS

**IN RE: AMABLE A NATERA NAVARRO
 808 PAR STREET
 JONESBORO, AR 72401**

ORDER

On this 10th day of April 2024, this matter came before the Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board (“Board”) of the State of Arkansas. Lacie Kirchner, Associate Counsel, Department of Labor and Licensing, represented the agency. Amable Navarro (“Respondent”) was properly notified and did not appear before the board in person or via zoom for the hearing. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On February 14, 2024, the Arkansas Department of Labor and Licensing issued a civil money penalty to Amable Navarro (“Respondent”) in the total amount of **\$500.00**. This sum includes a civil penalty of \$250.00 for each of the two (2) violations of the State HVAC/R code as adopted by the Board.

2. Respondent was timely notified of his hearing before the Board by regular and certified mail. The hearing would be held on Wednesday April 10, 2024, at 10 a.m.
3. Respondent was observed performing HVAC/R work at 2425 East Matthews in Jonesboro, AR by City Inspector Herbert Ogles.
4. City Inspector Ogles took photographs of Respondent working and that there was no license number on Respondent's vehicle that was on the jobsite.
5. City Inspector Ogles referred the matter to the Arkansas Department of Labor and Licensing.
6. Arkansas Department of Labor and Licensing State HVAC Inspector Kerry Baker noted two (2) violations of the State HVACR Code as adopted by the Board in his inspection report.
7. Included in the inspection report; photos taken by City Inspector Ogles showing the Respondent working and a vehicle with no license number on or about January 3, 2024.
8. Respondent did not appear for the hearing in-person or via zoom as he was offered.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 17-33-202 *et seq.* authorizes the Department of Labor and Licensing to assess a civil money penalty subject to appeal to the Board for licensing violations; violations of the HVACR Code Authority Act, Ark. Code Ann. § 17-33-204 *et seq.*; and violations of rules promulgated by the Board.
2. Ark. Code Ann. § 17-33-307(2) authorizes the Board to suspend or revoke any license or registration if it finds that the holder of the license or registrant has demonstrated

incompetency to act as a license holder or registrant according to rules and standards promulgated by the board.

3. The civil money penalty in this case equals or is less than the \$250.00 per violation for a first offense established by statute. Ark. Code Ann. § 17-33-204. The penalties are also within the guidelines established by the rule of the Board.
4. The Board, in its discretion, may increase or decrease a penalty taking into consideration:
 - a. The degree and extent of harm to the public safety or to property, or the potential harm;
 - b. The duration and gravity of the violation;
 - c. Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
 - d. Whether the violation involved elements of fraud or deception either to the public or the Board, or both;
 - e. The violator's prior disciplinary record with the Board;
 - f. Whether and to the extent which the violator profited by the violation.
5. In the present case, the Board has agreed with the staff recommendation and ordered the civil money penalty assessed against Respondent to be affirmed in the amount of \$500.00. This penalty is far below the maximum the Board could have allowed in matters such as this.
6. The Board voted to impose a civil money penalty of \$500.00.

IT IS THEREFORE ORDERED that the civil money penalty assessed by the Director of the Department of Labor and Licensing against Amable Navarro in the amount of \$500.00 is affirmed.

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

By: *ALD*
Alan Dean, Chairman

Date: 04-16-2024

Approved as to form:
/s/ Lacie Kirchner
Lacie Kirchner, 2014041
Attorney
Arkansas Department of Labor and Licensing