

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

DIVISION OF LABOR

DEPARTMENT OF LABOR AND LICENSING

STATE OF ARKANSAS

**IN RE: Chad Walls, individually and  
Expert Heat and Air  
113 Lauren Ln.  
Lonoke, AR 72086**

**ORDER**

On this 13<sup>th</sup> day of April 2022, this matter came before the Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board of the State of Arkansas. Miles Morgan, Associate Counsel, Department of Labor and Licensing, represented the agency. Joe Walls was properly notified and appeared before the Board via zoom. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. On March 16, 2022, the Arkansas Department of Labor and Licensing issued a notice of rescheduling of hearing on violations and proposed monetary penalties in the amount of **\$1,750.00** to Chad Walls dba Expert Heat and Air ("Walls"). This sum includes a civil penalty of \$250.00 each for 7 separate violations of the State HVACR code as adopted by the Board.
2. Chad Walls was timely notified and appeared before the Board via zoom on Wednesday April 13, 2022.

3. There were two separate inspections arising from two separate complaints regarding work performed by Mr. Walls.
4. Inspectors determined 7 violations of the State HVACR Code as adopted by the Board including the failure to pull permits from the local municipality for each jobsite.
5. Included in the inspection reports were copies of text messages reflecting conversations from Walls and each complainant regarding the work that Walls failed to complete.
6. Walls acknowledged his failure to pull permits with the local municipalities for each job. Walls also testified about issues between his business and a warranty company, Choice Home Warranty.

#### **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 not increased the civil money penalty assessed against Mr. Walls.
  6. The Board voted to uphold the staff recommendation of a civil money penalty in the amount of \$1,750.00.
  7. Furthermore, the Board voted to suspend Mr. Walls's HVACR license for one year and require him to retake the HVACR licensing examination.

**IT IS THEREFORE ORDERED** that the one-year suspension and civil money penalty assessed by the Director of the Department of Labor and Licensing against Chad Walls dba Expert Heat and Air in the amount of \$1,750.00 is affirmed.

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

By:     *Ala*      
Alan Dean, Chairman

Date:     5-11-2022    

Approved as to Form:

Miles Morgan, 2017-049

Assistant Counsel

Arkansas Department of Labor and Licensing

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