

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

IN RE: CLAYTON MAYS WAIVER REQUEST

ORDER

This matter came before the HVACR (Heating, Ventilation, Air Conditioning, Refrigeration) Board on Wednesday April 13, 2022. The petitioner, Clayton Mays, seeks approval to sit for the HVACR licensing exam for which he is currently ineligible due to a prior felony conviction. The HVACR 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 Ark. Code Annotated § 17-3-102(b)(2). Mr. Mays appeared before the Board via zoom for the hearing.

FINDINGS OF FACT:

1. The petitioner ("Mays") is requesting a waiver from the Board to sit for the HVACR licensing exam for which he is currently ineligible due to a criminal conviction in 2015.
2. Mays appeared before the Board via zoom and briefly testified about his prior conviction and how he successfully completed probation on March 21, 2020.

CONCLUSIONS OF LAW:

1. The board has authority to waive disqualification of a 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 or safety of the public. Ark. Code Ann. §17-3-102(b)(2).
3. In the present case, the Board was informed of the nature of the criminal conviction and the fact that Mays's probationary sentence was successfully completed in March of 2020.
4. The Board voted to grant Mays's waiver, allowing him to sit for the HVACR licensing exam.

THEREFORE, the Board grant's Mays's waiver, allowing him to sit for the HVACR licensing exam.

IT IS SO ORDERED.

HVACR BOARD

By: *AD*

Alan Dean, Chairman

Date: 5-11-2022

Approved by:

/s/ Miles Morgan

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