

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

**IN RE:           CODY HUTSON – WAIVER REQUEST**

**ORDER**

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday May 11, 2022. The petitioner, Cody Hutson, seeks approval to obtain a HVAC/R registrant license which he is currently ineligible due to prior felony conviction. The HVAC/R Board has authority to waive disqualification of a license based on a criminal conviction if the Board decided that the applicant meets requirement listed in the Ark. Code Annotated § 17-3-102(b)(2). Mr. Hutson appeared before the Board via zoom for the hearing.

**FINDING OF FACT:**

1. The petitioner (“Hutson”) is requesting approval from the Board to obtain an HVAC/R registrant license, due to his prior felony conviction from December 2019 he was ineligible.
2. Hutson appeared before the Board via zoom.
3. Staff reviewed files and recommended approval based on letters of recommendation and nature of crime.

**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).
3. In the present case, the Board was informed of the nature of the criminal conviction and the fact that Hutson's probation is to expire in December of 2024.
4. The Board voted to grant Hutson's a registrant license.

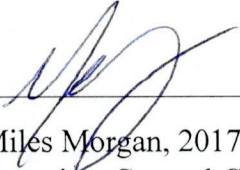
THEREFORE, the Board grant's Cody Hutson, an HVAC/R registrant license.  
IT IS SO ORDERED.

HVAC/R BOARD

  
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Alan Dean, Chairman

5-12-2022  
Date

Approved by:

A handwritten signature in blue ink, appearing to read 'Miles Morgan', is written over a horizontal line.

Miles Morgan, 2017-049  
Associate General Counsel  
Arkansas Department of Labor and Licensing  
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