

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

IN RE: Dustin Caldwell – WAIVER REQUEST

ORDER

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday July 13, 2022. The petitioner, Dustin Caldwell, seeks approval to obtain an 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 decides that the applicant meets requirements listed in the Ark. Code Annotated § 17-3-102(b)(2). Mr. Caldwell did appear before the Board via zoom for the hearing.

FINDING OF FACT:

1. The petitioner (“Caldwell”) is requesting approval from the Board to obtain an HVAC/R registrant license. Due to his prior felony conviction from 2014, he is currently ineligible.
2. Caldwell did appear before the Board via zoom.
3. Staff reviewed files and recommended referral to the Board based on letters of recommendation and amount of probation remaining.

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 Caldwell's probation is set to expire in 2034.
4. The staff recommendation was to defer to the Board motion regarding Caldwell's request.
5. The Board voted to grant Caldwell a registrant license.

THEREFORE, the Board grant's Dustin Caldwell an HVAC/R registrant license.

IT IS SO ORDERED.

HVAC/R BOARD


Alan Dean, Chairman

7-25-22
Date

Approved as to form:

/s/ Miles Morgan

Miles Morgan, 2017-049
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