

**BEFORE THE HVACR LICENSING BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: TOMMY LIVINGSTON – WAIVER REQUEST

ORDER

This matter came before the HVACR Licensing Board (the “Board”) on Wednesday April 12, 2023. The petitioner, Tommy Livingston (“Livingston”), seeks approval to obtain an HVACR registrant license which he is currently ineligible due to a prior felony conviction. The 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). Livingston did appear before the Board via-zoom for the hearing.

FINDING OF FACT:

1. Livingston is requesting approval from the Board to obtain a registrant license. Due to his prior felony conviction from November 2021, he is currently ineligible to obtain the license.
2. Livingston did appear before the Board via-zoom.
3. Staff reviewed documents and recommended approval to the Board.

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;

- 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 facts surrounding the conviction.
4. The Board reviewed staff recommendation to affirm a motion to approve Livingston's waiver request.

THEREFORE, the Board grant's Tommy Livingston's waiver request for an HVACR registrant license.

IT IS SO ORDERED.

HVAC/R BOARD



Alan Dean, Chairman

4-13-2023

Date

Approved by:

Miles Morgan