

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

IN RE: Jeffrey Sides
360 Lion Drive N
Gravette, AR 72736

ORDER

On the 14th day of June 2023, this matter came before the HVACR Licensing Board (the “Board”). Miles Morgan, Associate Counsel, Department of Labor and Licensing (the “Department”) represented the Board. Jeffrey Sides (“Sides”) was sent notice to an address he has received mail in the past, but the “April 28, 2023, Notice” returned to sender as unable to forward. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On February 10, 2023, the Board issued a Notice of Hearing on Violations and Proposed Penalties (the “Notice”). The Notice provided that the hearing would be held on the Wednesday March 8, 2023, at 10:00 a.m. and that the HVACR Code Enforcement Section is recommending the imposition of a civil money penalty in the amount of \$1,250.00.
2. Sides appeared before the Board on March 8, 2023, via zoom.
3. Department Staff Member, Denice Taylor, Notary Public, swore Sides in for the hearing.
4. Sides testified that he was willing to pay the civil money penalty of \$1,250.00 and he would do so on March 17, 2023.
5. Sides testified that he sold his HVACR equipment and would no longer work in the HVACR industry.

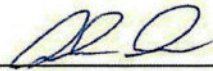
6. The \$1,250.00 penalty was the result of an inspection by J.C. Brenaman where he met Sides on January 24, 2023, and discovered Sides had been performing HVACR work without a proper license for the second time as well as a violation of failure to display a license on the jobsite.
8. Following Sides's testimony during the March 8, 2023, hearing that he did not dispute the civil money penalty and that he would pay said penalty on March 17, 2023, the Board did not vote to uphold the penalty as a vote did not seem necessary.
9. Sides has not paid the civil money penalty, nor has he contacted the Department concerning this matter.
10. During the June 14, 2023, hearing, Department Staff Member, Samantha Martinez, testified that she mailed the April 28, 2023, Notice of Hearing on Violations and Proposed Penalties (the "April Notice") to the same address as the February 10, 2023, Notice. The April Notice was returned to the Department as "not deliverable as addressed unable to forward."
11. Martinez testified before the Board on June 14th and read the March 8, 2023, minutes which recounts Sides's testimony that he would be making payment of the civil money penalty on March 17, 2023, and that he would no longer work in the HVACR industry.

CONCLUSIONS OF LAW

1. It is unlawful for any person to engage in HVACR work without the appropriate license or registration provided by Arkansas law, unless exempt under Ark. Code Ann. § 17-33-301 *et seq.*
2. Ark. Code Ann. § 17-33-105 authorizes the Board to assess a civil penalty not to exceed two hundred fifty dollars (\$250.00) for any violation of the State HVACR mechanical code, statutes, or rules adopted by the Board. Each day of a continuing violation may be treated as a separate violation.
3. The Board votes to uphold the staff recommendation to assess a civil money penalty against Sides for the reasons stated in this Order.

IT IS THEREFORE ORDERED that the Board imposes a civil money penalty against Jeffrey Sides in the amount of \$1,250.00.

HVACR LICENSING BOARD,
DEPARTMENT OF LABOR AND LICENSING,
STATE OF ARKANSAS

By: 

Alan Dean, Chairman

Date: 6-19-2023

Approved as to Form:
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