

**BEFORE THE ELECTRICAL EXAMINER BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: Jess Fulgham – **WAIVER REQUEST**

ORDER

This matter came before the Electrical Examiner Board on Tuesday July 19, 2022. The petitioner, Jess Fulgham, seeks approval to receive his apprentice license which he is currently ineligible due to a prior felony conviction. The Electrical Examiner 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. Fulgham did appear before the Board in-person for the hearing represented by counsel, Erin Lewis.

FINDING OF FACT:

1. The petitioner (“Fulgham”) is requesting approval from the Board to receive his apprentice license. Fulgham is currently ineligible to receive an apprentice license due to his prior felony conviction from 1997.
2. Fulgham testified during the hearing before the Board. In addition to Fulgham’s testimony, the Board also heard from Fulgham’s family, Clinton McGinley and Josie McGinley who Fulgham currently lives with. Fulgham’s employer, Jason Hill, also testified before the Board.
3. Staff reviewed several personal and professional reference letters submitted by Fulgham.
4. Staff deferred to the Board for the decision to approve or deny the license.

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 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 considered the reference letters as well as the in-person testimony on Fulgham's behalf.
5. The Board voted to approve Fulgham's apprenticeship license.

THEREFORE, the Board grant's Jess Fulgham's apprenticeship license.

IT IS SO ORDERED.

ELECTRICAL EXAMINERS BOARD

Charlotte Bradley
Charlotte Bradley, Chairman

8-1-2022
Date

Approved by:

/s/ Miles Morgan

Miles Morgan, 2017-049
Associate Counsel
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