

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

IN RE: LANE MAHANAY – WAIVER REQUEST

ORDER

This matter came before the HVACR Licensing Board (the “Board”) on Wednesday February 8, 2023. The petitioner, Lane Mahanay (“Mahanay”) 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). Mahanay did appear before the Board in-person for the hearing.

FINDING OF FACT:

1. Mahanay is requesting approval from the Board to obtain an HVACR registrant license. Due to his prior felony conviction from October 2021 he is currently ineligible.
2. Mahanay did appear before the Board in-person.
3. Staff reviewed documents supplied by Mahanay and recommended approval based on personal and professional letters of recommendation.

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. Relevanc 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 facts surrounding the criminal conviction and Mahanay's reference letters.
4. The Board voted to grant Mahanay's waiver request for an HVACR registrant license.

THEREFORE, the Board grant's Lane Mahanay's waiver request for an HVACR registrant license.

IT IS SO ORDERED.

HVAC/R BOARD


Alan Dean, Chairman

2-13-2023
Date

Approved by:

/s/ Miles Morgan

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