

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

**IN RE:           Micah McKemie – WAIVER REQUEST**

**ORDER**

This matter came before the HVAC/R (Heating, Ventilation, Air Conditioning/Refrigeration) Board on Wednesday July 13, 2022. The petitioner, Micah McKemie, seeks approval to obtain an HVAC/R registrant license which he is currently ineligible due to a 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. McKemie did appear before the Board via zoom for the hearing.

**FINDING OF FACT:**

1. The petitioner (“McKemie”) is requesting approval from the Board to obtain an HVAC/R registrant license. Due to his prior felony conviction from 2016 he is currently ineligible.
2. McKemie did appear before the Board via zoom.
3. Staff reviewed files and recommended approval based on letters of recommendation and completion of probation.

**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 McKemie's probation is set to expire in 2024.
4. The Board reviewed the staff recommendation to affirm a motion to approve McKemie's request.
5. The Board voted to grant Micah McKemie a registrant license.

THEREFORE, the Board grant's Micah McKemie, 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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