

BEFORE THE HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION  
LICENSING BOARD

DIVISION OF LABOR

DEPARTMENT OF LABOR AND LICENSING

STATE OF ARKANSAS

**IN RE:            WILLIAM BRITT  
                      DBA – JB PLUMBING ELECTRIC HEATING & AIR  
                      821 N 4<sup>TH</sup> AVENUE  
                      PIGGOTT, AR 72454**

**ORDER**

On this 10<sup>th</sup> day of April 2024, this matter came before the Heating, Ventilation, Air Conditioning and Refrigeration (HVACR) Licensing Board (“Board”) of the State of Arkansas. Lacie Kirchner, Associate Counsel, Department of Labor and Licensing, represented the agency. William Britt (“Respondent”) was properly notified and did not appear before the board in person or via zoom for the hearing. Based on the testimony and other evidence, the Board makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. On March 4, 2024, the Arkansas Department of Labor and Licensing issued a civil money penalty to William Britt (“Respondent”) in the total amount of **\$3,750.00**. This sum includes a civil penalty of \$250.00 for each of the fifteen (15) violations of the State HVAC/R code as adopted by the Board.

2. Respondent was timely notified of his hearing before the Board by regular and certified mail. The hearing would be held on Wednesday April 10, 2024, at 10 a.m.
3. On January 18, 2023, Arkansas Department of Labor and Licensing State HVAC Inspector Kerry Baker received a complaint regarding HVAC/R working being performed at a residence and the system did not work properly.
4. On January 23, 2024, Inspector Baker went to 571 State Line Road in Corning, Arkansas for the initial inspection.
5. Inspector Baker noted fifteen (15) violations of the State HVACR Code as adopted by the Board at the time of the initial inspection.
6. Inspector Baker was informed by the homeowner that Respondent had installed the system containing air handler model number AVC48DX21C and heat pump condenser model number YHG36B21SC, both York Brand.
7. Over a three (3) week period, Inspector Baker made numerous attempts to contact Respondent, during which time Inspector Baker only received one text from Respondent stating he was on a cruise and would be back in cell range on January 29, 2024.
8. Respondent did not appear for the hearing in-person or via zoom as he was offered.

**CONCLUSIONS OF LAW:**

1. Ark. Code Ann. § 17-33-202 *et seq.* authorizes the Department of Labor and Licensing to assess a civil money penalty subject to appeal to the Board for licensing violations; violations of the HVACR Code Authority Act, Ark. Code Ann. § 17-33-204 *et seq.*; and violations of rules promulgated by the Board.

2. Ark. Code Ann. § 17-33-307(2) authorizes the Board to suspend or revoke any license or registration if it finds that the holder of the license or registrant has demonstrated incompetency to act as a license holder or registrant according to rules and standards promulgated by the board.
3. The civil money penalty in this case equals or is less than the \$250.00 per violation for a first offense established by statute. Ark. Code Ann. § 17-33-204. The penalties are also within the guidelines established by the rule of the Board.
4. The Board, in its discretion, may increase or decrease a penalty taking into consideration:
  - a. The degree and extent of harm to the public safety or to property, or the potential harm;
  - b. The duration and gravity of the violation;
  - c. Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
  - d. Whether the violation involved elements of fraud or deception either to the public or the Board, or both;
  - e. The violator's prior disciplinary record with the Board;
  - f. Whether and to the extent which the violator profited by the violation.
5. In the present case, the Board has agreed with the staff recommendation and ordered the civil money penalty assessed against Respondent to be affirmed in the amount of \$3,750.00. This penalty is far below the maximum the Board could have allowed in matters such as this.
6. The Board voted to impose a civil money penalty of \$3,750.00.

**IT IS THEREFORE ORDERED** that the civil money penalty assessed by the Director of the Department of Labor and Licensing against William Britt in the amount of \$3,750.00 is affirmed.

HEATING, VENTILLATION, AIR CONDITIONING and  
REFRIGERATION LICENSING BOARD, DEPARTMENT  
OF LABOR AND LICENSING,  
STATE OF ARKANSAS

By: \_\_\_\_\_  \_\_\_\_\_  
Alan Dean, Chairman

Date: \_\_\_\_\_ 04-16-2024 \_\_\_\_\_

Approved as to form:  
/s/ Lacie Kirchner  
Lacie Kirchner, 2014041  
Attorney  
Arkansas Department of Labor and Licensing