

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0101-ELEC
(Division Case## KY-15-10-0004-CE; KY-15-10-0007)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

PHIL C. MCKAY

RESPONDENT

* * * * *

1. The Electrical Division of the Department of Housing, Buildings and Construction (“DHBC”), with the assistance of the Electrical Advisory Committee, regulates and licenses master electricians, electrical contractors, and electricians under KRS Chapter 227A, and enforces all statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth of Kentucky.

2. Phil C. McKay (“Respondent”) was, at all relevant times herein, residing in Kentucky with a mailing address 111 Tree Top Drive, Bardstown, KY 40004-8729.

3. Respondent is the holder of a Kentucky Master Electrician License #ME6851 and a Kentucky Electrical Contractor License #CE6852, last renewed on March 30, 2015.

4. On or about October 27, 2015, the DHBC investigated electrical work, including installation of new electrical circuits, performed by Respondent for which a permit and an inspection were required, at two Bluegrass Assisted Living facilities, located at 107 Thruway Drive, Bardstown, Kentucky and at 1108 Regency Way, Elizabethtown, Kentucky.

5. Respondent's installation of new electrical circuits at each location without obtaining the required permits violated the 2013 Kentucky Building Code, Section 2703.1, the Kentucky Electrical Code of Ethics as set forth in 815 KAR 35:080, and KRS Chapter 227.480.

6. Respondent's failure to request an inspection for his electrical work at each location also violated the 2013 Kentucky Building Code, Section 2703.1, and the Kentucky Electrical Code of Ethics as set forth in 815 KAR 35:080..

7. The DHBC possesses a range of statutory and administrative authority to address violations of the statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth, including license revocation, restriction, and suspension, and the imposition of fines in an amount up to \$1,000.00 per violation under KRS 198B.990, with each day the violation continues constituting a separate offense. The DHBC also has authority to assess additional administrative fines under KRS 227A.040(6).

8. In this case, the DHBC has imposed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) for the above-referenced violations.

9. In the interest of economically and efficiently resolving the violations described herein, the parties agree as follows:

- a. Respondent agrees to a fine in the total amount of one thousand dollars (\$1,000.00) for the violations described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein in five (5) installment payments in the amount of two hundred dollars (\$200.00) each, the first of which shall be due and paid on the date Respondent signs the Agreed Order and returns it to the DHBC, but

in no event later than **December 1, 2015**. All subsequent installments shall be due and paid **no later than by the 6th day of each month thereafter until paid in full**. Each installment payment may be in the form of a certified check or money order made payable to “**Kentucky State Treasurer**” and mailed to the Department of Housing, Buildings and Construction, Attn: Victoria K. Holmes, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601; or may be made by credit or debit card. Each installment payment must be received by the DHBC on or before the specified date.

- c. Respondent shall not engage in electrical work in the absence of the appropriate license and without supervision, and shall devote the time and resources reasonably necessary to ensure continual and full compliance with the Uniform State Building Code, and all statutory and regulatory requirements set forth in KRS Chapter 227A and 815 KAR Chapter 35.
- d. Provided that all installment payments are made in a timely manner, and the terms of this Agreed Order are not otherwise breached, the DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.
- e. Should Respondent fail to make a timely installment payment, or otherwise breaches this Agreed Order, the DHBC will pursue all administrative penalties against Respondent available under

Kentucky law, up to and including license revocation and maximum fines for the violations described herein.

10. Respondent waives any right to an administrative hearing or to otherwise appeal or set aside this Order.

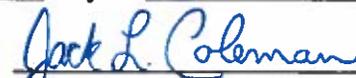
11. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

12. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph or Agreed Order arising out of or by reason of this investigation, this disciplinary action, this settlement, or its administration.

13. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

14. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 2ND day of December 2015.



JACK L. COLEMAN
Deputy Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 2ND day of DECEMBER 2015.

Jack L. Coleman

JACK L. COLEMAN,
Deputy Commissioner
Acting Director, Electrical Division
Department of Housing, Buildings and Construction

Agreed to:

This 30 day of NOV. 2015.

Phil C. McKay

PHIL C. MCKAY

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky)

COUNTY OF Nelson)

On this the 30 day of November 2015, before me Phil C. McKay, the undersigned, PHIL C. MCKAY, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: Sept 9, 2017

James D. Stieber
Notary Public

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Agreed Order* was served via U.S. Postal Service, first class, postage prepaid on this the 2nd day of December 2015, to the following:

Phil C. McKay
111 Tree Top Drive
Bardstown, Kentucky 40004-8729



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