COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2014-0013-HVAC
(Division Case# KY-14-05-0004-CE)

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION	COMPLAINANT
v.	
STEVEN B. REYNOLDS	RESPONDENT

FINAL ORDER SUSPENDING HVAC LICENSES

* * * * * * * * * *

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Housing, Buildings, and Construction ("DHBC"), and hereby enters this Final Order, pursuant to KRS Chapter 198B.672, suspending the Kentucky Master HVAC Contractor license #HM04882 and the Kentucky Journeyman HVAC Mechanic license #HJ01920 of the Respondent, Steven B. Reynolds ("Respondent") for a period of 90 days from the date of entry of this order, as set out more fully below:

FINDINGS OF FACT

1. The DHBC is responsible for regulating and licensing heating, ventilation, and air conditioning ("HVAC") master contractors and journeyman mechanics in accordance with the provisions set forth in KRS 198B.650 through 198B.689. Additionally, the DHBC, Division of HVAC, is responsible for enforcement of all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

2. Steven B. Reynolds ("Respondent") was, at all relevant times herein, a Kentucky resident, whose residence is located at 1605 Tina Court, LaGrange, Kentucky, 40031.

3. Respondent was at all relevant times herein a Kentucky licensed master HVAC contractor (license #HM04882) and a journeyman HVAC mechanic (license #HJ01920).

4. On May 7, 2014, the DHBC investigated the initial installation of an HVAC system by Respondent in a single-family home located at 4807 Deerfield Place in Smithfield, Kentucky.

5. Respondent began the installation of the subject HVAC system without having first applied for a permit.

6. This conduct was in violation of KRS 198B.6671(1), 815 KAR 8:070, Section 2, and the 2013 Kentucky Residential Code, Section R105.1, which require anyone installing an initial HVAC system to apply for a permit prior to beginning the installation.

7. In a letter dated June 4, 2014, the DHBC gave Respondent an opportunity to resolve the matter via agreed order, pay a fine in lieu of other penalties (up to and including license suspension), and obtain a valid permit to complete the job.

8. On July 21, 2014, Respondent represented to DHBC that he would sign an Agreed Order and would pay a fine to resolve the matter; however, he failed to do so.

9. The DHBC sent another letter to Respondent on October 13, 2014, repeating the offer to resolve the matter in lieu of other penalties. Again, Respondent represented to DHBC that he would cooperate; however, he failed to do so.

10. The DHBC made additional contact with Respondent on October 17, 2014; December 5, 2014; December 17, 2014; December 23, 2014; January 6, 2015; January 12, 2015; and January 13, 2015, and informed Respondent that action, up to license revocation, would be taken if the matter was not resolved by Thursday, January 15, 2015. Respondent indicated on December 17, 2014; January 6, 2015; and January 12, 2015, that he would cooperate.

11. To date, Respondent has failed to execute an agreed order or otherwise pay the offered fine in lieu of other penalties.

12. After repeated attempts to resolve Respondent's violations of HVAC statutes, regulations, and applicable code requirements, the Board of HVAC Contractors reviewed Respondent's case on February 5, 2015, and voted unanimously to suspend both of Respondent's HVAC licenses for three (3) months.

13. The DHBC informed Respondent of the decision to suspend his licenses, as well as of his right to appeal that decision, in a letter dated February 10, 2015, and dispatched by certified mail, return receipt requested, to Respondent's last known address.

14. On April 13, 2015, the DHBC received its February 10 certified letter unopened and stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD."

STATUTORY AUTHORITY

15. The DHBC possesses a range of statutory and administrative authority in addressing violations of KRS 198B.650 through 198B.689, the regulations promulgated thereunder, and the Uniform State Building Code, including license revocation and

suspension, and the imposition of fines in an amount up to $1000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

16. KRS 198B.6671(1) requires that "[n]otwithstanding KRS 198B.030 to the contrary, any person who installs an initial heating, ventilation, or air conditioning system shall apply for a permit prior to beginning the installation. No installation shall begin before the application for the permit has been filed. . . ."

17. 815 KAR 8:070, Section 2(2) requires that "[a]n HVAC installation permit shall be required for the initial heating, ventilation, or air conditioning system: (c) [f]or all existing buildings in which the first heating, ventilation, or air conditioning system is being installed;"

18. The 2013 Kentucky Residential Code, Section R105.1 states that "[a]ny owner or authorized agent who intends to [. . .] install . . . any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the building official and obtain the required permit.

19. KRS 198B.672 gives the Board of HVAC Contractors the authority to suspend the license of any licensee for "(4) [w]illful and deliberate disregard and violation of building codes, electrical codes, or related laws and ordinance of this Commonwealth . . ."

CONCLUSIONS

20. Respondent has violated the laws of the Commonwealth pertaining to HVAC work by failing to obtain a permit prior to commencing the initial installation of an HVAC system.

21. Despite being given several opportunities to resolve these violations prior to the entry of this Order, Respondent has failed to do so.

22. Respondent has failed to request a hearing regarding the Board of HVAC's decision to suspend his licenses, and, therefore, has waived his right to such a hearing, and the DHBC is entitled to this Final Order.

ORDER

Based on the findings of fact, statutory authority, and conclusions set forth above, the Commissioner **ORDERS** that:

1. The Kentucky Master HVAC Contractor license #HM04882 and the Kentucky Journeyman HVAC Mechanic license #HJ01920 of the Respondent, Steven B. Reynolds, are hereby **SUSPENDED** for a period of ninety (90) days from the date of entry of this order;

2. Respondent shall **CEASE AND DESIST** from performing any HVAC work in Kentucky during the suspension period.

3. This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective immediately.

IT IS SO ORDERED on this the 22ND day of April 2015.

GARY A. FECK
Acting Commissioner
Department of Housing, Buildings
and Construction;
Chairman, Board of Heating, Ventilation
and Air Conditioning Contractors

NOTICE OF APPEAL RIGHTS

You are hereby notified that you have the right to appeal this Final Order of the Commissioner pursuant to the provisions of KRS 13B.125 and KRS 13B.140. If you chose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within sixty (60) days after entry of this Final Order. A copy of any Appeal Petition must also be served on the Commissioner.

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Final Order* was served via U.S. Postal Service, certified mail, return receipt requested, on this the 23rd day of April 2015, to the following:

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