

**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

AMENDED FINAL ORDER

* * * * *

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Housing, Buildings, and Construction ("DHBC"), and hereby enters this Amended Final Order, pursuant to KRS Chapter 198B.672, imposing a two hundred and fifty dollar (\$250.00) fine and suspending the Kentucky Master HVAC Contractor license #HMO4882 and the Kentucky Journeyman HVAC Mechanic license #HJ01920 of the Respondent, Steven B. Reynolds ("Respondent") for a period of thirty (30) days from April 22, 2015, 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 #HMO4882) and a journeyman HVAC mechanic (license #HJO1920).

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. After repeated attempts to resolve Respondent's violations of HVAC statutes, regulations, and applicable code requirements, and Respondent's failure to execute an agreed order or otherwise pay the offered fine in lieu of other penalties 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.

12. 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.

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

14. On April 22, 2015, the DHBC, by its Commissioner and Chairman of the Board of Heating, Ventilation, and Air Conditioning Contractors, entered a Final Order suspending Respondent's HVAC licenses for a period of ninety (90) days from the date of entry of the Final Order.

15. On May 4, 2015, the DHBC, Division of HVAC, received a letter from Respondent requesting that his HVAC licenses be reinstated and enclosing a check in

the amount of two hundred and fifty dollars (\$250.00) as payment of the fine originally assessed against Respondent.

16. On May 14, 2015, Respondent appeared in person with his request before the Board of Heating, Ventilation, and Air Conditioning Contractors during the Board's regularly-scheduled meeting. After questioning and deliberation, the Board determined to reduce Respondent's suspension to thirty (30) days from the date of entry of the Final Order, and to accept payment of the fine originally assessed against him, in consideration for Respondent's agreement to waive his right to an administrative hearing or to otherwise appeal or set aside the Final Order and this Amended Final Order.

STATUTORY AUTHORITY

17. 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).

18. 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. . . ."

19. 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;"

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.

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 #HMO4882 and the Kentucky Journeyman HVAC Mechanic license #HJO1920 of the Respondent, Steven B. Reynolds, are hereby **SUSPENDED** for a period of thirty (30) days beginning on April 22, 2015;

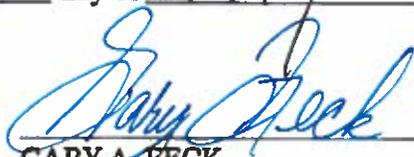
2. Respondent is hereby assessed and shall pay a **FINE** in the amount of two hundred and fifty dollars (\$250.00) in the form of a check payable to "Kentucky State Treasurer," the receipt of which check is acknowledged;

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

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

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

IT IS SO ORDERED on this the 26th day of MAY 2015. ^{3RD June}



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

Agreed to: ^{3rd of June RB}

This 26th day of MAY 2015
~~2014~~



Roger Banks, Acting Director
Division of HVAC
Department of Housing, Buildings and Construction

Agreed to:

This 26 day of May 2014.

Steven B Reynolds
Steven B. Reynolds

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky
COUNTY OF Oldham

On this the 27 day of May, 2015, before me Amy B. Allen, the undersigned, Steven B. Reynolds, 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: 1/24/2019

Amy B. Allen
Notary Public #5250309

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Amended Final Order* was served via U.S. Postal Service, certified mail, return receipt requested, on this the 4th day of June 2015, to the following:

Steven B. Reynolds
1605 Tina Court
LaGrange, KY 40031



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