

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION
AGENCY CASE NO. 2015 - 0011 - PLG
(Division Case # KY-14-12 - 0002 - CE)**

DEPARTMENT OF HOUSING,
BUILDINGS, AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

WINCE LEE

RESPONDENT

1. The Department of Housing, Buildings and Construction, Division of Plumbing ("DHBC") regulates and licenses master plumbers and journeyman plumbers under KRS Chapter 198B, KRS Chapter 318, and 815 KAR Chapter 20, and enforces all statutes, regulations, and applicable code requirements related to plumbing work in the Commonwealth of Kentucky.

2. Wince Lee ("Respondent") was, at all relevant times, a Kentucky resident, located at _____

3. On November 18, 2014, the DHBC investigated plumbing work Respondent performed at _____ (a single-family home). As a result of that investigation, DHBC discovered that _____ (the homeowner) hired Respondent to perform the plumbing work at the home. Respondent held himself out as being a licensed plumber and performed plumbing work. However, Respondent did not apply for or obtain a permit for the work; performed the plumbing work without a valid plumber's license; did not have a licensed master plumber

connected with the work; and did not have the requisite liability insurance and proof such insurance on file with the DHBC in order to do plumbing work.

4. Respondent's failure to apply for and obtain a permit for the plumbing work he performed violated KRS 318.134(1); 815 KAR 20:050, Section 2; and the 2013 Kentucky Residential Code, Section R105.1, which require anyone constructing, installing, or altering any plumbing in the Commonwealth of Kentucky to first obtain a permit from DHBC.

5. By engaging in plumbing work and the trade of plumbing without a license Respondent violated KRS 318.030(1), KRS 318.110, and 815 KAR 20:050, Section 1(2), which require that there be a licensed master plumber connected with and supervising the plumbing work.

6. Respondent's failure to obtain liability insurance violated KRS 318.030, which requires any person engaging in plumbing to maintain the requisite liability insurance and have proof on file with DHBC.

7. Respondent violated KRS 318.100 by holding himself out as a licensed plumber to other persons/entities.

8. Respondent used unsafe or defective materials and methods in performing the unlicensed plumbing work – such as air admittance valves on all fixtures, and a double trap on a bathtub drain, violating KRS 318.150 and 815 KAR 20:110(3)(3).

9. Respondent failed to request an inspection and testing of plumbing work as required by 815 KAR 20:150.

10. The DHBC has been granted a broad range of statutory and administrative authority to address violations of the statutes, regulations, and Kentucky Plumbing Code, including criminal penalties, injunctive relief, and the imposition of fines in an

amount up to \$1,000.00 per violation, with each day the violation continues constituting a separate offense. KRS 198B.050(2), 198B.990(1), 318.180, and 318.990.

11. In this case, the DHBC has imposed a fine against Respondent in the amount of five hundred dollars (\$500.00) for the above-referenced violations.

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

- a. Respondent Wince Lee agrees to and shall pay a total fine in the amount of five hundred dollars (\$500);
- b. Respondent agrees to and shall pay the total fine assessed herein in five (5) installment payments, the first of which shall be in the amount of one hundred dollars (\$100.00) and which shall be due and paid on , but in no event later than June 29, 2015. All subsequent installments shall be in the amount of one hundred dollars (\$100.00) each and shall be due and paid by no later than the 30th of each month thereafter until paid in full. Each installment payment shall 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: Cary Howard, Jr., 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 Wince Lee agrees to and shall cease and desist from transacting any plumbing business in Kentucky, either directly

or indirectly, unless or until such time as he has paid in full the fine imposed above and has been issued a valid plumber's license;

- d. Respondent Wince Lee shall be ineligible to apply for or receive any plumbing license until such time as he has paid in full the fine imposed above; and
- e. 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.

12. Respondent waives his right to an administrative hearing or to otherwise appeal or set aside this Order.

13. 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.

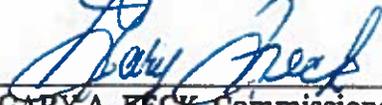
14. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, 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.

15. 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.

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

IT IS SO ORDERED on this the 18th day of June 2015.



GARY A. FECK, Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 18 day of June 2015.

David J. Moore
David J. Moore
Director, Division of Plumbing
Department of Housing, Buildings and Construction

Agreed to:

This 30TH day of June 2015.

Wince Lee
Wince Lee

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky
COUNTY OF Franklin

On this the 30 day of June 2015, before me Charles T. Spradlin, the undersigned, **Wince Lee**, 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: 4/10/18

Charles T. Spradlin
Notary Public



CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Agreed Order* was served via certified mail, return receipt requested, on this the 18th day of June, 2015, to the following:

Wince Lee



Cary Howard, Jr.
Staff Attorney
Department of Housing, Buildings and
Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
(502) 573-0365 ext. 412
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