

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0002-HVAC
(Division Case# KY-14-10-0026-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

DARREN E. YOUNG

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction (“DHBC”) regulates and licenses 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 enforces all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

2. Darren E. Young (“Respondent”) was, at all relevant times herein, a resident, located at

4.

3. Respondent was at all relevant times herein a Kentucky licensed master HVAC contractor (license #HMO4977) and a Kentucky licensed journeyman HVAC mechanic (license #HJ14088).

4. On October 27, 2014, the DHBC investigated the HVAC work performed at 1751 Old Gallatin Road, Scottsville, Kentucky (a commercial property). As a result of that investigation, DHBC found that John Christopher and Thomas Cowles were

performing HVAC work on behalf of Young's Mechanical, Inc. These individuals were unlicensed and there was no journeyman on the job site. As of 11:14 a.m. that day, no one had applied for or obtained a permit for the work at this address. Also, the master license number was not displayed on the Young's Mechanical, Inc. vehicle used during the HVAC work.

5. The failure to be responsible for this HVAC work by not ensuring or providing journeyman supervision violated 815 KAR 8:010, Section 1(2); 815 KAR 8:020, Section 1(2); and the 2013 Kentucky Building Code, Section 122.3, which require a journeyman to be physically on site and observing or providing the HVAC work. The failure to apply for the permit before starting the work violated KRS 198B.6671(1); 815 KAR 8:070, Section 2; and the 2013 Kentucky Building Code, Section 105.1. And the failure to display your master license number on the Young's Mechanical, Inc. vehicle used during HVAC work violated KRS 198B.670

6. 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 \$1,000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

7. In this case, the DHBC has imposed a fine against Respondent in the amount of seven hundred fifty dollars (\$750.00) for the above-referenced violations.

8. 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 seven hundred fifty dollars (\$750.00) for the violation(s) described herein;

- b. Respondent agrees to and shall pay the total fine assessed herein no later than February 12, 2015. Said 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: Amber Arnett, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601;
- c. Respondent 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 198B.650 to 198B.689 and 815 KAR Chapter 8; and
- d. The DHBC agrees to pursue no further administrative action based upon the violations described herein and investigated on October 27, 2014, at 1751 Old Gallatin Road, Scottsville, Kentucky (a commercial property).

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

10. 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.

11. 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.

12. 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.

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

IT IS SO ORDERED on this the 9th day of FEBRUARY 2015.



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

Agreed to:

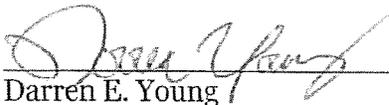
This 6th day of February 2015.



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

Agreed to:

This 5th day of February 2015.



Darren E. Young

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky

County of Warren)

On this the 5th day of February, 2015, before me Darren Young, the undersigned, Darren E. Young, 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: 1/28/2017

Nelson Raymond Stungfeld
Notary Public #0282260

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 9th day of February 2015, to the following:

Amber Arnett

Alea Amber Arnett
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and
Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
(502) 573-0365 ext. 107
(502) 573-1057 facsimile
AmberA.Arnett@ky.gov
Counsel for Complainant