

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2014-0016-HVAC
(Division Case# KY-14-08-0027-CE, KY-14-10-0024-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

FREDERICK L. CHAPPELL, SR.

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. Frederick L. Chappell, Sr. (“Respondent”) was, at all relevant times herein, a Kentucky resident, located at [REDACTED]

3. Respondent was at all relevant times herein a Kentucky licensed master HVAC contractor (license #HM00262).

4. On August 18, 2014, DHBC inspector Alan Bates conducted an inspection at 15400 Upper Delaware Road, Henderson, Kentucky, and discovered no one had applied for or obtained a permit for the work and that Chappell’s Appliance Service had already begun installation of an initial HVAC system at this address. And again on October 20, 2014, DHBC inspector Alan Bates conducted an inspection at 6850 G H

Sights Road, Corydon, Kentucky, and found that no one had applied for or obtained a permit for the HVAC system installation by Chappell's Appliance Service at this address.

5. The failure to apply for permits and to delay installation until filing applications for the permits violated KRS 198B.6671(1); 815 KAR 8:070, Section 2; and 2013 Kentucky Residential Code, Section R105.1, which required the Respondent to apply for permits prior to installing the initial HVAC systems and which prohibited Respondent from beginning installation until applications for the permits were filed.

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 five hundred dollars (\$500.00) for the above-referenced violations.

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

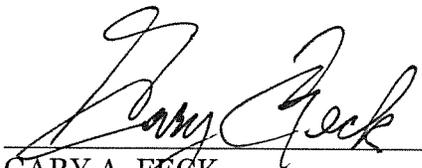
- a. Respondent agrees to a fine in the total amount of five hundred dollars (\$500.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein no later than December 31, 2014. Said payment shall be in the form of a certified check or money order 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; and

- 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.
 - d. DHBC agrees to pursue no further administrative action based upon the violations described herein and discovered on August 18, and October 20, 2014, by DHBC inspector Alan Bates during the inspections at 15400 Upper Delaware Road, Henderson, Kentucky, and 6850 G H Sights Road, Corydon, Kentucky.
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.

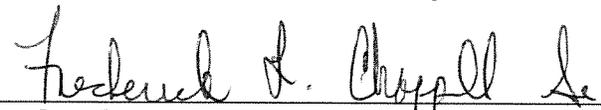
13. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 17 day of December 2014.


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

Agreed to:

This 11 day of December 2014.


Frederick L. Chappell, Sr.

ACKNOWLEDGEMENT

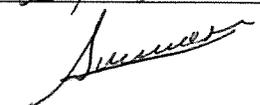
STATE/Commonwealth of Kentucky)

COUNTY OF Henderson)

On this the 11 day of December, 2014, before me Deborah F. Summers, the undersigned, Frederick L. Chappell, Sr., did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

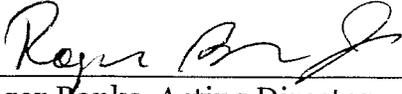
In witness whereof I hereunto set my hand.

My Commission Expires: August 26, 2017


Notary Public
Certificate ID 323838

Agreed to:

This 15 day of December 2014.



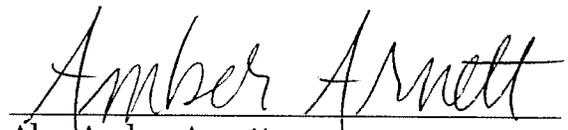
Roger Banks, Acting Director
Division of HVAC
Department of Housing, Buildings and Construction

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 18th day of December 2014, to the following:

Frederick L Chappell, Sr.

██
██
██
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