

anyone installing an initial HVAC system to apply for a permit prior to beginning the installation.

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 \$1000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

7. In this case, the DHBC has assessed a fine against Respondent in the amount of two hundred fifty dollars (\$250.00) for beginning the installation of an initial HVAC system without obtaining the required permit in violation of KRS 198B.6671(1), 815 KAR 8:070, Section 2, and the 2013 Kentucky Residential Code, Section R105.1.

8. In the interest of economically and efficiently resolving the violation(s) described herein, the parties agree as follows:

- a. Respondent agrees to a fine assessment in the total amount of two hundred fifty dollars (\$250.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein no later than November 10, 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: John C. Allender, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601; and
- c. Respondent shall obtain the required permit prior to performing any HVAC work subject to permitting. Respondent shall devote the

time and resources reasonably necessary to ensure continual and full compliance with all statutory and regulatory requirements set forth in KRS 198B.650 to 198B.689 and 815 KAR Chapter 8.

12. Respondent waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on his own behalf, 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 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 17th day of November, 2014.

Gary Feck

~~AMBROSE WILSON IV
COMMISSIONER~~

GARY FECK
ACTING COMMISSIONER

Consented to:

This 10 day of November, 2014.

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

This 9th day of November, 2014.

Michael L. Barks
Michael L. Barks

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky)

COUNTY OF Butler)

On this the 10th day of November, 2014, before me Michael Barks, the undersigned, Michael L. Barks, 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: 4-26-2018

Ronnie L. Borsae
Notary Public
State @ Large

Certificate of Service

I, Alea Amber Arnett, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 18th day of November, 2014, by certified mail, to the following:

[REDACTED]
[REDACTED]
[REDACTED]

Amber Arnett

Alea Amber Arnett
Department of Housing, Buildings and
Construction
101 Sea Hero Road
Suite 100
Frankfort, Kentucky 40601
502-573-0365 ext. 107 (phone)
502-573-1057 (facsimile)
Counsel for Complainant