

COPY

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0005-ELEC
(Division Case# KY-15-__-000__-CE)

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

DANNY J. SPARKMAN

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction ("DHBC"), Electrical Division with the assistance of the Electrical Advisory Committee regulate and license master electricians, electrical contractors, and electricians under KRS Chapter 227A, and enforce all statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth of Kentucky.

2. Danny J. Sparkman ("Respondent") was, at all relevant times herein, a Kentucky resident, located at *

3. Respondent was at all relevant times herein a Kentucky Master Electrician (license #ME18741) and a Kentucky Electrical Contractor (license #CE18742).

4. On January 5, 2015, the DHBC received Mr. Sparkman's Electrical Licensing Renewal Application and Certificate of Liability Insurance. On the back of the application, Mr. Sparkman acknowledged that all the information he had submitted with the application was current and true to the best of his knowledge. On the Certificate of Liability Insurance, in the area for "Policy Effective Date" the number 4 was handwritten over top of the last number of the year to read "2014," and in the area for

"Policy Expiration Date," the number 5 was handwritten over top of the last number of the year to read "2015." Upon contacting the insurance company named in the certificate, the DHBC found that the policy had been cancelled at 12:01 a.m. on September 17, 2013.

5. The submission of an altered certificate that was acknowledged as true, and the failure to maintain insurance coverage and to inform the DHBC of any changes in coverage violated KRS 227A.060(1) and 815 KAR 35:060, Section 7(1) and Section 7(4)(a).

6. The DHBC possesses a range of statutory and administrative authority to address violations of the statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth, including license revocation, restriction, and suspension, and the imposition of fines in an amount up to \$1,000.00 per violation under KRS 198B.990, with each day the violation continues constituting a separate offense. The DHBC also has authority to assess additional administrative fines under KRS 227A.040(6) and KRS 227A.110(1)(a) and (d) for misrepresentation or concealment of a material fact in obtaining a license and for violation of electrical regulations.

7. In this case, the DHBC has imposed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) 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 one thousand dollars (\$1,000.00) for the violation(s) described herein;

- b. Respondent agrees to and shall pay a total fine of \$1,000.00 no later than March 3, 2015. Respondent agrees to and shall send a partial payment of \$300.00 to the DHBC with the signed Agreed Order by February 20, 2015. Said payments 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: Michael Davis, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601;
- c. Respondent agrees to voluntarily surrender his Electrical Contractor license (license #CE18742), hereby withdraws the Electrical Contractor license renewal application, and agrees to not practice as an Electrical Contractor and to not reapply to become an Electrical Contractor for one year from the date of this Agreed Order;
- d. Respondent agrees to send his Electrical Contractor license (license #CE18742) to the DHBC with the signed Agreed Order;
- e. The DHBC agrees to allow Respondent to seek renewal of the Master Electrician license (license #ME18741);
- f. 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 Chapter 227A and 815 KAR Chapter 35; and
- g. The DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.

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

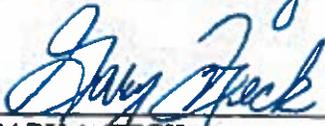
10. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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 27th day of February 2015.



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

Agreed to:

This 16 day of Feb 2015.

Danny J. Sparkman
Danny J. Sparkman

ACKNOWLEDGEMENT

STATE/Commonwealth of Ky

COUNTY OF Parry

On this the 16 day of Feb 2015, before me Teresca J. Davis, the undersigned, Danny J. Sparkman, 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: July 11, 2015

Teresca J. Davis
Notary Public

Agreed to:

This 27th day of FEBRUARY 2015.

Jack Coleman
Jack Coleman,
Deputy Commissioner
Acting Director, Electrical Division
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 27th day of February 2015, to the following:

Danny J. Sparkman



Victoria M. Kadreva Holmes
Assistant Counsel
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