

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2016-0014-ELEC**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

DONALD K. JOSEPH

RESPONDENT

* * * * *

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

2. Donald K. Joseph (“Respondent”) was, at all relevant times herein, a Kentucky resident with a mailing address of P.O. Box 834, Wooton, KY, 41776-0834.

3. Respondent holds a Kentucky Electrical Contractor license #CE20130 and Kentucky Master Electrician license #ME15061. Both licenses expired on January 31, 2016.

4. On January 19, 2016, the DHBC received Respondent’s Electrical Licensing Renewal Application and Certificate of Liability Insurance. On the back of the application, Respondent 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, submitted by Respondent, in the area for “Policy Effective Date,” the

digits for the year were altered to read "2015," and in the area for "Policy Expiration Date," the digits for the year were altered to read "2016." Upon contacting the insurance company named in the certificate, the DHBC found the policy had expired on March 31, 2015, and Respondent did not have a current, active general liability insurance policy through that company.

5. Respondent's submission of an altered certificate that was acknowledged as true violated 815 KAR 35:080, Section 1(8), which prohibits a licensee from engaging in conduct intended to defraud or deceive the public. Additionally, Respondent's actions violated KRS 227A.060(1)(c) and 815 KAR 35:060, Section 7(1) and Section 7(4)(a), which require a holder of a Kentucky Electrical Contractor license to maintain a general liability insurance policy and to inform the DHBC of any changes in coverage.

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 one thousand dollars (\$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 violations described herein.
- b. Respondent agrees to and shall pay the total fine assessed herein in four (4) installment payments, the first of which shall be in the amount of two hundred and fifty dollars (\$250.00) and which shall be due and paid on the date Respondent signs the Agreed Order and returns it to the DHBC, but in no event later than **April 1, 2016**. All subsequent installments shall be in the amount of two hundred and fifty dollars (\$250.00) each and shall be due and paid by **no later than the 1st of each month thereafter until paid in full**. Each installment payment may 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: Samuel Thorner, 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 agrees to voluntarily surrender his Electrical Contractor license #CE20130, 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 #CE20130 to the DHBC with the signed Agreed Order.

- e. Respondent agrees to be responsible for any and all fees associated with the reinstatement and renewal of his Electrical Contractor license should he seek reinstatement and renewal at the expiration of the ineligibility period.
 - f. Respondent agrees to 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.
 - g. The DHBC agrees to allow Respondent to seek renewal of the Master Electrician license #ME15061.
 - h. 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 31 day of MARCH 2016.



STEVEN A. MILBY
Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 31 day of March 2016.



Tina Quire
Assistant Director, Electrical Division
Department of Housing, Buildings and Construction

Agreed to:

This 28 day of March 2016.

Ronald Joseph
Donald K. Joseph

ACKNOWLEDGEMENT

STATE/Commonwealth OF Kentucky

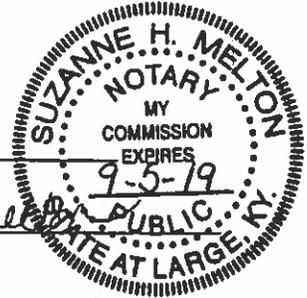
COUNTY OF Leslie

On this the 28 day of March 2016, before me Suzanne H. Melton the undersigned, Donald K. Joseph, 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: 9-5-19

Suzanne H. Melton
Notary Public



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 31 day of March 2016, to the following:

Donald K. Joseph
P.O. Box 834
Wooton, KY 41776-0834



Samuel Thorner
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and
Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
(502) 573-0365 phone
(502) 573-1057 facsimile
samuel.thorner@ky.gov
Counsel for Complainant