

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0109-ELEC**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

FINAL ORDER

DONALD OWEN DAVIS

RESPONDENT

Comes now the Commonwealth of Kentucky, by and through the Acting Commissioner of the Department of Housing, Buildings and Construction (“DHBC”), and hereby enters this Final Order pursuant to Kentucky Revised Statutes (“KRS”) 131.1817 and other applicable law, as set forth more fully below:

FINDINGS OF FACT

1. The DHBC, with the assistance of the Electrical Advisory Committee, regulates and licenses electrical contractors, master electricians, 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 Owen Davis (“Respondent”) is a Kentucky resident with a mailing address 1040 Jacksboro Road, #B, Bronston, KY 42518-9660.
3. Respondent holds an active Kentucky Electrical Contractor license no. CE23846, last renewed on November 17, 2015.

4. Under the provisions of KRS 131.1817(5), the Commonwealth of Kentucky, Department of Revenue, Division of Collections, gave notice to Respondent by certified mail, informing Respondent that revocation action against his professional license(s) could be initiated after thirty (30) days from that notice for his failure to comply with that notice.

5. Under the provisions of KRS 131.1817(5)(d) and (f), the Commonwealth of Kentucky, Department of Revenue, Division of Collections, has requested that Respondent's Electrical Contractor license be revoked and not reinstated or reissued until a written tax clearance of Respondent is issued by the Department of Revenue, Division of Collections, because Respondent is a "delinquent taxpayer" as defined in KRS 131.1817(1)(d).

6. On November 24, 2015, the DHBC entered an order revoking Respondent's electrical contractor license. A copy of this order, including a notice setting forth Respondent's right to appeal, right to legal counsel, and right to a hearing under KRS Chapter 13B, was mailed via certified mail to Respondent at his last known address.

7. The copy of the order mailed to Respondent was received by the DHBC on December 28, 2015 and marked as unclaimed. More than twenty (20) days have elapsed since that date, and Respondent has failed to file an appeal with the DHBC under KRS 131.1817(5)(e) or otherwise answer.

STATUTORY AUTHORITY

8. KRS 131.1817(5)(d) requires that a licensing agency, such as the DHBC, deny or revoke a license to a delinquent taxpayer if the Department of Revenue, Division

of Collections notifies the licensing agency that a licensee of the licensing agency is a delinquent taxpayer under Kentucky law.

9. KRS 131.1817(5)(f) requires that a license that has been denied or revoked under KRS 131.1817 shall not be reissued or renewed until a written tax clearance for the licensee has been issued by the Department of Revenue to the licensing agency.

CONCLUSIONS OF LAW

10. Pursuant to KRS 13B.050(2), service of the order entered by the DHBC on November 24, 2015 was properly completed upon Respondent.

11. In accordance with KRS 131.1817(5)(d), the DHBC has been notified that Respondent is a “delinquent taxpayer” as defined in KRS 131.1817(1)(b), and is required to revoke Respondent’s Electrical Contractor license.

12. Under KRS 131.1817(5)(f), Respondent’s Electrical Contractor license may not be renewed, reissued, or reinstated until the DHBC receives written tax clearance from the Department of Revenue.

ORDER

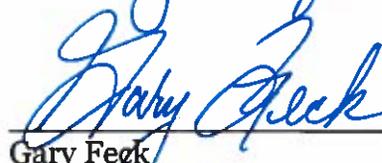
Based on the findings of fact, statutory authority and conclusions set forth above, the Commissioner, pursuant to KRS 131.1817, **ORDERS** that:

1. The Kentucky Electrical Contractor license no. CE23846 held by Respondent Donald Owen Davis be **REVOKED**;

2. The Kentucky Electrical Contractor license no. CE23846 held by Respondent Donald Owen Davis may not be renewed, reissued, or reinstated until the DHBC receives a written tax clearance from the Kentucky Department of Revenue.

3. This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective immediately.

IT IS SO ORDERED on this the 29th day of January 2016.



Gary Feek
Acting Commissioner
Department of Housing, Buildings
and Construction

NOTICE OF APPEAL RIGHTS

You are hereby notified that you have the right to appeal this Final Order of the Commissioner pursuant to the provisions of KRS 13B.120 and KRS 13B.140. If you choose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within thirty (30) days after entry of this Final Order. A copy of any Appeal Petition must also be served on the Commissioner.

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Final Order* was served, as indicated, on this the 29 day of January 2016, to the following:

Via Certified Mail, Return Receipt Requested:

Donald Owen Davis
1040 Jacksboro Road, #B
Bronston, KY 42518-9660

Courtesy copy to:

Stephen Crawford, Director
Kentucky Department of Revenue
Division of Collections
P.O. Box 491
Frankfort, KY 40602-0491

Respectfully submitted,



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