

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION
AGENCY CASE NOS. 2015-0063-ELEC AND 2015-0064-HVAC**

DEPARTMENT OF HOUSING,
BUILDINGS, AND CONSTRUCTION

COMPLAINANT

v.

FINAL ORDER

JOHN R. WORKMAN, SR.

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") 198B.050(2), 198B.990(1), and 227A.040(6) as set out more fully below:

FINDINGS OF FACT

1. The DHBC, 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. The DHBC Division of Heating, Ventilation, and Air Conditioning ("HVAC") and the Board of HVAC Contractors regulate and license HVAC master contractors and journeyman mechanics under KRS 198B.650 through 198B.689, and enforce all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

3. John R. Workman, Sr. ("Respondent") was, at all relevant times, a Kentucky resident, located at :

4. Respondent does not hold an active and valid Electrical Contractor, Master Electrician, Electrician, Master HVAC Contractor, or Journeyman HVAC Mechanic license in the Commonwealth of Kentucky.

5. On July 21, 2015, the DHBC investigated electrical and HVAC work Respondent was contracted to perform at a residence located at 115 Bay Drive, Warsaw, Kentucky, 41095. Respondent was contracted to repair damaged cables and wires above an electrical distribution panel, to check a heating unit, and to install a heat pump, air handler, refrigerant lines, and thermostat to the heating unit.

6. For the work performed at that address, Respondent did not have a valid Master Electrician or Electrician license and did not apply for or obtain a permit for the electrical work; Respondent performed HVAC work without a valid Master HVAC Contractor license and without the supervision of a Master HVAC Contractor; and Respondent replaced heat pumps in the heating unit without obtaining a permit or requesting an inspection.

7. On November 5, 2015, the DHBC filed an Administrative Complaint against Respondent and served a copy on him via certified mail, return receipt requested, to his two last known addresses.

8. On December 11, 2015, the certified mail envelopes containing the copies of the Administrative Complaint were returned to DHBC as not deliverable.

9. More than twenty (20) days have elapsed since that date, and the Respondent has failed to request a hearing or otherwise answer.

CONCLUSIONS OF LAW

1. DHBC has been granted a broad range of statutory and administrative authority to address violations of the statutes, regulations, and applicable codes related to electrical and HVAC work performed in the Commonwealth, including criminal penalties, injunctive relief, and the imposition of fines in an amount up to \$1,000.00 per violation, with each day the violation continues constituting a separate offense. KRS 198B.050(2), 198B.990(1), and 227A.040(6).

2. Pursuant to KRS 13B.050(2), service of the Administrative Complaint was properly completed upon Respondent.

3. Respondent's performance of electrical work without a license violated KRS 227A.020 and 2013 Kentucky Residential Code § R101.8 ("KRC," incorporated by reference within 815 KAR 7:125), which require that all electrical work be performed by a licensed electrician.

4. Respondent's failure to obtain permits for electrical work for which permits are required violated KRC § R105.1, which requires anyone repairing electrical systems to first obtain the required permit.

5. Respondent's acts of contracting for and performing HVAC work without a valid license violated KRS 198B.656(4) and KRC § R101.6, which prohibit a person from contracting for and performing HVAC work unless they have a valid license.

6. Respondent's failure to obtain a permit and inspection for the replacement of heat pumps violated 815 KAR 8:070(3) and KRC § R105.1, which require anyone replacing a heat pump to first obtain the required permit.

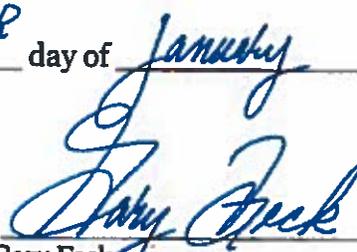
7. Respondent has not requested a hearing regarding these matters and has therefore waived his right to such a hearing and DHBC is entitled to this Final Order.

ORDER

Based on the findings of fact, statutory authority and conclusions set forth above, the Commissioner, pursuant to KRS 198B.050(2), 198B.990(1), and 227A.040(6), **ORDERS** that:

1. Respondent John R. Workman, Sr., shall pay a fine of \$5,000.00;
2. Respondent shall not transact electrical business or perform electrical work in Kentucky, either directly or indirectly, unless and until such time as he has paid in full the fine imposed above and has been issued a valid electrical license;
3. Respondent shall not transact HVAC business or perform HVAC work in Kentucky, either directly or indirectly, unless and until such time as he has paid in full the fine imposed above and has been issued a valid HVAC license;
4. Respondent shall be ineligible to apply for or receive any electrical or HVAC license until such time as he has paid in full the fine imposed above.
5. 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 Feck
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 Petition with the Franklin Circuit Court within thirty (30) days after entry of this Final Order in accordance with KRS 13B.140. 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 via U.S. Postal Service, certified mail, return receipt requested, on this the 29 day of January 2016, to the following:

John R. Workman, Sr.

Copy to:

John R. Workman, Sr.

Respectfully submitted,



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