

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2014-0003-ELEC**

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION COMPLAINANT

v.

AGREED ORDER

KENNETH W. WOODRUFF

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction (“DHBC”) is responsible for promulgating and administering the Uniform State Building Code, the statutes applicable to licensing electrical contractors and electricians, and the Kentucky Standards of Safety. These charges can be found in KRS 198B.030(3), KRS 227A.040(1), KRS 227.220, and other applicable statutes, administrative regulations, and relevant interpretative authority..

2. Kenneth W. Woodruff (“Respondent”) was, at all relevant times herein, a Kentucky licensed electrical contractor and master electrician. Respondent’s electrical contractor license number is CE10696, and his master electrician license number is ME10695.

3. In February 2014, the DHBC began an investigation of electrical work completed by KW Electrical Contracting, Inc. d/b/a Mr. Electric of Cumberland Valley at thirty-six (36) locations between July 2012 and December 2013. The electrical work included the installation of whole-home generators at each location under contract with Lowe’s Companies, Inc. The investigation revealed that at least twenty-three (23) of these installations were performed without an electrical permit. Each installation without a valid permit was a violation of the 2007 Kentucky Building Code and 2007

Kentucky Residential Code, Sections 105.1 and R105.1 respectively¹, and 815 KAR 35:080, Section 1(2), which require anyone performing electrical work to obtain a permit prior to beginning the work.

4. Respondent performed twenty-eighty (28) of the installations without obtaining an inspection. Each installation without an inspection was a violation of 815 KAR 35:020, Sections 1 and 2, the 2007 Kentucky Building Code, Section 109.1², and the 2007 Kentucky Residential Code, Section R109.1. These provisions require an inspection of all electrical work for which a permit is required.

5. Respondent used unlicensed personnel without proper supervision to perform twenty-eight (28) of the installations in violation of KRS 227A.020(4) and 815 KAR 35:080, Section 1(17). These provisions require due care in the direct, on-site supervision by a licensed electrician or master electrician of all unlicensed personnel performing electrical work.

6. Christopher Scott Birchwell, who was at all relevant times unlicensed, performed electrical work in connection with seven (7) of the installations without direct, on-site supervision by a licensed electrician or master electrician.

7. Jason Boruff, who was at all relevant times unlicensed, performed electrical work in connection with twenty-seven (27) of the installations without direct, on-site supervision by a licensed electrician or master electrician.

8. The thirty-six (36) installations included no fewer than one hundred thirty nine (139) violations of the applicable National Electrical Code provisions. Each violation of the National Electrical Code was a violation of the 2007 Kentucky Building

¹ Commercial installations after October 1, 2013 without a permit were in violation of the 2013 Kentucky Building Code, Section 105.1.

² Commercial installations after October 1, 2013 without an inspection were in violation of the 2013 Kentucky Building Code, Section 110.1.

Code, Section 101.4.1, or the 2007 Kentucky Residential Code, Section R102.9, respectively.³

9. Each failure to comply with the above-described requirements constitutes a separate violation.

10. The DHBC possesses a range of statutory and administrative authority in addressing violations of KRS 227A.010 through 227A.140, the administrative regulations promulgated thereunder, the Kentucky Building Code, and the Kentucky Residential Code. These authorities include license revocation and suspension, and the imposition of fines in an amount up to \$1,000 per violation. *See* KRS 198B.990(1) and KRS 227A.110(1).

11. In this case, the DHBC has assessed a fine against Respondent in the amount of ten thousand dollars (\$10,000.00) for failure to obtain permits or inspections as required, for violations of the National Electrical Code, and for failure to properly supervise unlicensed personnel performing electrical work in violation of KRS 227A.020(4), 815 KAR 35:020, Sections 1 and 2, 815 KAR 35:080, Section 1(2) and (17), the Kentucky Building Code, Sections 105.1 and 109.1, and the Kentucky Residential Code, Sections R105.1 and R109.1.

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

- a. Respondent agrees to a fine assessment in the amount of ten thousand dollars (\$10,000.00) for the violation(s) described herein;

³ Commercial installations after October 1, 2013 which were not in compliance with the National Electrical Code were in violation of the 2013 Kentucky Building Code, Section 101.4.1.

- b. Respondent agrees to and shall pay the total fine assessed herein in ten (10) installment payments of one thousand dollars (\$1,000.00) each, which shall be due on the first calendar day of each month beginning on November 1, 2014, until paid in full. 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: Legal Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601; and
- c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory and regulatory requirements set forth in KRS 227A.010 through 227A.140, all administrative regulations promulgated thereunder, and the Uniform State Building Code.

7. 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.

8. 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.

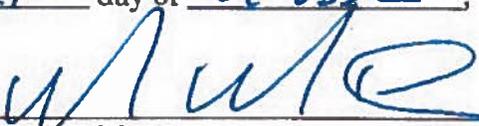
9. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, 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.

10. 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.

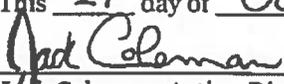
11. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 27th day of October, 2014.

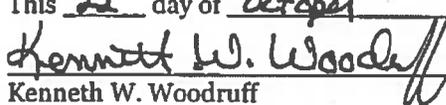


AMBROSE WILSON IV
COMMISSIONER

Consented to:

This 27 day of October, 2014.


Jack Coleman, Acting Director
Electrical Division
Department of Housing, Buildings and Construction

This 22 day of October, 2014.


Kenneth W. Woodruff

ACKNOWLEDGEMENT

STATE OF Kentucky)
)
COUNTY OF Laurel)

On this the 22nd day of October, 2014, before me Georgia Lear, the undersigned, Kenneth W. Woodruff, 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: April 24, 2018

Georgia Lear
Notary Public

CERTIFICATE OF SERVICE

I, John C. Allender, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 27th day of October, 2014, by certified mail, to the following:

Kenneth W. Woodruff



John C. Allender
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