

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0027-ELEC
(Division Case# KY-14-10-0008-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

WAYNE RICE

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, regulates and certifies electrical inspectors under KRS Chapter 227A, and enforces all statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth of Kentucky.

2. Wayne Rice (“Respondent”) was, at all relevant times herein, a Kentucky resident with a mailing address P.O. Box 538, London, KY 40743-0538.

3. Respondent was at all relevant times herein a Certified Electrical Inspector (certificate # EI-2B0002096). Respondent’s electrical inspector certificate expires on September 1, 2015.

4. On August 1, 2014, the DHBC investigated electrical work inspected and approved by Respondent at a dwelling located at 971 Jackson Farriston Road, London, KY 40744. The DHBC discovered that Respondent had issued a certificate of compliance for the electrical work for the dwelling despite numerous violations of the

2011 edition of the National Electrical Code present on the site that resulted in the creation of dangerous conditions and that should have been discovered and required correction prior to approval of the installation, including:

- a) One structure supplied with more than one service (one overhead 200 Amp, one underground 800 Amp four gang), in violation of 2011 NEC 230.2;
- b) No grounding electrode system for the four gang meter pack, in violation of 2011 NEC 250.50;
- c) No intersystem bonding termination connection for the four gang meter pack, in violation of 2011 NEC 250.94;
- d) No expansion fitting for underground service conduit, in violation of 2011 NEC 300.7(B) and 2011 NEC 300.5(J);
- e) Improper burial depth of service conduit, in violation of 2011 NEC 300.5;
- f) PVC cement was not used in the installation of the PVC fittings, in violation of 2011 NEC 110.3(B);
- g) Type NM cable exposed to physical damage and not in race way at HVAC disconnect, in violation of 2011 NEC 334.15(B);
- h) Type NM cable installed in wet or damp location (exposed at HVAC disconnect), in violation of 2011 NEC 334.10(A);
- i) Type NM cable used in multifamily dwelling with unknown construction type, in violation of 2011 NEC 334.12(A)(1);
- j) Type NM cable installed in a raceway in a wet location (exterior HVAC unit), in violation of 2011 NEC 300.9;
- k) No GFCI protection in bathroom of occupied apartment, in violation of 2011 NEC 210.8(A)(1);
- l) No AFCI protection in occupied apartment, in violation of 2011 NEC 210.12;
- m) No tamper-resistant receptacles in occupied apartment, in violation of 2011 NEC 406.12;
- n) Improper circuitry labelling on occupied apartment panel and subpanel service on HVAC unit, in violation of 2011 NEC 408.4;
- o) No HVAC service receptacle, in violation of 2011 NEC 210.63;
- p) No receptacle at any of the egress doors, in violation of 2011 NEC 210.52(E)(2);
- q) Lack of proper working space in front of panel in occupied apartment, in violation of 2011 NEC 110.26(A)(1);
- r) Improper spacing on receptacle serving the kitchen countertop in occupied apartment, in violation of 2011 NEC 210.52(C);

- s) Type NM cable not secured or supported, in violation of 2011 NEC 334.30;
- t) Type NM cable installed through bored holes not 1.25 inches from edge of wood and without steel protector plates, in violation of 2011 NEC 300.4(A)(1);
- u) Type NM cable installed in trench cut in drywall not protected from nails or screws, in violation of 2011 NEC 300.4(A)(2);
- v) Lack of outlet boxes for exterior lights, in violation of 2011 NEC 314.27, and 2011 NEC 300.15;
- w) Type NM cable installed outside of framing member, in violation of 2011 NEC 300.4, and 2011 NEC 110.12;
- x) Grounded conductor and equipment grounded conductor not separated in HVAC subpanel, in violation of 2011 NEC 250.142(B);
- y) Bonding screw in HVAC subpanel installed incorrectly, in violation of 2011 NEC 110.12, and 2011 NEC 250.8;
- z) Ungrounded conductors improperly re-identified in HVAC subpanel, in violation of 2011 NEC 200.6;
- aa) Receptacles in occupied apartment improperly mounted, in violation of 2011 NEC 406.5;
- bb) Improper wiring devices on wire splices, in violation of 2011 NEC 110.14; and
- cc) Service equipment disconnecting means not grouped together, in violation of 2011 NEC 230.72(A).

5. On January 29, 2015, the DHBC investigated electrical work certified by Respondent at a residence located at 55 Ruby Lane, Mount Vernon, KY 40456-9038. The DHBC discovered that Respondent had issued a certificate of compliance for the electrical work at the property despite numerous violations of the 2011 edition of the National Electrical Code present on the site that should have been discovered and required correction prior to approval of the installation, including:

- a) Living room light fixtures not AFCI protected, in violation of NEC 210.12(A);
- b) Outside GFCI receptacles lack In-Use Covers, in violation of NEC 406.9(B)(1);
- c) No intersystem bonding connection, in violation of NEC 250.94;
- d) 20 Amp AFCI breakers feeding branch circuits with #14 wire, in violation of NEC 240.4(D)(3);
- e) Panel Board lacking 36 inches clearance in front of it, in violation of NEC 110.26(A)(1); and

- f) Service equipment disconnecting means installed in bathroom, in violation of NEC 230.70(A)(2).

6. On July 30, 2015, the DHBC inspected a manufactured home located 1045 Belle Fork Road, Manchester, KY 40962, and discovered that Respondent had certified the electrical installation for that manufactured home without ensuring that the certified installer seal was affixed to the home, as required by KRS 227.570. In addition, Respondent approved the installation despite the presence of the following violations:

- a) Conduit beneath the home had no expansion fitting installed in it, in violation of 2011 NEC 300.5(J) and 2011 NEC 300.7(B);
- b) No conduit bushings installed on the conduit box connector in the panel board, in violation of 2011 NEC 352.46 and 2011 NEC 300.4(G);
- c) Green sticker for electrical occupancy was located at the meter base instead of at the service disconnecting means, in violation of 815 KAR 35:015 Section 8(6)(c)(1); and
- d) Neutral conductor or grounded conductor in the mobile home panel not installed or torqued in accordance with manufacturer installation instructions and was disconnected from the neutral bar lug, in violation of 2011 NEC 110.14, 2011 NEC 110.12, and 2011 NEC 110.3(B).

7. By certifying electrical installations that contained numerous violations of the National Electrical Code and were, therefore, unlawful installations, Respondent violated KRS 227.491(2)(b), which prohibits certified electrical inspectors from certifying unlawful electrical installations. By certifying an electrical installation on a manufactured home that was not installed by a certified manufactured-home installer Respondent violated KRS 227.491(2)(c), which prohibits certified electrical inspectors from certifying an electrical installation on a manufactured home where the certified installer seal is not present.

8. The DHBC possesses a range of statutory and administrative authority to address violations of the statutes, regulations, and applicable code requirements related to certified electrical inspectors in the Commonwealth of Kentucky.

9. In this case, based on Respondent's violations of Kentucky law recited above, the DHBC has determined that Respondent be ineligible to apply for renewal of his electrical inspector certification for a period of six (6) months, beginning on September 1, 2015, and ending on March 1, 2016. Respondent may request reinstatement of his electrical inspector certification after March 1, 2016, in accordance with the provisions of 815 KAR 35:015, Section 7, and shall be responsible for the payment of all fees associated with such reinstatement. Upon reinstatement of his electrical inspector certification, Respondent shall be placed on probation for 6 months, during which period any report of Respondent's violations of the statutes and regulations applicable to certified electrical inspectors in Kentucky will result in permanent revocation of Respondent's certification.

10. In the interest of economically and efficiently resolving the violations described herein, the parties agree as follows:

- a. Respondent agrees that he shall be **ineligible** to renew his Kentucky Electrical Inspector Certification for a period of **six (6) months, beginning on September 1, 2015, and ending on March 1, 2016** ("Ineligibility Period").
- b. Should Respondent choose to request reinstatement of his electrical inspector certification in accordance with 815 KAR 35:015, Section 7, after the end of the Ineligibility Period, and such reinstatement is granted, Respondent shall be subject to probation for a period of 6 months ("Probation Period"), during which time Respondent's electrical inspections may be subject to spot checks by State Electrical Inspectors; a report of Respondent's violations of

Kentucky law regarding electrical inspections shall result in an investigation, and may result in permanent revocation of his electrical inspector certification.

- c. Respondent shall not engage in any electrical inspections during the Ineligibility Period, and shall cooperate with any other certified electrical inspector or State Electrical Inspector requesting information regarding any pending electrical inspections that may have been commenced by Respondent before the beginning of the Ineligibility Period (September 1, 2015).
- d. Respondent shall notify the government of each jurisdiction where he has contracted as a certified electrical inspector that he will not be able to complete any pending or future electrical inspections during the Ineligibility Period so that each jurisdiction may take the necessary steps to arrange for an alternative inspector to complete such pending or future electrical inspections.
- e. Provided that Respondent complies with the terms of this Agreed Order, and the terms of this Agreed Order are not otherwise breached, the DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.
- f. Should the Respondent be found in violation of the terms of this order or other provisions of Kentucky law regarding electrical inspections during the Ineligibility Period and/or the Probation Period, the DHBC may impose such additional administrative

penalties as it deems appropriate, up to and including certification revocation and maximum fines.

g. Respondent may apply for reinstatement of his electrical inspector certification on or after the first business day after the end of the Ineligibility Period, and is responsible for all fees associated with his request for reinstatement, including late fees, as applicable.

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

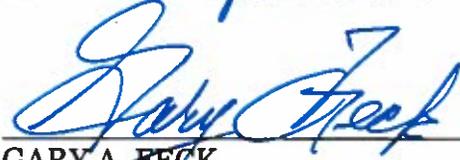
10. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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 8th day of September 2015.



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

Agreed to:

This 8th day of September 2015.



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

Agreed to:

This 1 day of September 2015.

Wayne Rice
WAYNE RICE

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky)

COUNTY OF Jackson)

On this the 1 day of September 2015, before me Veola Williams, the undersigned, WAYNE RICE, 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: 12-8-2015

Veola Williams
Notary Public ID-455280

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 8th day of September 2015, to the following:

Wayne Rice
P.O. Box 538
London, KY 40743-0538



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