

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0022-HVAC
(Division Case# KY-15-02-0014-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION, and
THE BOARD OF HEATING, VENTILATION, AND
AIR CONDITIONING CONTRACTORS

COMPLAINANT

v.

AGREED ORDER

DERICK L. CHANDLER d/b/a PERFORMANCE HVAC, INC.

RESPONDENT

1. The Department of Housing, Buildings and Construction, Division of Heating, Ventilation, and Air Conditioning ("DHBC") and the Board of Heating, Ventilation, and Air Conditioning Contractors ("HVAC Board") regulate and license heating, ventilation, and air conditioning ("HVAC") master contractors and journeyman mechanics in accordance with the provisions set forth in KRS 198B.650 through 198B.689. Additionally, the DHBC and HVAC Board enforce all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

2. Derick L. Chandler, d/b/a Performance HVAC, Inc. ("Respondent") was, at all relevant times herein, an Ohio resident residing at 5821 Milona Court, Fairfield, OH 45014-5538, and doing business in Kentucky.

3. Respondent is currently a Kentucky licensed Master HVAC Contractor (license #HMO4986), and a licensed Journeyman HVAC Mechanic (license #HJ12586), and has been since August 8, 2014.

4. On February 23, 2015, the DHBC investigated whether Respondent had obtained a permit for the HVAC work performed at 1092 Garvey Road, Butler, KY 41006 (a private residence). As a result of that investigation, DHBC found that Respondent had completed substantial HVAC work requiring a permit, but had not applied for or obtained a permit before commencing the HVAC work at this address. A permit was not applied for and obtained until February 27, 2015. Respondent's failure to apply for the permit before starting the work violated KRS 198B.6671(1); 815 KAR 8:070, Section 2; and the 2013 Kentucky Residential Code, Section R105.1.

5. Accordingly, on March 12, 2015, the DHBC notified Respondent in writing of the intent to take action against his Master HVAC Contractor license and impose fines, advised him of his right to request an administrative hearing pursuant to KRS Chapter 13B, and offered him the opportunity to resolve the matter via agreed order.

6. The DHBC possesses a range of statutory and administrative authority in addressing violations of KRS 198B.650 through 198B.689, the regulations promulgated thereunder, and the Uniform State Building Code, including license revocation and suspension, and the imposition of fines in an amount up to \$1,000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

7. In this case, the DHBC has imposed a fine against Respondent 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 has agreed to and shall pay a total fine of \$250.00. Said 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: Victoria K. Holmes, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601; or may be made by credit or debit card.

b. Respondent shall not engage in HVAC activity in the absence of the appropriate license, and shall 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 198B.650 to 198B.689 and 815 KAR Chapter 8; and

c. 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.

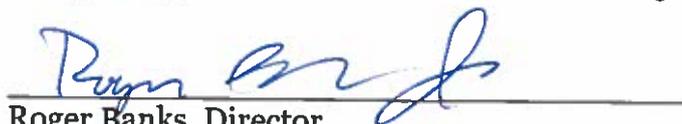
IT IS SO ORDERED on this the 30th day of March 2015.



GARY A. FECK
Acting Commissioner
Department of Housing, Buildings
and Construction,
Chairman of the Board of Heating,
Ventilation, and Air Conditioning
Contractors

Agreed to:

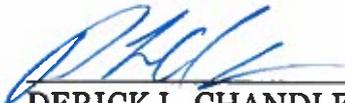
This 30th day of March 2015.



Roger Banks, Director
Division of HVAC
Department of Housing, Buildings and Construction

Agreed to:

This 26th day of March 2015.



DERICK L. CHANDLER

ACKNOWLEDGEMENT

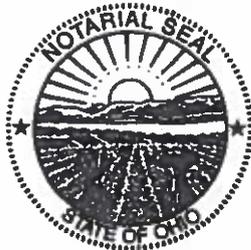
STATE/Commonwealth of Ohio

COUNTY OF Butler

On this the 26th day of March 2015, before me DERICK CHANDLER, the undersigned, DERICK L. CHANDLER, 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: 3/16/2019



SANDRA KAY SCOTT
Notary Public
In and for the State of Ohio
My Commission Expires
March 16, 2019



Sandra Kay Scott

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 30th day of March 2015, to the following:

Mr. Derick L. Chandler, d/b/a
Performance HVAC
5821 Milona Court
Fairfield, OH 45014-5538



Victoria M. Kadreva Holmes
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and
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