

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0009-HVAC
(Division Case# KY-15-03-0001-CE)**

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

COMPLAINANT

v.

AGREED ORDER

RONALD B. HICKMAN d/b/a/ LINT ELIMINATOR LLC

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. Ronald B. Hickman, d/b/a. Lint Eliminator, LLC (“Respondent”) was, at all relevant times herein, a Kentucky resident, located at 8459 Campbellsville Road, Hodgenville, KY 42748.

3. Respondent is currently a Kentucky licensed Journeyman HVAC Mechanic (license #HJ17148), since July 30, 2014.

4. The DHBC investigated advertisements and consumer testimonials for HVAC work performed by Respondent in Kentucky in 2014 and early 2015. As a result of that investigation, DHBC found that on at least eleven (11) occasions Respondent had engaged in HVAC work without a Master HVAC Contractor license and without the supervision of a Master HVAC Contractor, in violation of KRS 198B.656(1) and (4), and 2013 Kentucky Residential Code Section R101.6. Respondent held himself out as “certified” to engage in this HVAC work when he was not, in fact, licensed as a Master HVAC Contractor, thereby violating KRS 198B.670. Respondent’s use of deceptive trade practices, such as citing inaccurate and misleading statistics about the incidence and cause of dryer fires and the “code” requirements allegedly applicable to dryer vents in existing homes, as evidenced by information in Respondent’s company brochure and on Respondent’s company website, also makes Respondent subject to sanctions under KRS 198B.672(3) and (4).

5. Accordingly, on February 13, 2015, the DHBC notified Respondent in writing of the intent to take action against his 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 agrees to and shall pay a total fine of \$2,200.00 by no later than March 13, 2015. Said payment 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: Victoria K. Holmes, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601;

c. 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

d. 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.

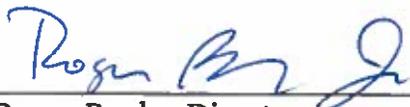
IT IS SO ORDERED on this the 13th day of March 2015.



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 18th day of March 2015.



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

Agreed to:

This 13 day of March 2015.

Ronald B. Hickman
RONALD B. HICKMAN

ACKNOWLEDGEMENT

STATE/Commonwealth of Ky

COUNTY OF Lake

On this the 13 day of March 2015, before me Karen Dune, the undersigned, Ronald B. Hickman, 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: 3-10-17

Karen Dune ID # 484306
Notary Public

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 20th day of March 2015, to the following:

Ronald B. Hickman d/b/a Lint Eliminator LLC
8459 Campbellsville Road,
Hodgenville, KY 42748


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