

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0074-HVAC
(Division Case## KY-15-08-0016-CE)**

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

COMPLAINANT

v.

AGREED ORDER

LARRY J. GOEDDE,
d/b/a MIDWEST ROOFING – SHEET METAL

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. Larry J. Goedde, d/b/a Midwest Roofing – Sheet Metal (“Respondent”) was, at all relevant times herein, doing business in Kentucky with a mailing address 1208 N. Harlan Avenue, Evansville, IN 47711-4717.

3. Respondent holds a Kentucky license as a Master HVAC Contractor (license # HMO3483), last renewed November 18, 2014.

4. On August 28, 2015, the DHBC investigated the HVAC work performed by Respondent at a McLean County Board of Education building located at 410 State Route 136 East, Calhoun, KY 42327-9620. As a result of that investigation, DHBC discovered that Respondent had commenced HVAC duct installation without obtaining a permit, and that Respondent's employees on the site, Mr. Neal R. Reitz and Mr. Dustin K. Hale, both of Evansville, Indiana, were not Kentucky-licensed Journeyman HVAC Mechanics, and Respondent had failed to provide them with supervision or direction from a Journeyman HVAC Mechanic and from a Master HVAC Contractor as required under Kentucky law.

5. Respondent's failure to provide the required supervision for his employees violated 815 KAR 8:020, Section 1(2); and the 2013 Kentucky Building Code, Section 122.3, which require that employees and subcontractors operate under the general direction of a Master HVAC Contractor, and that all HVAC work be performed by a licensed Journeyman HVAC Mechanic working under the supervision of a licensed Master HVAC Contractor. In addition, Respondent's failure to obtain a permit for the HVAC duct installation before commencing the work was a violation of KRS 198B.6671(1), 815 KAR 8:070, Section 2; and the 2013 Kentucky Building Code, Section 105.1, which require that a permit be obtained before commencing this type of HVAC work.

6. Accordingly, on October 5, 2015, the DHBC notified Respondent in writing of the intent to take action against his Master HVAC Contractor license and impose

finer, 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.

7. 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).

8. In this case, the DHBC has imposed fines against Respondent for the above-referenced violations in the total amount of seven-hundred and fifty dollars (\$750.00).

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

- a. Respondent has agreed to pay a total fine in the amount of **seven-hundred and fifty dollars (\$750.00)** no later than **November 15, 2015**. Said payment may be in the form of a certified check or a 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 by calling the Division of HVAC directly.
- b. Respondent shall not engage in HVAC activity in the absence of the appropriate license and/or permit, 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.

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

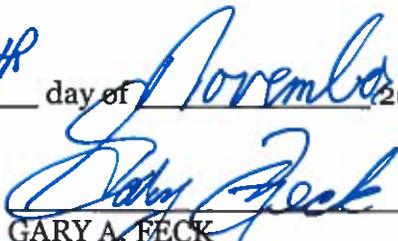
11. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

12. 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.

13. 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.

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

IT IS SO ORDERED on this the 9th day of November 2015.



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

Agreed to:

This 9th day of November 2015.



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

Agreed to:

This 4TH day of NOVEMBER 2015.



LARRY J. GOEDDE

ACKNOWLEDGEMENT

STATE/Commonwealth of Indiana

COUNTY OF Vanderburgh

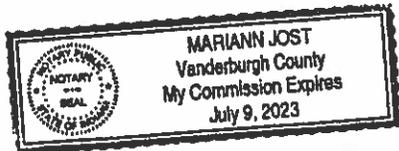
On this the 4th day of November 2015, before me
Marianna Jost, the undersigned, LARRY J. GOEDDE, did personally appear
and entered into and executed the foregoing instrument for the purposes therein
contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 07-09-23



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 9th day of November 2015, to the following:

Larry J. Goedde
d/b/a Midwest Roofing and Sheet Metal
1208 N. Harlan Avenue,
Evansville, IN 47711-4717


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