COPY

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0013-HVAC
(Division Case# KY-15-01-0001-CE)

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

v.

AGREED ORDER

RICHARD A. CIRESI — 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. Richard A. Ciresi, d/b/a Universal Installations, Inc. ("Respondent") was, at all relevant times herein, a Kentucky resident residing at

3. Respondent is currently a Kentucky licensed Master HVAC Contractor (license #HM01015), and a licensed Journeyman HVAC Mechanic (license #HJ02511), and has been since November 17, 2014.

4. On November 21, 2014, the DHBC investigated the HVAC work performed by Respondent at 1008 S. 45th Street, Louisville, KY. As a result of that investigation, DHBC discovered that Respondent had employed a worker, Richard L. Robbins, to perform HVAC work, but failed to provide that unlicensed worker with supervision or direction from a Journeyman and from a Master HVAC Contractor. The DHBC discovered the same violations, involving the same unlicensed worker, for HVAC work performed by Respondent on January 6, 2015, at 1156 Morning Side Drive, Lexington, KY 40509-2348. Respondent's actions in both instances violated 815 KAR 8:010, Section 1(2); and the 2013 Kentucky Residential Code, Section R101.6, which require that the 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.

5. Accordingly, on March 4, 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, which Respondent paid on March 16, 2015.

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 $500.00. 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 21 day of ~~March~~ May 2015.

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

Agreed to:

This 21st day of May 2015.

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

Agreed to:

This 14 day of May 2015.

RICHARD A. CIRESI

ACKNOWLEDGEMENT

STATE/COMMONWEALTH OF Kentucky

COUNTY OF Jefferson

On this the 14th day of May 2015, before me SANDRA L. NEWTON, the undersigned, RICHARD A. CIRESI, 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: February 19, 2019

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 22nd day of May 2015, to the following:

Mr. Richard A. Ciresi
Universal Installations, Inc.
8618 Whipps Bend Rd.,
Louisville, KY 40222-4560

Victoria Kadreva Holmes

Victoria M. Kadreva Holmes
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
(502) 573-0365 ext. 107
(502) 573-1057 facsimile
Victoria.Holmes@ky.gov
Counsel for Complainant