

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
AGENCY CASE NO. 2016-0040-HVAC  
(Division Case # KY-16-02-0005-CE)**

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

COMPLAINANT

v.

**AGREED ORDER**

STEVE GIBSON  
D/B/A BNG HEATING & COOLING

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 pursuant to 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. Steve Gibson, d/b/a BNG Heating & Cooling, (“Respondent”) was at all relevant times herein located at 1425 N. Rockport Road, Boonville, IN, 47601-2349.

3. Respondent does not hold a valid Kentucky Master HVAC Contractor or Kentucky Journeyman HVAC Mechanic license.

4. On January 8, 2016, the Department investigated Respondent's HVAC installation work performed at a building near the residence located at 2226 State Route 2153 in Morganfield, KY, 42437-7262. As a result of that investigation, the Department discovered that at the time Respondent performed the HVAC work, Respondent did not hold a valid Kentucky Master HVAC Contractor or Journeyman HVAC Mechanic license.

5. Respondent's performance of HVAC work without a valid Kentucky Master HVAC Contractor or Journeyman HVAC Mechanic license violated KRS 198B.656(4) and the 2013 Kentucky Building Code, Section 122.3, which require that all HVAC work be performed by a licensed Journeyman HVAC Mechanic under the supervision of a licensed Master HVAC Contractor.

6. The DHBC possesses a range of statutory and administrative authority to address 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 fines against Respondent for the above-referenced violations in the total amount of two hundred and fifty dollars (\$250.00).

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

- a. Respondent agrees to pay a total fine in the amount of **two hundred and fifty dollars (\$250.00)** for the violations described herein, which shall be due and paid on the date Respondent signs the Agreed

Order and returns it to the DHBC, but in no event later than **June 2, 2016**. 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: Samuel Thorner, 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 at telephone number 502-573-0395.

- b. Respondent agrees to not engage in HVAC activity without the appropriate license and permit, and agrees to devote the time and resources reasonably necessary to ensure continual and full compliance with the Kentucky Building Code, the Kentucky Residential 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.

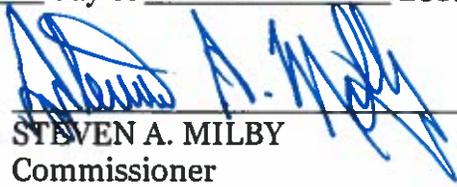
11. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, 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, or 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.

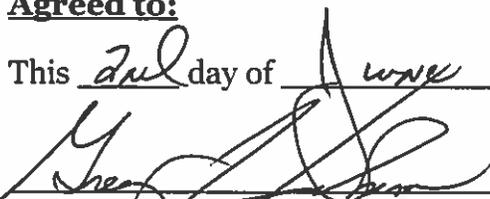
13. This Agreed Order shall constitute the Final Order in this matter.

**IT IS SO ORDERED** on this the 3 day of JUNE 2016.

  
\_\_\_\_\_  
STEVEN A. MILBY  
Commissioner  
Department of Housing,  
Buildings, and Construction;  
Chairman of the Board of  
HVAC Contractors

**Agreed to:**

This 2nd day of June 2016.

  
\_\_\_\_\_  
Greg Houchens, Director  
Division of HVAC  
Department of Housing, Buildings and Construction

**Agreed to:**

This 31st day of May 2016.

[Signature]  
Steve Gibson

**ACKNOWLEDGEMENT**

STATE/Commonwealth of Indiana

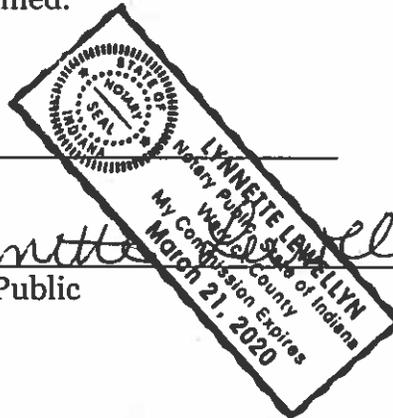
COUNTY OF Warrick

On this the 31st day of May 2016, before me Lynette Lewellyn  
the undersigned, STEVE GIBSON, 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: 3/21/2020

[Signature]  
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 3 day of June 2016, to the following:

Steve Gibson  
d/b/a BNG Heating & Cooling  
1425 N. Rockport Road  
Boonville, IN 47601-2349

  
\_\_\_\_\_  
Samuel Thorner  
Assistant Counsel  
Office of Legal Services  
Department of Housing, Buildings and  
Construction  
101 Sea Hero Road, Ste. 100  
Frankfort, KY 40601  
(502) 573-0365 phone  
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*Counsel for Complainant*