

COPY

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

TIMOTHY D. LITTLE, a/k/a DAN LITTLE,
d/b/a LITTLE HEAT & LITTLE AIR, 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. Timothy D. Little, a/k/a Dan Little, d/b/a Little Heat & Little Air, Inc. ("Respondent") was, at all relevant times herein, an Kentucky resident located

with a mailing address P.O. Box 297, Waco KY

40385.

3. Respondent is currently a Kentucky Master HVAC Contractor License #HMO4126 and Journeyman HVAC Mechanic License #HJO2468, and has been since November 6, 2014.

4. On or about February 3, 2015, the DHBC investigated the HVAC work performed by Respondent at 306 Anthony Drive, Nicholasville, KY 40340 (a property being leased as a residence). As a result of that investigation, DHBC discovered that while performing HVAC work at the property, Respondent committed the following violations of the Kentucky Residential Code, National Electrical Code, International Energy Conservation Code, and Kentucky Building Code:

- Return in supply duct in attic leaking air, in violation of **2013 Kentucky Residential Code (“KRC”) M1601.4.1;**
- Supply duct not insulated in attic, in violation of **2013 KRC M1601.3 and 2013 KRC M1601.4.5;**
- Unapproved materials in the drain pan: Supports located inside of the drain pan to support the appliances or equipment were not water resistant and approved, in violation of **2013 KRC M1411.3.3;**
- No manufacturer paperwork left with unit: Installation of appliances did not conform to the condition of their listing and label, and the manufacturer’s installation and operating instructions were not attached to the appliance, in violation of **2013 KRC M1307.1;**
- Unit needs a way to secure the filter and return: Heating and Cooling equipment and appliances were not installed in accordance with the manufacturer’s installation instructions, in violation of **2013 KRC M1401.1;**

- No romex connector or grommet protecting wires for thermostat wires entering the cabinet, in violation of **NFPA 70 (NEC 2014) 300.12, 314.17, and 725.31;**
- Return and Supply Duct not sealed, unit not sealed to coil, in violation of **IECC 2009 403.2.2;**
- Supply duct not insulated to R-8, in violation of **IECC 2009 403.2.1;**
- Work not completed in a workmanlike and acceptable manner: Left screws out of the door of the unit, didn't reinstall screws to secure the door to unit, in violation of **2013 KBC 122.4;**
- Left one return 6-inch line unhooked, did not reattach return line so air can be returned to the unit, in violation of **Manual D/ Section 6, 6-12, as referenced in 2013 KRC.**
- The unit is connected to the coil with half the air supply being blocked off, creating noise and restricting airflow. A proper transition was not built from the unit to the coil, in violation of **Manual D/Appendix 13/A13-10, referenced in 2013 KRC.**

5. Accordingly, on March 2, 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 initially imposed a fine of \$8,000.00 against Respondent for the above-referenced violations. However, Respondent having offered to correct and having subsequently completed corrections of the above violations, the DHBC has agreed to consider such remediation in mitigation.

8. In the interest of economically and efficiently resolving the violations described herein, and after consideration of corrections having been made as described herein, the parties agree as follows:

a. Respondent agrees to and shall pay a total fine of five thousand, five hundred dollars;

b. Respondent agrees to and shall pay the total fine assessed herein in six (6) installment payments, the first of which shall be in the amount of five hundred dollars (\$500.00) and 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 April 6, 2015. All subsequent installments shall be in the amount of one thousand dollars (\$1,000.00) each and shall be due and paid by no later than the 6th of each month thereafter until paid in full. Each installment 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. Each installment payment must be received by the DHBC on or before the specified date.

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. Provided that all installment payments are made in a timely manner, and the terms of this Agreed Order are not otherwise breached, 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 10th day of April 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 6th day of April 2015.



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

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 6th day of April 2015, to the following:

Timothy D. Little, a/k/a Dan Little,
d/b/a Little Heat & Little Air, Inc.
P.O. Box 297,
Waco KY 40385



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