

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION
AGENCY CASE NO. 2015-0067-PLG
DIVISION CASE NO. KY-15-08-0001-CE**

DEPARTMENT OF HOUSING,
BUILDINGS, AND CONSTRUCTION

COMPLAINANT

v.

FINAL ORDER

ERIC F. MARTIN

RESPONDENT

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Housing, Buildings, and Construction (“DHBC”), and hereby enters this Final Order, pursuant to KRS Chapter KRS 198B.050(2), 198B.990(1), and 318.180 as set out more fully below:

FINDINGS OF FACT

1. The DHBC is responsible for regulating and licensing master plumbers and journeyman plumbers under KRS Chapter 198B, KRS Chapter 318, and 815 KAR Chapter 20, and enforces all statutes, regulations, and applicable code requirements related to plumbing work in the Commonwealth of Kentucky.

2. Eric F. Martin (“Respondent”) was, at all relevant times, a Kentucky resident, located at 401 Kimberly Place, Lexington, KY 40503-2806.

3. Respondent’s last Kentucky Journeyman Plumber’s License #J14979 expired on April 30, 2015, and was not renewed.

4. On August 14, 2015, the DHBC investigated plumbing work Respondent performed at a residence located at 2302 Southview Drive, Lexington, Kentucky; specifically, the installation of a water heater on March 17, 2015.

5. For the plumbing work performed at that address, Respondent did not apply for or obtain a permit; Respondent did not have the work inspected; and Respondent did not have a licensed master plumber connected with the work.

6. On October 19, 2015, the DHBC filed an Administrative Complaint against Respondent and served a copy on him via certified mail, return receipt requested, to his last known address.

7. DHBC received a delivery receipt confirming that the Administrative Complaint was delivered to and signed for on behalf of Respondent on October 22, 2015.

8. More than twenty (20) days have elapsed since the date that the Administrative Complaint was served as described above, and the Respondent has failed to request a hearing or otherwise answer.

CONCLUSIONS OF LAW

1. DHBC has been granted a broad range of statutory and administrative authority to address violations of the statutes, regulations, and Kentucky Plumbing Code, including criminal penalties, injunctive relief, and the imposition of fines in an amount up to \$1,000.00 per violation, with each day the violation continues constituting a separate offense. KRS 198B.050(2), 198B.990(1), and 318.180.

2. Pursuant to KRS 13B.050(2), service of the Administrative Complaint was properly completed upon Respondent.

3. Respondent's failure to obtain a permit violated KRS 318.134 and 815 KAR 20:050 § 2, which require anyone installing a water heater in the Commonwealth of Kentucky to first obtain a permit.

4. Respondent's failure to have a licensed master plumber connected with the work violated the 2013 Kentucky Residential Code § R101.7 ("KRC," incorporated by

reference within 815 KAR 7:125), which requires that all plumbing installations occur under the supervision of a Kentucky Licensed Master Plumber.

5. Respondent's failure to obtain an inspection of the plumbing installation violated KRC § R101.7 and 815 KAR 20:150, which require inspections by a state plumbing inspector of all plumbing installations.

6. Respondent has not requested a hearing regarding these matters and has therefore waived his right to such a hearing and DHBC is entitled to this Final Order.

ORDER

Based on the findings of fact, statutory authority and conclusions set forth above, the Commissioner, pursuant to KRS 198B.050(2), 198B.990(1), and 318.180, **ORDERS** that:

1. Respondent Eric F. Martin shall pay a fine of \$3,000.00;
2. Respondent shall not transact plumbing business in Kentucky, either directly or indirectly, unless and until such time as he has paid in full the fine imposed above and has been issued a valid plumber's license;
3. Respondent shall be ineligible to apply for or receive any plumbing license until such time as he has paid in full the fine imposed above.
4. This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective immediately.

IT IS SO ORDERED on this the 30th day of December 2015.



JACK COLEMAN
Deputy Commissioner
Department of Housing, Buildings,
and Construction

NOTICE OF APPEAL RIGHTS

You are hereby notified that you have the right to appeal this Final Order of the Commissioner pursuant to the provisions of KRS 13B.120 and KRS 13B.140. If you choose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within sixty (60) days after entry of this Final Order. A copy of any Appeal Petition must also be served on the Commissioner.

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Final Order* was served via U.S. Postal Service, certified mail, return receipt requested, on this the 30 day of December 2015, to the following:

Eric F. Martin
d/b/a Drainco
401 Kimberly Place,
Lexington, KY 40503-2806

Respectfully submitted,



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