

COPY

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0004-PLG
(Division Case# KY-15-01-0007-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

KYLE EADY

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction, Division of Plumbing ("DHBC") regulates and licenses 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. Kyle Eady ("Respondent") was, at all relevant times, a Kentucky resident, located at 66 Robertson Road, Kuttawa, KY 40255-6601. Respondent currently resides at

3. Respondent has never held a master or a journeyman plumbing license.

4. On November 20, 2014, the DHBC investigated the plumbing work Respondent contracted to perform at 72 Lakeview Drive, Apt. 4, Eddyville, KY 42038-7671. As a result of that investigation, DHBC found that Respondent had engaged in the trade of plumbing and performed work on several occasions without having applied for and obtained a valid master plumber's license; had failed to carry the requisite general liability insurance; and on numerous occasions had advertised himself as a plumber by

distributing business cards (describing his business as plumbing) to members of the public when he did not, in fact, hold any type of plumber's license.

5. By performing plumbing work when Respondent had not applied for and obtained a valid master plumber's license, was not supervised by a licensed plumber, and did not carry the requisite general liability insurance, Respondent violated the provisions of KRS 318.030. By advertising himself as a plumber without holding a valid license, Respondent also violated KRS 318.100.

6. The DHBC possesses a range of statutory and administrative authority to address violations of the applicable statutes, regulations, and Kentucky Plumbing Code, including injunctive relief, license revocation, restriction, and suspension, 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), 318.180, and 318.990.

7. In this case, the DHBC has imposed a fine against Respondent in the amount of one thousand dollars (\$1,000.00) for the above-referenced violations.

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

- a. Respondent agrees to pay a fine in the total amount of one thousand dollars (\$1,000.00) for the violation(s) described herein, which Respondent paid in full on February 26, 2015.
- b. Respondent shall not engage in plumbing activity in the Commonwealth of Kentucky in the absence of a license; and
- c. The DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.

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

13. 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.

14. 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.

15. 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.

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

IT IS SO ORDERED on this the 18th day of March 2015.



GARY A. EICK
Acting Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 14 day of March 2015.

David J. Moore
David J. Moore
Director, Division of Plumbing
Department of Housing, Buildings and Construction

Agreed to:

This 6th day of March 2015.

Kyle Eady
Kyle Eady

ACKNOWLEDGEMENT

STATE/Commonwealth of _____
COUNTY OF _____

On this the 6th day of March 2015, before me _____, the undersigned, Kyle Eady, 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: 4-2-17

Jason Denney
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 20th day of March 2015, to the following:

Mr. Kyle Eady
11638 Lanesborough Way, Apt. 1206
Farragut, TN 37934


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