

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION
AGENCY CASE NO. 2014-0017-PLG, 2015-0089-PLG
(Division Case# KY-14-05-0001-CE, KY-14-09-0004-CE,
KY-14-09-0007-CE, KY-14-11-0003-CE,
KY-14-11-0004-CE, KY-15-10-0001-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS, AND CONSTRUCTION

COMPLAINANT

v.

FINAL ORDER

LARRY J. CARTER

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. 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. Larry J. Carter ("Respondent") was, at all relevant times, a Kentucky resident, located at 125 Maple Avenue, Versailles, KY 40383.
3. Respondent's last Kentucky Master Plumber's License #M6936 and last Kentucky Journeyman Plumber's License #J12654 both expired on March 31, 2014 and were not renewed.

4. On September 4, 2014, DHBC investigated plumbing work Respondent performed at a residence located at 208 Legend Drive, Lexington, Kentucky, a commercial property; specifically, the installation of four shampoo bowls, a service sink, and a water heater.

5. For the plumbing work performed at that address, Respondent did not apply for or obtain a permit; Respondent did not submit plans and specifications for prior approval; Respondent did not have the work inspected; Respondent performed the plumbing work without a valid plumber's license; and Respondent did not have a licensed master plumber connected with the work.

6. On September 29, 2014, DHBC investigated the plumbing work Respondent performed at 801 Marcellus Drive, Lexington, Kentucky, a single-family home; specifically, the installation of a water heater.

7. For the plumbing work performed at that address, Respondent did not apply for or obtain a permit; Respondent did not have the work inspected; Respondent performed the plumbing work without a valid plumber's license; and Respondent did not have a licensed master plumber connected with the work.

8. On November 10, 2014, DHBC investigated the plumbing work Respondent contracted to perform at the Shell Mart located at 3535 Lexington Road, Versailles, KY, a commercial property; specifically, the repair of a shut-off valve, the replacement of the drain for the soft drink machine, and the repair of a toilet.

9. With regards to that contract to perform plumbing work, Respondent accepted \$500.00 in payment and did not perform any work; Respondent did not hold a valid plumber's license; and Respondent did not have a licensed master plumber connected with the work.

10. On November 10, 2014, DHBC investigated the plumbing work Respondent contracted to perform at 133 Ravenwood Road, Versailles, Kentucky, a single-family home; specifically, the repair of a septic system.

11. With regards to that contract to perform plumbing work, Respondent accepted \$1,400.00 in payment and did not perform any work; Respondent did not hold a valid plumber's license; and Respondent did not have a licensed master plumber connected with the work.

12. On April 9, 2015, Respondent entered into an Agreed Order with DHBC. See Agreed Order, Agency Case # 2014-0017-PLG, attached as Exhibit 1 and incorporated by reference. Therein, Respondent stipulated to the violations alleged by DHBC relating to plumbing contracts and work performed at the properties listed above. Respondent agreed to a total fine of \$10,000, to be paid in monthly installments of \$500.00 payable on the first date of each month until paid in full, with the first installment payment due on March 1, 2015. Id. Respondent further agreed to "not engage in plumbing activity in the absence of a license." Id.

13. On April 10, 2015, Respondent tendered his first installment payment of \$500.00. To date, no further payment has been received by DHBC from Respondent.

14. On October 2, 2015, DHBC investigated the plumbing work Respondent performed at a residential property located at 4909 Marian Court, Lexington, Kentucky; specifically, the installation of a water heater.

15. For the plumbing work performed at that address, Respondent did not apply for or obtain a permit; Respondent did not have the work inspected; Respondent performed work without a valid plumber's license; and Respondent did not have a licensed master plumber connected with the work.

16. On October 22, 2015, DHBC filed an Administrative Complaint against Respondent and served a copy on him via certified mail, return receipt requested, to his last known address.

17. On December 9, 2015, the certified mail envelope containing the Administrative Complaint was returned to DHBC as not deliverable.

18. More than twenty (20) days have elapsed since that date, 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 acts of engaging in plumbing work without a license and failure to have a licensed master plumber connected with the work violated KRS 318.030, the 2013 Kentucky Building Code § 101.4.4 ("KBC," incorporated by reference within 815 KAR 7:120), and the 2013 Kentucky Residential Code § R101.7 ("KRC," incorporated by reference within 815 KAR 7:125), which require that all plumbing work be performed by a licensed plumber and that all plumbing installation occurs under the supervision of a Kentucky Licensed Master Plumber.

4. Respondent's failure to obtain inspections of plumbing installations violated KBC 101.4.4, KRC § R101.7, and 815 KAR 20:150, which require inspections by a state plumbing inspector of all plumbing installations.

5. Respondent's failure to obtain permits violated KRS 318.134, KBC § 105.1, and 815 KAR 20:050 § 2, which require anyone constructing, installing, or altering any plumbing in the Commonwealth of Kentucky to first obtain a permit from DHBC.

6. Respondent violated the Agreed Order entered on April 9, 2015 by failing to make the agreed-upon monthly installment payments of \$500.00 and by continuing to perform plumbing work without a license.

7. 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 Larry J. Carter shall pay a fine of \$25,000.00;
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:

Larry J. Carter
125 Maple Avenue
Versailles, KY 40383

Respectfully submitted,



Samuel Thorner
Assistant Counsel
Office of Legal Services
Department of Housing, Buildings and
Construction
101 Sea Hero Road, Ste. 100
Frankfort, KY 40601
Phone: (502) 573-0365
Fax: (502) 573-1057
samuel.thorner@ky.gov
Counsel for Complainant