

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
AGENCY CASE NO. 2015-0014 - PLG  
(Division Case# KY-15-01-0004 - CE)**

DEPARTMENT OF HOUSING,  
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

RONNIE CHADWELL

RESPONDENT

**FINAL ORDER**

\* \* \* \* \*

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), 318.064 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. Ronnie Chadwell ("Respondent") was, at all relevant times, a Kentucky resident, located at
3. Respondent's Kentucky Journeyman Plumber's License # J14860 expired on November 30, 2013, was not renewed, and was canceled 180 days later by operation of KRS 318.054(4).

4. On December 31, 2014, the DHBC investigated plumbing work Respondent performed at 116 15<sup>th</sup> Street, Corbin, Kentucky (a single-family home). As a result of that investigation, DHBC discovered that Anthony Caruso, a general contractor, hired Respondent to perform the plumbing work at the home, including obtaining the permit, roughing-in of DWV pipe, running supply lines, setting fixtures, finishing work, and obtaining inspections. Respondent held himself out as a licensed and insured plumber and was paid for the materials and half of the labor. However, Respondent did not apply for or obtain a permit for the work; did not complete the work; performed the plumbing work without a valid plumber's license; did not have a licensed master plumber connected with the work; and did not have the requisite liability insurance and proof such insurance on file with the DHBC in order to do plumbing work.

5. KRS 318.134(1); 815 KAR 20:050, Section 2; and the 2013 Kentucky Residential Code, Section R105.1 require anyone constructing, installing, or altering any plumbing in the Commonwealth of Kentucky to first obtain a permit from DHBC.

6. KRS 318.030(1), KRS 318.110, and 815 KAR 20:050, Section 1(2) require that there be a licensed master plumber connected with and supervising the plumbing work.

7. KRS 318.030 requires any person engaging in plumbing to maintain the requisite liability insurance and have proof on file with DHBC.

8. KRS 318.100 states that no person shall advertise or hold himself or herself out as a licensed master or licensed journeyman plumber within the Commonwealth of Kentucky unless he or she is a holder of a license from the department in accordance with the provisions of that chapter.

9. On January 23, 2015, the DHBC sent a letter to Respondent, via certified mail, informing him of the violations and the DHBC's intention to take administrative action against Respondent, but also presenting Respondent with an opportunity to resolve the violation by agreement. The letter was returned to the DHBC "unclaimed, unable to forward."

10. On March 2, 2015, the DHBC sent another letter to Respondent, via regular mail, again informing him of the violations and the DHBC's intention to take administrative action against Respondent, but also presenting Respondent with an opportunity to resolve the violation by agreement. Respondent was given a deadline of March 24, 2015, to contact the DHBC to resolve the violations.

11. Respondent has failed to respond to the DHBC's correspondence and has made no attempt to communicate with the DHBC regarding this matter.

12. The 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), 318.180, and 318.990.

13. In this case, the DHBC has imposed a fine against Respondent in the amount of five thousand dollars (\$5,000.00) for the above-referenced violations.

14. On April 20, 2015, the DHBC filed an Administrative Complaint against Respondent and served a copy on him via certified mail, return receipt requested.

15. On May 19, 2015, the certified mail envelope containing the Administrative Complaint was returned unopened and marked "unclaimed, unable to forward."

16. 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**

17. Respondent's failure to apply for and obtain a permit for the plumbing work he performed violated KRS 318.134(1); 815 KAR 20:050, Section 2; and the 2013 Kentucky Residential Code, Section R105.1.

18. By engaging in plumbing work and the trade of plumbing without a license Respondent violated KRS 318.030(1), KRS 318.110, and 815 KAR 20:050, Section 1(2).

19. Respondent's failure to obtain liability insurance violated KRS 318.030.

20. Respondent violated KRS 318.100 by holding himself out as a licensed plumber to other persons/entities, even though his plumber's license had been cancelled by operation of law long before Respondent was contracted to do the plumbing work subject to this administrative action.

21. Despite being given several opportunities to resolve these violations prior to the entry of this Order, Respondent has failed to do so.

22. Respondent has failed to request a hearing regarding this matter and, therefore, has waived his right to such a hearing and the 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 318.064, **ORDERS** that:

1. Respondent Ronnie Chadwell shall pay a fine of \$5,000.00;

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 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 11<sup>TH</sup> day of June 2015.

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

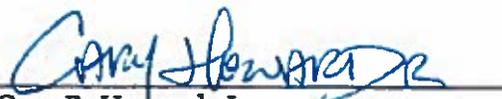
**NOTICE OF APPEAL RIGHTS**

You are hereby notified that you have the right to appeal this Final Order of the Commissioner pursuant to the provisions of KRS 13B.125 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 11<sup>th</sup> day of June 2015, to the following:

Ronnie Chadwell



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