

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS, AND CONSTRUCTION
AGENCY CASE NO. 2015 - 0042 - PLG
(Division Case # KY-15-06 - 0001 - CE)**

DEPARTMENT OF HOUSING,
BUILDINGS, AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

TAB ERWIN

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. Tab Erwin ("Respondent") was, at all relevant times, a Kentucky resident, located at Lexington, KY 40503

3. On May 20, 2015, the DHBC investigated plumbing work Respondent performed at 264 Briarpatch Lane in Frankfort, Kentucky (a single-family home). As a result of that investigation, DHBC discovered that the Respondent did not apply for or obtain a permit for 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.

4. 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, which require anyone constructing, installing, or altering any plumbing in the Commonwealth of Kentucky to first obtain a permit from DHBC.

5. 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), which require that there be a licensed master plumber connected with and supervising the plumbing work.

6. Respondent's failure to obtain liability insurance violated KRS 318.030, which requires any person engaging in plumbing to maintain the requisite liability insurance and have proof on file with DHBC.

7. Respondent used unsafe or defective materials and methods in performing the unlicensed plumbing work – such as the use of two 90 degree turns beneath the shower flooring creating a flat vent in violation of 815 KAR 20:090 Section 23; the failure to properly secure the water closet in violation of 815 KAR 20:090 Section 18; and the failure to install a shower pan in violation of 815 KAR 20:070 Section 6(2)(a).

8. Respondent failed to request an inspection and testing of plumbing work as required by 815 KAR 20:150.

9. 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.

10. 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.

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

- a. Respondent agrees to and shall pay a total fine in the amount of one thousand dollars (\$1,000). Payment shall 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 Kadreva Holmes., 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601 or may be made by credit or debit card.
- b. Respondent agrees to and shall cease and desist from transacting any plumbing business in Kentucky, either directly or indirectly, unless or until such time as he has paid in full the fine imposed above and has been issued a valid plumber’s license;
- c. 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; and
- d. Provided that payment is 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.

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

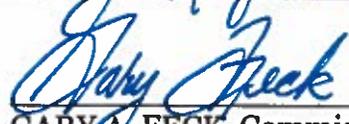
13. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

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 13th day of August 2015.



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

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing *Agreed Order* was served via certified mail, return receipt requested, on this the 14th day of August, to the following:

Tab Erwin
697 Beth Lane
Lexington, KY 40503-3416



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