

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
AGENCY CASE NO. 2015-0008-ELEC  
(Division Case# KY-14-10-0007-CE; KY-14-11-0006-CE; KY-14-11-0007)**

DEPARTMENT OF HOUSING,  
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

**AGREED ORDER**

BILL SMITH

RESPONDENT

\* \* \* \* \*

1. The Department of Housing, Buildings and Construction (“DHBC”), Electrical Division with the assistance of the Electrical Advisory Committee regulate and license master electricians, electrical contractors, and electricians under KRS Chapter 227A, and enforce all statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth of Kentucky.

2. Bill Smith (“Respondent”) was, at all relevant times herein, a Kentucky resident with a mailing address P.O. Box 91789, Louisville, KY 40245.

3. Respondent has never been licensed as an electrical contractor, master electrician, or electrician in the Commonwealth of Kentucky.

4. The DHBC investigated electrical work Respondent contracted to perform, and performed, at 17603 Pope Dale Road, Louisville, Kentucky, in June 2013. The DHBC discovered that Respondent performed electrical work without a license and without the supervision of a licensed electrician.

5. The DHBC also investigated electrical work Respondent contracted to perform, and performed, at 4624 Beaver Road, Louisville, Kentucky, in August 2014.

The DHBC discovered that Respondent performed electrical work without a license and without supervision by a licensed electrician. In addition, the work that Respondent performed was found to endanger the lives of the homeowners and the public because it was not completed in compliance with the National Electrical Code, as adopted by the Kentucky Residential Code, as follows:

- a. Listed or labeled equipment installed or used contrary to instructions, in violation of 2011 NEC Article 110.3(B);
- b. Electrical equipment was not installed in a neat and workmanlike manner, in violation of 2011 NEC Article 110.12;
- c. The grounding was not installed or arranged in a manner to prevent objectionable current, in violation of 2011 NEC Article 250.6(A);
- d. The grounded conductor was connected to normally non-current carrying metal parts of equipment, in violation of 2011 NEC Article 250.24(A)(5);
- e. The grounded conductor was connected to equipment grounding conductors, in violation of 2011 NEC Article 250.24(A)(5);
- f. The grounded conductor was reconnected to ground on the load side of the service disconnecting means, in violation of 2011 NEC Article 250.24(A)(5)
- g. Grounding-type receptacles were not properly replaced or properly connected, in violation of 2011 NEC Article 406.4(D)(1);
- h. Non-grounding-type receptacles were not properly replaced, in violation of 2011 NEC Article 406.4(D)(1).

6. The DHBC also investigated electrical work Respondent performed at 223 Saunders Avenue, Louisville, Kentucky, in October 2014. The DHBC discovered that

Respondent performed electrical work without a license and without supervision by a licensed electrician.

7. In addition to the specific violations of the National Electrical Code, as adopted by the Kentucky Residential Code described above, Respondent also violated KRS 227A.020(4), and the 2013 Kentucky Residential Code R101.8, which require electrical work to be performed by a licensed electrician and prohibit an unlicensed person from doing electrical work unless directly supervised by an on-site licensed electrician or master electrician.

8. Respondent also violated KRS 227A.020(1), (2), and (3), because he represented himself to members of public as a licensed electrician, master electrician, or electrical contractor, when he did not, in fact, possess any such license. Violations of KRS 227A.020 may carry criminal liability for a misdemeanor pursuant to KRS 227A.130.

9. The DHBC possesses a range of statutory and administrative authority to address violations of the statutes, regulations, and applicable code requirements related to electrical work in the Commonwealth, including license revocation, restriction, and suspension, and the imposition of fines in an amount up to \$1,000.00 per violation under KRS 198B.990, with each day the violation continues constituting a separate offense. The DHBC also has authority to assess additional administrative fines under KRS 227A.040(6) for violations of the Code of Ethics in 815 KAR 35:080.

10. 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.

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

- a. Respondent agrees to a fine in the total amount of three thousand dollars (\$5,000.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein in thirteen (13) installment payments, the first of which shall be in the amount of two hundred dollars (\$200.00) and which shall be due and paid on the date Respondent signs the Agreed Order and returns it to the DHBC, but in no event later than **June 6, 2015**. All subsequent installments shall be in the amount of one thousand dollars (\$400.00) each and shall be due and paid by **no later than the 6<sup>th</sup> of each month thereafter until paid in full**. Each installment payment may 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 K. Holmes, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601; or may be made by credit or debit card. Each installment payment must be received by the DHBC on or before the specified date.
- c. Respondent shall not engage in electrical work in the absence of the appropriate license and without supervision, and shall devote the time and resources reasonably necessary to ensure continual and full compliance with the Uniform State Building Code, and all statutory and regulatory requirements set forth in KRS Chapter 227A and 815 KAR Chapter 35; and

- d. Provided that all installment payments are 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.
  - e. Respondent shall be ineligible to apply for an electrical license until such time that the fine is paid in full.
9. Respondent waives his right to an administrative hearing or to otherwise appeal or set aside this Order.
  10. 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.
  11. 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.
  12. 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.

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

IT IS SO ORDERED on this the 6<sup>th</sup> day of July 2015.

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

**Agreed to:**

This 26 day of June 2015.

Bill Smith  
Bill Smith

**ACKNOWLEDGEMENT**

STATE/Commonwealth of Kentucky

COUNTY OF Jefferson

On this the 26 day of June 2015, before me Bill Smith, the undersigned, Bill Smith, 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: 8/22/15

Wendy E. G... ..  
Notary Public

**Agreed to:**

This 2<sup>ND</sup> day of JULY 2015.



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Jack Coleman,  
Deputy Commissioner  
Acting Director, Electrical Division  
Department of Housing, Buildings and Construction

**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 6<sup>th</sup> day of July 2015, to the following:

Bill Smith  
P.O. Box 91789  
Louisville, KY 40245



\_\_\_\_\_  
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