

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2015-0080-ELEC
(Division Case# KY-15-04-0004-CE)**

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

AGREED ORDER

GARY B. MORRIS d/b/a
MORRIS ELECTRIC CO., INC.

RESPONDENT

* * * * *

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

2. Gary B. Morris, d/b/a Morris Electric Co., Inc. (“Respondent”) was, at all relevant times herein, a Kentucky resident located at 3933 Produce Road, Louisville, KY 40218-3005.

3. Respondent was at all relevant times herein a Kentucky Master Electrician (license #ME15206) and a Kentucky Electrical Contractor (license #CE15207).

4. On March 30, 2015, the DHBC investigated electrical work performed by the Respondent through an unlicensed employee, Cody Adkins, at a commercial property located at 12915 Factory Lane, in Louisville, Kentucky 40245. The DHBC verified that Mr. Adkins was performing electrical work without any kind of electrician’s license, and without the supervision of a licensed electrician.

5. By failing to provide supervision for an unlicensed worker performing electrical work, Respondent 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. Respondent's violations of KRS 227A.020 also carry criminal liability as a misdemeanor pursuant to KRS 227A.130.

6. Respondent also violated the Kentucky Electrical Ethics Code, 815 KAR 35:080(3) by knowingly performing electrical work not in compliance with Kentucky law when he allowed an unlicensed worker to perform electrical work without the required supervision.

7. 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.

8. In this case, the DHBC has imposed a fine against Respondent in the amount of two-hundred and fifty dollars (\$250.00) for the above-referenced violation.

9. 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 two-hundred and fifty dollars (\$250.00) for the violation(s) described herein no later than November 30, 2015;
- b. Said 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 Holmes, Assistant Counsel, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601;
- c. Respondent 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. The DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.

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 17th day of December 2015.



JACK L. COLEMAN
Deputy Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 17th day of December 2015.



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

Agreed to:

This 11 day of December 2015.

GARY B. MORRIS

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky)

COUNTY OF Jefferson)

On this the 11th day of December 2015, before me Susan V. Howell, the undersigned, GARY B. MORRIS, 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: March 27, 2019

Susan V. Howell
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 17th day of December 2015, to the following:

Gary B. Morris
d/b/a Morris Electric Co., Inc.
3933 Produce Road,
Louisville, KY 40218-3005



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