

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
AGENCY CASE NO. 2015-0090-ELEC  
(Division Case# KY-15-10-0003-CE)**

DEPARTMENT OF HOUSING,  
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v.

**AGREED ORDER**

TIM C. BREEDING d/b/a  
BREEDING'S PLUMBING & ELECTRIC, 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. Tim C. Breeding, d/b/a Breeding's Plumbing & Electric Inc. ("Respondent") was, at all relevant times herein, a Kentucky resident located at \_\_\_\_\_, Isom, Kentucky \_\_\_\_\_.

3. Respondent was at all relevant times herein a Kentucky Master Electrician (license #ME10152) and a Kentucky Electrical Contractor (license #CE10153).

4. On September 23, 2015, DHBC investigated electrical work performed by the Respondent at a courthouse located at 481 Main Street, Hazard, Kentucky 41701. As a result of that investigation, the DHBC discovered that Respondent had installed electrical circuits which ran to an air conditioning unit. Such electrical work requires a permit. However, permit for this work was not obtained until October 13, 2015, after Respondent had commenced the work.

5. Respondent violated the Kentucky Electrical Ethics Code, 815 KAR 35:080 and KRS 227.480 by performing electrical work for which a permit is required without first obtaining the required permit.

6. 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.

7. 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.

8. 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 11, 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 9<sup>th</sup> day of November 2015.

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

**Agreed to:**

This 9<sup>th</sup> day of November 2015.

Jack Coleman for

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

**Agreed to:**

This 6 day of Nov. 2015.

  
TIM C. BREEDING

**ACKNOWLEDGEMENT**

STATE/Commonwealth of KY

COUNTY OF Letcher

On this the 6 day of Nov. 2015, before me Kevin Breeding, the undersigned, TIM C. BREEDING, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

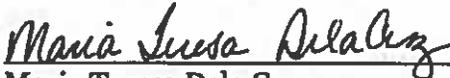
My Commission Expires: April 29, 2016

  
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 20<sup>th</sup> day of October 2015, to the following:

Tim C. Breeding

  
\_\_\_\_\_  
Maria Teresa Dela Cruz  
Assistant Counsel  
Office of Legal Services  
Department of Housing, Buildings and  
Construction  
101 Sea Hero Road, Ste. 100  
Frankfort, KY 40601  
(502) 573-0365 ext. 412  
(502) 573-1057 facsimile  
[MariaT.DelaCruz@ky.gov](mailto:MariaT.DelaCruz@ky.gov)  
*Counsel for Complainant*