

**197.530 Assessment of fine or penalty against private provider -- Notice -- Hearing -- Appeal.**

- (1) As set forth within the contract between the Department of Corrections and the private provider: The department may recommend to the secretary of the Finance and Administration Cabinet the assessment of an administrative fine against the private provider of not more than five thousand dollars (\$5,000) for the violation of each and any term of the contract, or of KRS 197.510. Recommendation of fine or penalty assessment by the department shall occur only after a notice of intent to do so has been presented by registered mail to the private provider. The notice of intent shall incorporate the findings of the department and other agencies, if appropriate.
- (2) The private provider may, within seventy-two (72) hours of the receipt of the notice of intent, request in writing a hearing before an objective hearing officer of the Attorney General's Office. The secretary of the Finance and Administration Cabinet shall by order issue, modify, or repeal the recommended fine or penalty. The amount of any fine or penalty shall be consistent with the hearing officer's recommendations resulting from the administrative hearing. The private provider may, at its discretion, waive its right to an administrative hearing.
- (3) Appeals from any fine or penalty assessed pursuant to this section shall be granted as a matter of right, and shall be taken to the Franklin Circuit Court within thirty (30) days from the date the fine or penalty is issued by the secretary of the Finance and Administration Cabinet.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 418, sec. 6, effective July 15, 1994.