

324A.162 Disciplinary action -- Injunctive relief.

- (1) The board may deny, suspend, revoke, or refuse to issue or renew the registration of an appraisal management company, or may restrict or limit the activities of an appraisal management company or of a person who owns an interest in or participates in the business of an appraisal management company if the board finds that any of the following circumstances apply to the applicant, a registrant, a person owning ten percent (10%) or more of the applicant or registrant, a partner, member, manager, officer, director, managing principal, controlling person, a person occupying a similar status or performing similar functions, or a person directly or indirectly controlling the applicant or registrant:
 - (a) The application for registration contained a statement that in light of the circumstances under which it was made is false or misleading with respect to a material fact;
 - (b) The person has violated or failed to comply with KRS 324A.152, 324A.154, 324A.156, or 324A.158 or failed to comply with administrative regulations promulgated by the board for the implementation and enforcement of KRS 324A.150 to 324A.164;
 - (c) The person has pled guilty or nolo contendere to, or has been found guilty of, a felony or, within the past ten (10) years, a misdemeanor involving mortgage lending or real estate appraising or an offense involving a breach of trust or fraudulent or dishonest dealing;
 - (d) The person is permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving appraisal management services or operating an appraisal management company;
 - (e) The person is the subject of an order of the board or any other state's appraisal management company regulatory agency denying, suspending, or revoking the person's privilege to operate as an appraisal management company;
 - (f) The person acted as an appraisal management company while not properly registered by the board; or
 - (g) The person failed to pay the proper filing or renewal fee as provided under KRS 324A.152 and 324A.154.
- (2) Upon its own motion or the written complaint of a person reporting a violation of subsection (1) of this section, and after notice and the opportunity for a hearing in accordance with KRS Chapter 13B, the board may:
 - (a) Suspend or revoke the registration of a registrant;
 - (b) Impose a fine not to exceed five thousand dollars (\$5,000) per violation; or
 - (c) Take other appropriate disciplinary actions as established by the board through promulgation of administrative regulations.
- (3) The board may appear in its own name in Franklin Circuit Court, or the Circuit Court of the county where the alleged violation occurred, to obtain injunctive relief to prevent a person from violating this section or KRS 324A.154, 324A.156, or

324A.158. The Circuit Court may grant a temporary or permanent injunction regardless of whether:

- (a) Criminal prosecution has been or may be instituted as a result of the violation;
or
- (b) The person is the holder of a registration issued by the board.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 58, sec. 7, effective June 8, 2011.