

367.97534 Denial, suspension, or revocation of license -- Hearing -- Appeal -- Availability of Consumer Protection Act remedies -- Authority of Attorney General under other laws and to promulgate administrative regulations.

- (1) The Attorney General may deny, suspend, or revoke any license granted under KRS 367.97504 or levy civil penalties not to exceed five hundred dollars (\$500), or both, or place the licensee on probation for up to twelve (12) months for any of the following causes:
 - (a) Obtaining a license through false statement or misrepresentation;
 - (b) Conducting or undertaking business in an unfair, false, misleading, or deceptive manner;
 - (c) Entry of a final judgment or conviction for any crime involving moral turpitude; or
 - (d) Violating any of the provisions of KRS 367.97501 to 367.97537 or any administrative regulation promulgated or order made pursuant to KRS 367.97501 to 367.97537.
- (2) The Attorney General shall, before denying, suspending, or revoking a license or imposing civil penalties, issue a complaint alleging the grounds upon which the licensee may have its license denied, revoked, or suspended, or have civil penalties imposed. A copy of the complaint, together with any exhibits, shall be served upon the defendant licensee at the licensee's last know address. The licensee shall file an answer with the Attorney General's office within twenty (20) days of receipt of the complaint. Upon receipt of an answer to a complaint, an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (3) Any party aggrieved by the final order of the Attorney General in denying, suspending, or revoking a license, or imposing civil penalties may appeal the final order to Franklin Circuit Court in accordance with KRS Chapter 13B.
- (4) All of the remedies, powers, and duties provided for the Attorney General by KRS 376.190 to 367.300 and KRS 367.990 pertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to violations of KRS 367.97501 to 367.97537.
- (5) Nothing in KRS 367.97501 to 367.97537 shall be construed to limit or restrict the exercise of powers or the performance of the duties of the Attorney General, which he is authorized to exercise or perform under any other provision of law including direct court action to obtain injunctive relief and revocation of license. The Attorney General has the authority to promulgate any administrative regulations necessary to carry out the provisions of KRS 367.97501 to 367.97537.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 352, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 140, sec. 11, effective July 15, 1994.

Legislative Research Commission Note (7/15/94, revised 7/15/96). The reference to "KRS 376.190 to 367.300" in subsection (4) of this statute is clearly erroneous. It would appear that "KRS 367.110 to 367.300," an established range of statutes, may have been intended. Subsection (4) was formerly subsection (7) of this statute. See 1996 Ky. Acts ch. 318, sec. 352.