

**11A.100 Procedures for administrative hearings -- Action by commission.**

- (1) The provisions of KRS Chapter 13B shall apply to all commission administrative hearings, except for the provisions of:
  - (a) KRS 13B.030(2)(b);
  - (b) KRS 13B.050(1), (2), and (3) when a party fails to file an answer or otherwise participate; and
  - (c) KRS 13B.090(7).
- (2) All administrative hearings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- (3) The commission, upon a finding pursuant to an administrative hearing that there has been clear and convincing proof of a violation of this chapter, may:
  - (a) Issue an order requiring the violator to cease and desist the violation; and
  - (b) Issue an order requiring the violator to file any report, statement, or other information as required by this chapter; and
  - (c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the alleged violator's appointing authority, if any; and
  - (d) In writing, recommend to the violator's appointing authority that the violator be removed or suspended from office or employment, and include a recommendation for length of suspension, to be approved by the appointing authority, if any; and
  - (e) Issue an order requiring the violator to pay a civil penalty of not more than five thousand dollars (\$5,000) for each violation of this chapter.
- (4) In addition to any other remedies provided by law, any violation of this chapter which has substantially influenced the action taken by any state agency in any particular matter shall be grounds for voiding, rescinding, or canceling the action on such terms as the interests of the state and innocent third persons require.
- (5) The commission shall refer to the Attorney General evidence of violations of KRS 11A.040 for prosecution. The Attorney General shall have responsibility for all prosecutions under the law and may request from the commission all evidence collected in its investigation. The commission may represent itself through the general counsel in all subsequent proceedings.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 188, sec. 1, effective July 14, 2018. -- Amended 2000 Ky. Acts ch. 475, sec. 7, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 603, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 15, effective July 15, 1996. -- Created 1992 Ky. Acts ch. 287, sec. 12, effective July 15, 1996.