

304.9-465 Denial or suspension of license or appointment -- Conditional license -- Hearing.

- (1) For the protection of the people of Kentucky, the commissioner may by order deny, suspend, or place conditions upon any license subject to the provisions of this subtitle.
- (2) An order denying a license or appointment shall be based upon the application and any other information pertaining to the applicant available to the department.
- (3) One (1) or more of the following circumstances shall be considered for an order suspending a license:
 - (a) The licensee's indictment for crime involving dishonesty, breach of trust, a violation of Subtitle 47 of this chapter, or a violation of 18 U.S.C. sec. 1033;
 - (b) Sworn complaints to the department against the licensee showing clear and convincing evidence of a violation of KRS 304.9-400 totaling in the aggregate three hundred dollars (\$300) or more;
 - (c) The suspension or revocation of any other professional license held by the licensee in Kentucky or any other jurisdiction.
- (4) The commissioner may place conditions upon any license for any reason set forth in subsection (3) of this section.
- (5) Any person aggrieved by an order of the commissioner under this section may file an application for an emergency hearing pursuant to KRS 13B.125 within sixty (60) days of the date of the order. The department shall conduct the hearing within ten (10) working days of the request for a hearing, and within five (5) working days of the completion of the hearing the agency or hearing officer shall render a written decision affirming, modifying, or revoking the emergency order. The emergency order shall be affirmed if there is substantial evidence of a violation of law that constitutes an immediate danger to the public health, safety, or welfare. The commissioner shall participate in an expedited hearing at the applicant's written request.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1077, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 143, sec. 18, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 492, sec. 4, effective July 14, 2000.