

**151.184 Hearing conducted by hearing officer -- Final determination by secretary -
- Use of counsel -- Subpoena power -- Hearings to be public.**

- (1) All hearings under this chapter shall be held before a qualified hearing officer, who may be a full-time employee of the cabinet, serve by contract, or be paid on a per diem basis at the discretion of the cabinet. After the conclusion of the hearing, the hearing officer shall within thirty (30) days make a report to the secretary and a recommended order which shall contain a finding of fact and a conclusion of law. If the secretary finds upon written request of the hearing officer that additional time is needed, then the secretary may grant an extension. The hearing officer shall serve a copy of his report and recommended order upon all parties of record to the proceeding and they shall be granted the right to file within fourteen (14) days of receipt exceptions thereto. The secretary shall consider the report, exceptions, and recommended order and decide the case. The decision shall be served by mail upon all parties and shall be a final order of the cabinet.
- (2) Any party to a hearing conducted pursuant to this chapter may be represented by counsel, make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. The record of the hearing shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproducing the original.
- (3) In connection with a hearing the cabinet shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of refusal to obey a subpoena issued to any person, the Franklin Circuit Court, upon application by the cabinet, may issue to that person an order requiring him to appear before the cabinet, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.
- (4) All hearings conducted pursuant to this chapter shall be open to the public.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 215, sec. 4, effective July 14, 1992. -- Created 1980 Ky. Acts ch. 253, sec. 2, effective July 15, 1980.