

### **149.346 Administrative hearings.**

- (1) If the cabinet has evidence that a violation of KRS 149.342(1) has occurred, or has deemed a logger or operator to be a bad actor under KRS 149.344(8), the cabinet shall serve written notice of the determination and the provision alleged to have been violated, and the cabinet shall require the person complained against to answer the charges at an administrative hearing to be held not less than twenty-one (21) days after the date of the notice, unless the person complained against waives the twenty-one (21) day period.
- (2) Any person not previously heard who considers himself aggrieved by any determination of the cabinet under KRS 149.330 to 149.355 may file a petition alleging that the determination is contrary to law or fact and is injurious to him, citing the grounds and reasons therefor, and demanding an administrative hearing. Unless the cabinet considers the petition frivolous, it shall schedule an administrative hearing before the cabinet not less than ninety (90) days after the date of the notice, unless the person complained against waives the ninety (90) day period, except that hearings requested under KRS 149.344(5) and (6) shall be held within five (5) working days of receipt of a petition. The right to demand a hearing under this subsection shall be limited to a period of thirty (30) days after the petitioner has had actual notice of the determination complained of, or could have had notice. The cabinet shall be represented at the administrative hearing by the Office of Legal Services.
- (3) All hearings under KRS 149.330 to 149.355 shall be conducted under KRS 224.10-440. Appeals may be taken from all final orders under KRS 224.10-470.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 555, sec. 9, effective July 15, 1998.