



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL



March 6, 2026

VIA HAND-DELIVERY

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:410. Business opportunity sellers.
40 KAR 12:430. Buying clubs and vacation clubs.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:410 and 40 KAR 12:430, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: 

Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
502-696-5481
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Attachments

SUGGESTED SUBSTITUTE

**OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief**

40 KAR 12:410. Business opportunity sellers[forms].

RELATES TO: KRS 367.805, 367.807, 367.815~~[367.816, 367.990(13)]~~

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.805(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.805 requires business opportunity sellers to register with the Attorney General and provide certain information and documents. KRS 367.805 requires registered business opportunity sellers to renew registrations annually. KRS 367.805 and 367.815 require business opportunity sellers to submit surety bonds or cash certificates of deposit to the Attorney General. KRS 367.807 exempts certain offerors from the provisions of KRS 367.801 to 367.819. This administrative regulation establishes an online registration application process, an online renewal registration application process, a surety bond, and a cash bond/certificate of assignment for use by business opportunity sellers; and an online notice submission process for exempt offerors.~~[To provide forms which allow for the review of a prospective seller's offering of business opportunities for conformity with the business opportunity act and for the registration of the seller as such is needed.]~~

Section 1. Business Opportunity Sellers Registration Application.

(1)(a) A business opportunities seller shall not make sales to Commonwealth of Kentucky residents unless the Attorney General approves the~~[The Attorney General must approve a]~~ business opportunity seller's registration application in accordance with this administrative regulation~~[before a seller may sell business opportunities to Commonwealth of Kentucky residents].~~

(b) An applicant~~[A business opportunity seller]~~ shall submit an online registration application using the [""]Business Opportunity Seller registration application portal[""] available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) To complete~~[When completing]~~ an online application, an applicant shall submit:

(a) Payment of the \$150.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) A completed Business Opportunity Seller Surety Bond, form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, form A-2; a completed surety bond complying with KRS 367.815; or a completed cash bond/certificate of deposit assignment complying with KRS 367.815;

(d) A copy of applicant's current audited financial statement;

(e) Copies of all materials provided by the applicant to prospective consumers or investors; and

(f) Copies of all contracts used by the applicant.

~~[(1)] [A seller of business opportunities shall register with the Attorney General pursuant to KRS 367.805 if the seller's proposed activity meets the definition of a business opportunity set out in KRS 367.801.]~~

~~[(2)] [The Attorney General shall make the business opportunity determination pursuant to subsection (1) of this section consistent with the following information which shall be provided by the seller in affidavit form:]~~

~~[(a)] [The name of the business opportunity;]~~

~~[(b)] [The complete address and telephone number of the principle office;]~~

~~[(c)] [The address and telephone number of the principal office in Kentucky;]~~

~~[(d)] [A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;]~~

~~[(e)] [A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;]~~

~~[(f)] [A description of the product or service to be offered;]~~

~~[(g)] [A description of any sales commission or other remuneration to be paid to anyone in connection with offers and sales of the business opportunities, including a list of persons and positions to receive commissions;]~~

~~[(h)] [A list of states in which the business opportunities have been or are being offered for sale;]~~

~~[(i)] [The proposed beginning date and length of time for offering this business opportunity in Kentucky;]~~

~~[(j)] [Information relating to the definition of a business opportunity found in KRS 367.801(5);]~~

~~[(k)] [A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years.]~~

~~[(3)]~~

~~[(a)] [The information required pursuant to subsection (2) of this section shall be supplied by the seller on a "Determination of Registration for Sale of Business Opportunity Form A-1" (July 1994 edition) which is incorporated by reference.]~~

~~[(b)] [Copies of the "Determination of Registration for Sale of Business Opportunity Form A-1" may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.]~~

(3) **An applicant**[**Applicants**] shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or not submitting requested missing information or required documents.

Section 2. Business Opportunity Seller Renewal Application.

(1) An approved business opportunity seller registration **or renewal** application shall be valid for one (1) year from **the date of** written confirmation of registration **or renewal** approval provided by the Attorney General. [If the Attorney General determines that a seller of business opportunities must register pursuant to KRS 367.805, the seller shall complete a "Business Opportunity Annual Registration Statement Form A-2" which shall contain the following information in affidavit form:]

(2) Thirty (30) days prior to the expiration of a current registration, a registrant may renew its registration. **Registration renewal shall be accomplished**[**for another annual period**] by submitting an online renewal application using the ["/"]Business Opportunity Sellers Renewal application portal["/"] available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) **To complete**[**When completing**] the online renewal application portal, a registrant shall submit:

(a) Payment of the \$50.00 renewal fee;

- (b) A copy of the registrant's audited financial statement for the preceding year;
- (c) A completed Business Opportunity Seller Surety Bond, form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, form A-2; a completed surety bond complying with KRS 367.815; or a completed cash **bond or certificate**[~~bond/certificate~~] of deposit complying with KRS 367.815; ~~if~~**[when]** the registrant's prior filed security is not current.
- (d) Copies of any new materials provided by the registrant to prospective **consumers or investors**[~~consumers/investors~~] since last application; and
- (e) Copies of any new contracts used by registrant since last application.

(4) A registrant shall submit additional information or documents for its renewal application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested missing information or required documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against the registrant.

~~[(2)]~~

- ~~[(a)] [The name of the business opportunity;]~~
- ~~[(b)] [The complete address and telephone number of the principle office;]~~
- ~~[(c)] [The address and telephone number of the principal office in Kentucky;]~~
- ~~[(d)] [A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;]~~
- ~~[(e)] [A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;]~~
- ~~[(f)] [The length of time, the business opportunity has been offered for sale;]~~
- ~~[(g)] [A statement of whether the registrant or company or any of its officers, directors, or sales representatives have been involved in or is currently involved in any legal proceeding as set forth in KRS 367.805(1)(d);]~~
- ~~[(h)] [A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years;]~~
- ~~[(i)] [A statement of whether the registrant or the company offering the business opportunity or its officers, directors, or sales representatives has been a party to any legal cause of action brought by a consumer/investor of the business opportunity within the last seven (7) years and, if so, the name and address of individual bringing such action;]~~
- ~~[(j)] [The names and addresses, and telephone numbers for people buying a business opportunity from offeror during the past two (2) years;]~~
- ~~[(k)] [The names and addresses of individuals requesting a return of money from the purchase of a business opportunity during the past three (3) years;]~~
- ~~[(l)] [A complete description of the training to be provided to the consumer investor;]~~
- ~~[(m)] [A complete description of the actual services the offeror of the business opportunity will provide for the consumer investor.]~~

~~[(3)]~~

- ~~[(a)] [The information required pursuant to subsection (1) of this section shall be supplied by the seller on a "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) which is incorporated by reference.]~~

~~[(b)] [Copies of the "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.]~~

Section 3. Exempt Offerors.

(1) A business claiming a KRS 367.807 exemption from the provisions of KRS 367.801 to 367.819 shall submit a notice of exemption using the ~~["Franchise Exemption Notice portal"]~~ available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) ~~To complete~~**[When completing]** the online exemption notice portal, the offeror shall submit:

(a) The offeror's certificate of existence; authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(b) A copy of the offeror's Federal Trade Commission (FTC) Franchise Disclosure Document (FDD) ~~if~~**[when]** the KRS 367.807(1)(a) franchise exemption is claimed.

Section 4. Written notification of material changes. A registered business opportunity seller and offeror submitting an exemption notice shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A business opportunity seller or offeror submitting an exemption notice shall make **business[requested]** records, documents, and information **related to an investigation or inquiry** readily available to the Attorney General for inspection and copying upon request.

Section 6. Incorporation by Reference.

(1) The following materials are incorporated by reference:

(a) "Business Opportunity Seller Surety Bond", Form A-1, Dec. 2025;

(b) "Business Opportunity Seller Cash Bond/CD Assignment", Form A-2, Dec. 2025;

(c) "Business Opportunity Seller Registration application portal," Dec. 2025;~~[-]~~

(d) "Business Opportunity Sellers Renewal application portal," Dec. 2025; **and**~~[-]~~

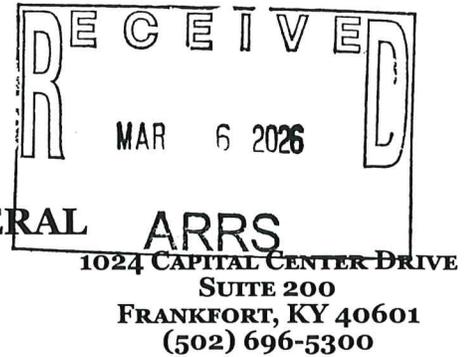
(e) "Franchise Exemption Notice portal," Dec. 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. This material is also available on the Office's website, <https://ag.ky.gov/Pages/default.aspx>.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL



RUSSELL COLEMAN
ATTORNEY GENERAL

March 6, 2026

VIA HAND-DELIVERY

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 40 KAR 12:410. Business opportunity sellers.
40 KAR 12:430. Buying clubs and vacation clubs.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 12:410 and 40 KAR 12:430, the Kentucky Office of Regulatory Relief ("KORR") proposes the attached amendments.

Sincerely,

RUSSELL COLEMAN
ATTORNEY GENERAL

By: 

Stephen B. Humphress, Executive Director
Kentucky Office of Regulatory Relief
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
502-696-5481
Email: steve.humphress@ky.gov

Attachments

SUGGESTED SUBSTITUTE

40 KAR 12:430. Buying clubs and vacation clubs.

RELATES TO: KRS 367.395, 367.401, 367.403

STATUTORY AUTHORITY: KRS 15.180, 367.150(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.403 requires buying club sellers and vacation club sellers to file bonds with the Attorney General. KRS 367.407 permits non-profit organizations to file applications with the Attorney General to seek exemption from the requirements of KRS 367.397 to KRS 367.403. This administrative regulation establishes an online bond submission process for buying club sellers and vacation club sellers, establishes an online application process for nonprofit organizations seeking exemption status, and establishes a surety bond form for use by buying club sellers and vacation club sellers.

Section 1. Buying and Vacation Club Seller Surety Bond Submission.

(1) **(a) A buying club seller or a vacation club seller that has a membership fee exceeding thirty-five (35) dollars shall not make sales** ~~Before selling club memberships~~ to Commonwealth of Kentucky residents, **unless the seller submits**~~a buying club seller or a vacation club seller that has a membership fee exceeding thirty-five (35) dollars shall submit~~ a surety bond **to the Attorney General in accordance with this administrative regulation.**

(b) A buying club seller or a vacation club seller shall submit a surety bond using the ~~[“]Buying/Vacation Club Seller Surety Bond submission portal[“]~~ available at <https://www.ag.ky.gov/Resources/Pages/forms.aspx>.

(2) **To complete**~~When completing~~ the online bond submission portal, a buying club seller or a vacation club seller shall submit:

(a) The seller's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and~~]~~

(b) A completed Buying and Vacation Club Seller Surety Bond, form BV-1, or other completed surety bond complying with KRS 367.403.

Section 2. Buying and Vacation Club Seller Exemption Application.

(1) A nonprofit organization may submit an online application to be exempted from the requirements of KRS 367.397 to 367.403 by using the ~~[“]Buying and Vacation Club Seller Application portal[“]~~ available at <https://www.ag.ky.gov/Resources/Pages/forms.aspx>.

(2) **To submit**~~When submitting~~ the online application, an applicant shall submit the applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky.

(3) **An applicant**~~Applicants~~ shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not providing requested missing information or required documents.

Section 3. Record Requests. A buying club seller, vacation club seller or exempted non-profit organization shall make ***business[requested]*** records, documents, and information ***related to an investigation or inquiry*** readily available to the Attorney General for inspection and copying upon request.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

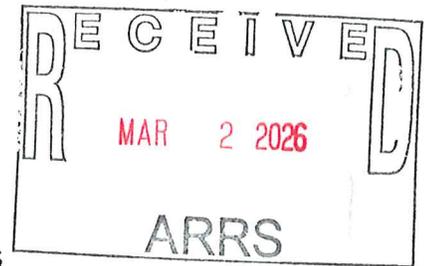
- (a) "Buying and Vacation Club Seller Surety Bond", Form BV-1, Dec. 2025;
- (b) "Buying/Vacation Club Seller Surety Bond submission portal", Dec. 2025; and
- (c) "Buying and Vacation Club Seller Exemption Application portal", Dec. 2025. [;]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.



ALLISON BALL
AUDITOR OF PUBLIC ACCOUNTS



March 2, 2026

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083 Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

Dear Co-Chairs:

After consideration of the issues raised by 45 KAR 1:090, the Auditor of Public Accounts proposes the attached suggested substitute to this ordinary regulation.

Sincerely,

Jeremy Sylvester
Deputy General Counsel
Auditor of Public Accounts
209 Saint Claire Street
Frankfort, Kentucky 40601

FINAL
SUGGESTED SUBSTITUTE:
3/2/2026 8:33 AM

45 KAR 1:090. Employee Access to Federal Tax Information (FTI).

RELATES TO: KRS 18A.095, 43.010, 43.032, 43.035, 43.040, 335B.010, 335B.020, 26 U.S.C. 6103, 26 C.F.R. 301.6103(p)(7)-1

STATUTORY AUTHORITY: KRS 43.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 43.032 requires~~[each employee of]~~ the Auditor of Public Accounts **to promulgate administrative regulations establishing requirements relating to criminal background checks for prospective and current employees**, including contract staff, with access to or use of federal tax information (FTI).~~[to submit to a criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. KRS 43.032 requires the Auditor to promulgate administrative regulations to implement this requirement.]~~ This administrative regulation establishes requirements **to implement these[for fingerprint-based state and national]** criminal background checks~~[for prospective and current employees, including contract staff whose job duties include access to or use of FTI].~~

Section 1. Definitions.

(1) "Auditor" is defined by KRS 43.010**(1)**.

(2) "Disqualifying offense" means a conviction, plea of guilty, Alford plea, or plea of nolo contendere to:

(a) Any **felony or**~~;~~ misdemeanor during the preceding seven (7) years;~~;~~ or

(b) Offense the nature of which indicates that the employee constitutes an unreasonable and immediate risk to the security of federal tax information~~[, as determined by the Auditor].~~

(3) "Federal tax information" or "FTI" means federal tax returns and return information that may:

(a) Contain personally identifiable information; and

(b) Include information created by the recipient that is:

1. Derived from federal return or return information; and

2. Received directly from the Internal Revenue Service (IRS) or obtained through an authorized secondary source, which may include:

a. Social Security Administration (SSA);

b. Federal Office of Child Support Enforcement (OCSE);

c. Bureau of the Fiscal Service (BFS);

d. Centers for Medicare and Medicaid Services (CMS); or

e. Another entity acting on behalf of the IRS.

(4) "Rap back service" means a notification program in which the Auditor or responsible agency, upon approval to participate in the program, will be informed if an individual who has undergone a fingerprint-based criminal background check in accordance with the requirements

of this administrative regulation, and whose fingerprints are retained by the Department of Kentucky State Police or the Federal Bureau of Investigation, is subsequently arrested.

(5) "Responsible agency" means an office or division of the Auditor, or an entity under contract with the Auditor, that employs or offers a job to an individual in a position for which the job duties include access to or use of FTI.

Section 2. Requirement for Criminal Background Checks.

(1) As a condition of initial application for employment or continued employment either directly or by contract in a position for which the job duties include access to or use of FTI, the Auditor or responsible agency shall require a prospective or current employee, including contract staff, to submit to a fingerprint-based state and national criminal background check:

(a) After the individual is offered a job but before he or she begins working; and

(b) At least one (1) time during each five (5) year period for a current employee or contract staff.

(2) The responsible agency that requests a fingerprint-based state and national criminal background check on behalf of a prospective or current employee shall incur all fees included in the actual cost of each background check requested, including the rap back service, ***in accordance with KRS 43.032(1)(d).***

(3) The Auditor or responsible agency shall not employ directly or by contract an individual in a position for which the job duties include access to or use of FTI if the individual:

(a) Refuses to consent to a fingerprint-based state and national criminal background check;
or

(b) Is found to have a disqualifying offense.

(4) The Auditor or responsible agency shall notify each prospective or current employee determined to have a disqualifying offense.

Section 3. Disqualification of Other Criminal Offenses or Factors. The Auditor or responsible agency shall not be obligated to employ or offer employment to an individual with a criminal offense not specifically listed in Section 1(2) of this administrative regulation or other factor that bears upon the fitness of the individual to work in a position for which the job duties include access to or use of FTI.

Section 4. Challenges to Criminal History Record Information. An individual subject to a criminal background check required by KRS 43.032 and this administrative regulation shall have the right to request and inspect his or her criminal history record and to request correction of any inaccurate information.

Section 5. Rehabilitation Review.

(1) A prospective or current employee of the Auditor found to have a disqualifying offense upon completion of the criminal background check shall be eligible for consideration of rehabilitation under an independent review process.

(2) A prospective or current employee of the Auditor may submit a written request for a rehabilitation review to the Division of Human Resource Administration no later than fourteen

(14) calendar days from the date of notice of a disqualifying offense issued pursuant to Section 2(4) of this administrative regulation.

(3) A current employee of the Auditor who requests a rehabilitation review may be retained on staff if the employee is assigned duties that do not include access to or use of FTI.

(4) The request for a rehabilitation review shall include ~~[the following information:]~~ a written explanation of each disqualifying offense, including:

(a) A description of the events related to the disqualifying offense;

(b) The number of years since the occurrence of the disqualifying offense;

(c) The age of the offender at the time of the disqualifying offense;

(d) Evidence that the individual has pursued or achieved rehabilitation with regard to the disqualifying offense; and

(e) Any other circumstances surrounding the offense: ~~;~~

1. Official documentation showing that all fines, including court-imposed fines or restitution, have been paid or documentation showing adherence to a payment schedule, if applicable;

2. The date probation or parole was satisfactorily completed, if applicable; and

3. Employment and character references, including any other evidence demonstrating the ability of the individual to perform the employment responsibilities and duties competently.

(5) A rehabilitation review shall be conducted by a committee of three (3) employees of the Division of Human Resource Administration or the Office of Legal and Records Services.

(6) The committee shall consider the information required under subsection (4) of this section, and shall also consider mitigating circumstances including:

(a) The amount of time that has elapsed since the disqualifying offense;

(b) The lack of a relationship between the disqualifying offense and the:

1. Position for which the prospective employee has applied; or

2. The employee's current position; and

(c) Evidence that the prospective or current employee of the Auditor has pursued or achieved rehabilitation with regard to the disqualifying offense.

(7) No later than thirty (30) calendar days from receipt of the written request for the rehabilitation review, the Division of Human Resource Administration shall send the committee's determination on the rehabilitation waiver to the prospective or current employee.

(8) The prospective or current employee may appeal the results of a rehabilitation review to the Personnel Board in accordance with KRS 18A.095.

Section 6. Pardons and Expungement. An applicant or current employee who has received a pardon for a disqualifying offense or has had the record expunged may be employed in a position with job duties that include access to or use of FTI.