

201 KAR 1:310. Expungement of minor violation.

RELATES TO: KRS 325.240(2)

STATUTORY AUTHORITY: KRS 325.240(2), 325.340(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 325.240(2) authorizes the Kentucky State Board of Accountancy to promulgate administrative regulations to administer KRS Chapter 325. KRS 325.340(5) requires the board to promulgate an administrative regulation to establish procedures to expunge a minor violation. This administrative regulation establishes those expungement procedures.

Section 1. Definition. "Expungement" means all affected records are sealed and the proceedings to which the records refer never occurred.

Section 2. A licensee whose record has been expunged may properly reply, upon inquiry, that disciplinary records do not exist.

Section 3. Any licensee seeking expungement of a minor violation from the licensee's record shall submit to the board a written request that specifically demonstrates satisfaction of each of the elements for expungement identified in KRS 325.340(4).

Section 4. (1) Upon receipt of the written request, the board shall:

- (a) Review the request for expungement; and
 - (b) Provide the licensee with a written response granting or denying the request.
- (2) If the request is denied, the board shall explain the basis for its denial.

Section 5. (1) If an applicant for expungement disagrees with the board's determination under this section, he or she may file a written request for a hearing before the board.

(2) The hearing request shall:

- (a) Be received by the board within twenty (20) days from the date of the issuance of the decision to deny the request; and
 - (b) Explain the grounds upon which the applicant challenges the board's determination.
- (3) A hearing held pursuant to the provisions of this subsection shall be conducted in accordance with KRS 325.360. (45 Ky.R. 2804, 3403; eff. 7-5-2019.)