

## 400 KAR 1:001. Definitions for 400 KAR Chapter 1.

RELATES TO: KRS 146.200 - 146.360, 146.450, 146.530, 146.990, 149.344, 149.346, 149.348, 151.125, 151.182, 151.184, 151.297, 151.990, Chapters 223, 224, 350.028, 350.0301, 350.0305, 350.032, 350.070, 350.085, 350.090, 350.093, 350.130, 350.255, 350.465, 350.610, 350.990, 351.315, 351.345, 351.350, 353.060, 353.200, 353.590, 353.5901, 353.620, 353.630, 353.640, 353.700, 30 C.F.R. Parts 724, 730, 731, 732, 733, 735, 917, 30 U.S.C. 1253, 1255

STATUTORY AUTHORITY: KRS 146.270, 146.450, 146.990, 149.344, 149.346, 151.125, 151.182, 151.184, 151.186, 151.297, 223.200, 223.991, 224.10-100, 224.10-410, 224.10-420, 224.10-430, 224.10-440, 224.40-310, 224.60-120, 350.020, 350.028, 350.0301, 350.0305, 350.255, 350.465, 350.610, 351.315, 351.345, 351.350, 353.700, 30 C.F.R. Parts 724, 730, 731, 732, 733, 735, 917, 30 U.S.C. 1253, 1255

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapters 146, 149, 151, 223, 224, 350, 351, and 353 authorize the cabinet to conduct administrative hearings and authorize the cabinet to promulgate administrative regulations to regulate the administrative hearing process. This administrative regulation establishes definitions for certain essential terms used in 400 KAR Chapter 1.

Section 1. Definitions. (1) "Administrative hearing" means a formal adjudicatory hearing conducted before the cabinet pursuant to KRS Chapters 146, 149, 151, 223, 224, 350, 351.315 to 351.375, or 353, except for those conducted by the Kentucky Oil and Gas Conservation Commission pursuant to KRS 353.500 to 353.720.

(2) "Cabinet" is defined by KRS 149.330(2), 151.100(2), 223.400(3), 224.1-010(9), 350.010(10), and 353.510(43).

(3) "Chief hearing officer" means the individual duly qualified and designated by the secretary as the chief hearing officer of the office.

(4) "Day" means calendar day unless otherwise specified to be a working day.

(5) "Final order" means final order of the secretary.

(6) "Hearing officer" means the individual duly qualified and assigned as presiding officer to conduct an administrative hearing and includes the chief hearing officer.

(7) "Individual" means a natural person.

(8) "Initiating document" means a petition for administrative hearing, an administrative complaint, a show cause order or other document that commences an administrative proceeding.

(9) "Interim report" means statements made by a hearing officer in written form that are not intended to be considered by the secretary and that are not subject to judicial review.

(10) "Office" means the office of administrative hearings.

(11) "Party" means:

(a) The named person whose legal rights, duties, privileges, or immunities are being adjudicated in the administrative hearing;

(b) Any other person who is duly granted intervention in the administrative hearing; and

(c) Any agency named as a party to the adjudicatory proceeding or entitled or permitted by law to participate fully in the administrative hearing.

(12) "Person" is defined by KRS 149.330(7), 151.100(15), 223.400(5), 224.1-010(17), 350.010(9), and 353.510(5).

(13) "Petitioner" means the party filing an initiating document in an action before the office.

(14) "Pleading" means an initiating document, answer, motion, response, supporting memorandum, brief, notice, and any other document authorized to be filed by a hearing officer or by administrative regulation.

(15) "Record" means:

- (a) The electronic recording or transcript of a proceeding;
- (b) Each hearing officer ruling;
- (c) Any pleading;
- (d) Documentary and physical evidence received or considered;
- (e) A statement of any matter officially noticed;
- (f) Each question and offer of proof;
- (g) Each objection;
- (h) Any legal brief;
- (i) A proposed finding and recommended order;
- (j) Any exception and response; and
- (k) Final order.

(16) "Respondent" means any person against whom a claim is made in any action filed in the office and includes any person so designated in the caption of an initiating document.

(17) "Responsive pleading" means the answer or any document required or authorized by administrative regulation or a hearing officer to be filed in response to a pleading.

(18) "Secretary" is defined by KRS 146.210(7), 151.100(16), 223.400(6), 224.1-010(24), and 350.010(11). (21 Ky.R. 718; eff. 12-12-1994; 43 Ky.R. 1853; 44 Ky.R. 60; eff. 8-4-2017; 45 Ky.R. 431; eff. 10-4-2018.)