

830 KAR 2:020. Complaints.

RELATES TO: KRS 13B, 164.6913 – 164.6933

STATUTORY AUTHORITY: KRS 164.6905(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.6905(3) authorizes the Department of Professional Licensing to promulgate administrative regulations necessary to implement KRS 164.6901 to 164.6935. This administrative regulation establishes the procedure for review of a complaint against an athlete agent or student athlete.

Section 1. Complaint to the Kentucky Athlete Agent Registry. (1) All complaints shall be submitted in writing on Form AAR-001.

(2) A complaint may be filed by:

(a) A person aggrieved in any fashion by an alleged violation of KRS 164.6901 to 164.6935, or 830 KAR Chapter 2; or

(b) A person or institution, including the department or appropriate college, university, or athletic regulatory body, based upon information in its possession.

(3) A complaint shall not be filed anonymously. The department shall not take action on anonymous complaints.

(4) Upon receipt of a complaint, the Department shall:

(a) Send a copy to the appropriate college, university, or athletic regulatory body via certified mail, return receipt requested; and

(b) Send a copy and request for response to the athlete agent and student athlete named in the complaint, and each other identified party, via certified mail, return receipt requested.

Section 2. Response. (1) The response shall be:

(a) Filed with the Department within twenty (20) days from the date of receipt of mailing of the complaint; and

(b) Served upon the appropriate college, university, or athletic regulatory body, and any other party including the athlete agent and the student athlete.

(2) Each response shall include any and all contracts or other documents executed by or between the parties and copies of any correspondence between the parties.

(3) Failure of any party against whom allegations of violation(s) of KRS 164.6901 to 164.6935, or 830 KAR Chapter 2, to file a response in accordance with subsection (1)(a) of this section may, at the sole discretion of the Department, be treated as a default of the obligation to file a response, and an admission of the alleged violation(s), unless good cause is shown for the failure.

Section 3. Notice and Service of Process. (1) Unless waived by the recipient, service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's address provided to the office at the time of registration or, if known, by regular mail on the named individual's attorney or registered agent.

(2) The making and manner of service of process shall be shown on any document filed in a proceeding before the department as required by CR 5 of the Kentucky Rules of Civil Procedure.

(3) Refusal of service if by certified mail, or avoidance of service if hand-delivered, shall not prevent the office from proceeding.

Section 4. Department Review. (1) Within thirty (30) days of the department's receipt of responses from the parties, the department shall conduct a preliminary review to determine

whether it has sufficient information upon which to base a decision.

(2) The complaint shall be dismissed and all parties notified of the dismissal if the department determines that:

- (a) The department does not have jurisdiction; or
- (b) The charges do not warrant disciplinary action.

(3) If the department determines that a violation of KRS 164.6901 to 164.6935 or 830 KAR Chapter 2 has occurred, it shall:

(a) Notify the parties of:

- 1. Its determination; and
- 2. The charges upon which its determination is based; and

(b) Suspend, revoke, or refuse renewal of registration pursuant to KRS 164.6913.

(4) If the department determines that it lacks sufficient information with which to make a decision, it shall notify the parties. The department may then:

(a) Appoint an investigator to conduct an investigation to determine the relevant facts;

(b) Subpoena additional information from the parties; or

(c) Refer the complaint to an Administrative Hearing Officer pursuant to KRS Chapter 13B for further proceedings.

Section 5. Incorporation by Reference. (1) "Athlete Agent Complaint" Form AAR-001, November 2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensure, 500 Mero St., Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (45 Ky.R. 566, 1022; eff. 11-2-2018; TAm eff. 11-22-2019.)