BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended at ARRS Committee)

201 KAR 16:612. Notice to Comply (NC) and Notice of Violation (NOV).

RELATES TO: KRS 321.187, 321.190, 321.203, 321.205, 321.207, 321.208, 321.211, 321.221, 321.235, 321.236, 321.352, 321.441, 321.442, 321.443, 321.990

STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.235(2)(h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2)(h) authorizes the board to issue a notice to comply (NC) or a notice of violation (NOV) to any person for violations of KRS Chapter 321. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the process and effect of issuing an NC and an NOV.

Section 1. Notice to Comply (NC).

(1) The board, or an employee or agent of the board, may issue an NC to any person or business for violation of any provision of KRS Chapter 321 or 201 KAR Chapter 16.

(2) An NC may be issued during an inspection to request additional information needed to determine compliance or as a notice to correct a minor violation found during the inspection. The failure to provide the information requested or to correct the violation within the time allotted may result in an NOV being issued.

(3) An NC from the board shall contain:

(a) The name and address of the person or business to whom it is issued;

(b) A description of any information that is being requested;

(c) A citation to any statutory or regulatory requirement that has been or may have been violated;

(d) A description of the circumstances surrounding any violation or possible violation for which additional information is requested;

(e) Measures required to comply with the NC;

(f) A reasonable time for compliance;

(g) Notice that failure to take required action may result in the issuance of an NOV;

(h) Identification of the board's agent issuing the form; and

(i) The date the NC was issued.

(4) An NC may be issued in tangible or electronic form.

Section 2. Notice of Violation (NOV).

(1) The board, or an employee or agent of the board, may issue an NOV to any person for violation of any provision of KRS Chapter 321 or 201 KAR Chapter 16.

(2) An NOV establishes that a violation of statute or administrative regulation exists and that a business or person is operating in violation of the law and is subject to penalty pursuant to KRS Chapter 321.

(3) Each day or part of a day that a violation continues is a separate violation subject to daily penalties.

(4) An NOV from the board shall contain:

(a) The name and address of the person or business to whom it is issued;

(b) The items listed in KRS 321.235(2)(h);

(c) Notice that each day or part of a day that a violation continues is a separate violation;

(d) Notice of the penalty for the violation or violations for which the notice was issued;

(e) Identification of the board's agent issuing the notice; and

(f) Date the NOV was issued.

(5) An NOV may be issued in tangible or electronic form.

(51 Ky.R. 824, 1272; eff. 4-2-2025.)

FILED WITH LRC: December 9, 2024

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.