

## **201 KAR 30:070. Grievances.**

RELATES TO: KRS 324A.020, 324A.050, 324A.052

STATUTORY AUTHORITY: KRS 324A.020, 324A.035, 324A.052

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the approval of the executive director of the Kentucky Real Estate Authority, to promulgate administrative regulations necessary to carry out the provisions of KRS 324A.010 to 324A.090. KRS 324A.020 authorizes the board to investigate allegations of wrongdoing under KRS Chapter 324A. KRS 324A.050 authorizes the board to take disciplinary action against the certificate holder or licensee, and KRS 324A.162 authorizes the board to take disciplinary action against a registrant of an appraiser or appraisal management company, for violations of KRS Chapter 324A. This administrative regulation establishes the procedures for filing grievances with the board.

### Section 1. Grievance and Answers.

- (1) Grievances submitted against a certificate holder, licensee, or registrant shall:
  - (a) Be submitted in writing;
  - (b) Identify the person or organization submitting the grievance, unless submitted anonymously;
  - (c) Contain a concise statement of the facts, transaction, or occurrence upon which it is based;
  - (d) Include exhibits or other documents, if applicable;
  - (e) Be served on the certificate holder, licensee, or registrant by the board:
    1. At the last known address of the certificate holder, licensee, or registrant; and
    2. By certified mail, return receipt requested; and
  - (f) Be filed by the grievant within five (5) years from the date the grievant knew or should have known of the alleged violation.
- (2) If the board receives an anonymous grievance, it shall conduct an initial investigation to determine whether a formal investigation is warranted.
- (3)
  - (a) Unless an extension is requested and granted, the certificate holder, licensee, or registrant shall file an answer to the grievance with the board no later than twenty (20) days after service of the grievance.
  - (b) A copy of the answer shall be served on the grievant, unless the grievant is anonymous, by the certificate holder, licensee, or registrant, by certified mail, return receipt requested, to the address shown on the grievance.

Section 2. Formal Investigations. The board shall conduct an investigation of the facts alleged in a grievance:

- (1) Upon receipt of a grievance and answer; or
- (2) If an answer is not filed with the board, upon expiration of the period established in Section 1(3)(a) of this administrative regulation.

Section 3. Dismissal of Grievance. The board shall dismiss a grievance if the facts stated in the grievance, or facts known to the board upon investigation, fail to establish a violation of KRS 324A.050. The board shall notify the grievant and the certificate holder, licensee, or registrant in writing if it dismisses the grievance.

### Section 4. Administrative Complaints.

- (1) If the facts alleged constitute a prima facie violation of KRS Chapter 324A, 201 KAR Chapter 30, or the USPAP, the board shall issue an administrative complaint, in accordance with KRS Chapter 13B, against the certificate holder, licensee, or registrant and proceed pursuant to KRS 324A.052.

(2) The board may enter into informal settlement with the certificate holder, licensee, or registrant.

(3) If the parties to a settlement conference agree on a stipulation, proposed term, or condition for an agreed order to resolve the complaint, the agreed order shall be forwarded to the board for consideration.

(4) If the proposed agreed order is approved by the board, the complaint shall be considered resolved, and a hearing shall not be held.

(19 Ky.R. 2170; Am. 2463; eff. 7-9-1993; 23 Ky.R. 3609; 4111; eff. 6-13-1997; 28 Ky.R. 1490; 1824; eff. 2-11-2002; 29 Ky.R. 2516; 2867; eff. 6-16-2003; 36 Ky.R. 154; 571; eff. 10-2-2009, TAm 12-28-2009; 37 Ky.R. 1332; 1972; eff. 5-6-2011; 39 Ky.R. 1490; 1876; eff. 4-5-2013; 42 Ky.R. 95; 668; eff. 10-2-2015; 46 Ky.R. 110, eff. 10-4-2019.)