

503 KAR 1:130. Review of council and school decisions; appeal to circuit court.

RELATES TO: KRS 15.330

STATUTORY AUTHORITY: KRS 15A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330 authorizes the Kentucky Law Enforcement Council to prescribe standards for law enforcement training conducted by certified schools. 503 KAR Chapter 1 prescribes such standards. Decisions by the council and by certified schools involving the interpretation of the statute and the administrative regulations obviously affect persons. A person adversely affected by such a decision should have the right to have it reviewed by higher authority. This administrative regulation establishes a procedure for administrative review and appeal to the court system.

Section 1. Administrative Review. A person adversely affected by a decision of the council or a certified school as to enforcement of standards or procedures prescribed by KRS 15.330 and/or 503 KAR Chapter 1 shall have the right to ask the secretary to review the decision. A request for a hearing shall be filed in writing with the secretary within thirty (30) days of receipt of written notification of the council or school decision. The secretary shall, within thirty (30) days of receipt of the request, decide if the request merits a hearing. If it is determined there are insufficient grounds for a hearing, the secretary shall notify the person in writing that the request has been denied. If a hearing is to be held, the secretary shall designate the time and place. The hearing shall be held within ninety (90) days of receipt of the request for a hearing, and it shall be conducted by the secretary or his designated hearing officer. If a hearing officer conducts the hearing, he shall submit findings of fact, conclusions of law and a recommended decision to the secretary. At the hearing, all parties to the controversy shall have the right to be heard publicly and to be represented by counsel, and all testimony shall be recorded. Technical rules of evidence shall not apply at the hearing. Within sixty (60) days following the hearing, the secretary shall issue a written opinion, a copy of which shall be provided to all parties and to the fund administrator. The decision of the secretary shall be final unless appealed into the court system.

Section 2. Appeal to Circuit Court. A person adversely affected by the decision of the secretary resulting from a hearing provided for in Section 1 of this administrative regulation, or by the secretary's decision to deny a request for such a hearing, shall have the right to appeal the secretary's decision to the circuit court of the county where the controversy originated.

(11 Ky.R. 1544; eff. 5-14-85; Crt eff. 2-25-2020.)