

32 KAR 2:210. Judicial hearing procedures.

RELATES TO: KRS 121.140(4)

STATUTORY AUTHORITY: KRS 121.120(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.140(4) provides for a hearing before one (1) retired or former justice or judge in cases in which the Registry of Election Finance and a respondent fail to reach a conciliation agreement. This administrative regulation establishes procedural guidelines to be followed in the initiation of those hearings and selection of a justice or judge.

Section 1. Administrative Pleadings.

(1) If the registry and the respondent fail to reach a conciliation agreement, and a request for retired or former justices or judges has been submitted as required by KRS 121.140(4), the general counsel shall prepare an administrative complaint which shall include the following:

(a) A statement of the allegations contained in the original complaint;

(b) The registry's:

1. Findings of fact and conclusions of law in support of a finding of probable cause;

or

2. Notice of noncompliance with reporting requirements pursuant to 32 KAR 2:040(10);

(c) A statement that attempts to negotiate a conciliation agreement have been unsuccessful; and

(d) A statement that conciliation negotiations have been extended for the maximum period allowed by 32 KAR 2:050(3).

(2) The general counsel shall prepare an administrative summons which, along with a copy of the administrative complaint, shall be served upon the respondent either personally or by certified mail, return receipt requested. This notification shall be made in accordance with the schedule established by KRS 121.140(4).

(3) A respondent to an administrative complaint as provided in subsection (1) of this section shall file a written response within twenty (20) days from the date of receipt of the administrative summons and complaint. The response shall be filed at the offices of the Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601.

(4) Within thirty (30) days of the final selection of one (1) retired or former justice or judge in the manner provided by KRS 121.140, the general counsel shall forward copies of the administrative complaint to the justice or judge selected and shall, thereafter, forward copies of all other pleadings filed up to the dates of the hearing.

(5) One (1) retired or former justice or judge shall be selected for each hearing required under KRS 121.140(4) and shall serve through the completion of the hearing process and until the justice or judge renders a decision.

(22 Ky.R. 814; 1302; eff. 1-8-1996; 25 Ky.R. 1680; 2125; eff. 3-19-1999; Crt eff. 9-27-2019.)