

**224.10-420 Notice of complaint -- Answer to charges -- Petition by aggrieved party -- Hearing.**

- (1) Whenever the cabinet has reason to believe that a violation of any of the provisions of this chapter or any administrative regulation promulgated pursuant thereto has occurred, it shall issue and serve upon the person complained against a written notice of the provision of this chapter or the administrative regulation alleged to have been violated and the facts alleged to constitute the violation thereof and shall require the person so complained against to answer the charges set out in the notice at a hearing before the cabinet at a time not less than twenty-one (21) days after the date of notice, except as provided in KRS 224.10-410 or unless the person complained against waives in writing the twenty-one (21) day period.
- (2) Any person not previously heard in connection with the issuance of any order or the making of any final determination arising under this chapter by which he considers himself aggrieved may file with the cabinet a petition alleging that the order or final determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and demand a hearing. An order or final determination includes, but is not limited to, the issuance, denial, modification, or revocation of a permit, but does not include the issuance of a letter identifying deficiencies in an application for a permit, a registration or a certification, or other nonfinal determinations. This subsection does not abrogate the right to a hearing on a draft permit afforded by KRS 224.40-310. Unless the cabinet considers that the petition is frivolous, it shall serve written notice of the petition on each person named therein and shall schedule a hearing before the cabinet not less than twenty-one (21) days after the date of such notice, except as provided in KRS 224.10-410 or unless the person complained against waives in writing the twenty-one (21) day period. The right to demand a hearing pursuant to this section shall be limited to a period of thirty (30) days after the petitioner has had actual notice of the order or final determination complained of, or could reasonably have had such notice.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 215, sec. 1, effective July 14, 1992. -- Amended 1978 Ky. Acts ch. 207, sec. 1, effective June 17, 1978. -- Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 24, effective January 1, 1973.

**Formerly codified as** KRS 224.081.