

198B.6413 Disciplinary hearings -- Summary suspension -- Fire sprinkler inspection by uncertified individual -- Cease-and-desist order.

- (1) The procedures set forth in KRS Chapter 13B shall govern the department's conduct of disciplinary hearings.
- (2) The commissioner may summarily suspend a certification for up to ninety (90) days before a final adjudication or during an appeal of the commissioner's determination if he or she believes that the certification would represent a clear and immediate danger to the public's health, safety, or property if the inspector is allowed to perform sprinkler system inspections.
- (3) The commissioner shall issue a letter to cease and desist with notice of opportunity to be heard in accordance with KRS Chapter 13B, to any individual if the commissioner:
 - (a) Determines that an individual is not certified under this chapter; and
 - (b) Determines that the individual is engaged in, or believed to be engaged in, activities for which a fire sprinkler inspector's certification is required under this chapter.
- (4) After completion of the hearing, if it is determined that the activities in which the individual is engaged are subject to certification under this chapter, the commissioner shall issue a cease-and-desist order that identifies the individual and specifically states the activities which are subject to the order.
- (5) A cease-and-desist order issued under this section shall be enforceable in the Circuit Court of the county of the individual's place of business in accordance with KRS Chapter 13B.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 169, sec. 43, effective June 29, 2017. -- Created 2010 Ky. Acts ch. 116, sec. 36, effective July 1, 2011.

Legislative Research Commission Note (7/1/2011). References to the "office" of housing, buildings and construction and the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 36, have been changed in codification to the "department" of housing, buildings and construction and the "commissioner" of housing, buildings and construction, respectively, to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky Acts ch. 24, sec. 1938.