

**334.120 Complaints -- Procedure -- Disciplinary sanctions -- Prohibited conduct.**

- (1) Complaints against licensed persons shall be handled by the board in the following manner:
  - (a) Any person desiring to make a complaint against a licensee under this chapter shall reduce the complaint to writing and file it with the board.
  - (b) The board may conduct an investigation into any complaint which the board feels may constitute a violation of this chapter or the administrative regulations promulgated thereunder.
  - (c) The board may require that the licensee file a statement or report in writing as to the facts and circumstances concerning the complaint together with other information, material, or data reasonably related thereto.
  - (d) The board may request the assistance of the Attorney General in connection with an investigation.
  - (e) The board may employ the services of a hearing officer to conduct hearings, prehearing conferences, advise the board as to legal matters, and provide other legal services deemed appropriate by the board.
- (2) If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in accordance with KRS Chapter 13B.
- (3) The provisions of this chapter shall in no way limit the jurisdiction and authority of the Attorney General to take any necessary action under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.
- (4) The board may suspend, revoke, or levy a fine not to exceed one thousand dollars (\$1,000), refuse to issue or renew any license for a fixed period of time, place on probation, issue a written reprimand to a licensee, or any combination thereof, based on a finding of the board after hearing that a person licensed under the provisions of this chapter has committed any of the following acts:
  - (a) Change of personal name, corporate name, charter, entity, or partnership name or composition to avoid the imposition of liens or court action;
  - (b) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of that conviction;
  - (c) Procuring of license by fraud or deceit practiced upon the board;
  - (d) Unethical conduct as defined by the board by promulgation of an administrative regulation;
  - (e) Engaging in any unfair, false, misleading, or deceptive act or practice;
  - (f) Incompetence or negligence in the practice of selling or fitting hearing instruments; or
    - (g) Violating any provision of this chapter or the administrative regulations promulgated thereunder.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 306, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 460, sec. 12, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 276, sec. 5. -- Created 1972 Ky. Acts ch. 48, sec. 12.