

151.182 Notice of violation and hearing thereon -- Demand for hearing on denial, modification or revocation of permit.

- (1) Whenever the cabinet has reason to believe that a violation of any of the provisions of this chapter or any regulation promulgated pursuant thereto has occurred, it may issue and serve upon the person complained against a written notice of the provision of this chapter or the regulation alleged to have been violated and the facts alleged to constitute the violation thereof. Further, this notice 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 thirty (30) days after the date of notice unless the person complained against waives in writing the thirty (30) day period.
- (2) Except as provided in KRS 151.297 regarding emergency situations, any person not previously heard in connection with the issuance of any order or the making of any final determination 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 notice of violation, the issuance of a letter identifying deficiencies in an application for a permit, a registration or a certification, or other nonfinal determinations. 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 thirty (30) days after the date of such notice, or unless the person complained against waives in writing the thirty (30) 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. 3, effective July 14, 1992. --
Created 1980 Ky. Acts ch. 253, sec. 1, effective July 15, 1980.