

250.446 Notice of violation -- Hearing -- Administrative sanctions -- Prosecution in court -- Injunctive relief.

- (1) If it shall appear from the examination of any fertilizer that any of the provisions of KRS 250.361 to 250.451 or regulations issued thereunder have been violated, the director shall notify the registrant, licensee, distributor, or processor from whom the sample was taken of the alleged violations and designate a time and place for an informal hearing under administrative regulations promulgated by the director. If it appears after the informal hearing, either in the presence or absence of the person so notified, that any of the provisions of KRS 250.361 to 250.451 or administrative regulations promulgated thereunder have been violated, the director may issue a letter of reprimand, levy a fine pursuant to KRS 250.990, or impose any other administrative penalties or sanctions authorized under KRS 250.361 to 250.451. Any penalty or sanction imposed as a result of an informal hearing may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (2) Nothing in KRS 250.361 to 250.451 shall be construed as requiring the director to report for prosecution or for the institution of seizure proceedings minor violations of KRS 250.361 to 250.451, when he believes that the public interests will be best served by a letter of reprimand.
- (3) If, after completing the hearing process contained in subsection (1) of this section, the director has probable cause to believe that a criminal offense has been committed, he shall report the matter to the Attorney General or the county attorney of the county in which the alleged offense occurred. It shall be the duty of the Attorney General or appropriate county attorney to whom any offenses are reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.
- (4) The director may petition a court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of KRS 250.361 to 250.451 or any administrative regulation promulgated under KRS 250.361 to 250.451, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 167, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 331, sec. 10, effective July 15, 1994. -- Created 1984 Ky. Acts ch. 191, sec. 18, effective July 13, 1984.