

286.11-045 Emergency order governing suspension, limitation, or restriction of license or designation of agent -- Appeal from emergency order.

- (1) If the commissioner has reason to believe or determines that a violation of this subtitle or of a regulation adopted, or an order issued under this subtitle, by a licensee or agent will cause immediate or irreparable harm to the public health, safety, or welfare, then the commissioner may enter an emergency order suspending, limiting, or restricting the licensee's license or the designation of an agent, without prior notice or hearing.
- (2) One (1) or more of the following circumstances shall be considered grounds for an emergency order suspending, limiting, or restricting a license or designation of an agent under this section:
 - (a) The licensee's or agent's indictment or conviction of a felony for a crime involving theft, fraud, or breach of trust;
 - (b) The licensee's or agent's indictment or conviction under the USA PATRIOT Act of 2001, Pub. L. No. 107-56;
 - (c) The suspension or revocation of any other money transmitter license or equivalent license held by the licensee, or designation held by the agent in another state or country;
 - (d) The licensee, its responsible individual, or any agent, key shareholder, executive officer, director, or other person in control of the licensee are listed or become listed on the specially designated nationals and blocked persons list prepared by the United States Department of the Treasury or United States Department of State under Presidential Executive Order No. 13224 as a potential threat to commit terrorist acts or to finance terrorist acts; or
 - (e) Insolvency, or the filing of an application of bankruptcy, reorganization, arrangement, or other relief under bankruptcy, or an adjudication under the United States Bankruptcy Code, 11 U.S.C. secs. 101 to 110 by the licensee or agent.
- (3) An emergency order issued under this section becomes effective when signed by the commissioner. The emergency order shall be delivered by certified mail to the last known address of the licensee or agent. The order shall be deemed received by the licensee or agent within three (3) days of its mailing with the United States Postal Service.
- (4) A licensee or agent aggrieved by an emergency order issued by the commissioner under this section may file with the commissioner a written appeal for an emergency hearing. The application for a hearing shall be filed with the commissioner within twenty (20) days of the date of the emergency order.
- (5) Upon receipt of a written appeal by any licensee or agent aggrieved by an emergency order issued under this section, the commissioner shall conduct an emergency hearing as required under KRS 13B.125, within ten (10) working days from the date of receipt of the appeal, unless the parties agree otherwise. The hearing officer shall render a written decision affirming, modifying, or reversing the emergency order within five (5) working days of the completion of the hearing. The

emergency order shall be affirmed if there is substantial evidence of a violation of law that constitutes an immediate danger to the public health, safety, or welfare.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 851, effective July 15, 2010. -- Created 2006 Ky. Acts ch. 247, sec. 23, effective April 24, 2006.

Legislative Research Commission Note (7/12/2006). This section was created in 2006 Ky. Acts ch. 247 as a new section of KRS Chapter 366A. Sec. 38 of that same bill also required that all sections of KRS Chapters 287, 288, 290, 291, 294, 366, 366A, and 368 be renumbered as sections of a single KRS chapter entitled the "Kentucky Financial Services Code." Therefore, the Statute Reviser, acting under KRS 7.136(1), has codified this section as a new section of KRS Chapter 286.