

13B.110 Recommended order.

- (1) Except when a shorter time period is provided by law, the hearing officer shall complete and submit to the agency head, no later than sixty (60) days after receiving a copy of the official record of the proceeding, a written recommended order which shall include his findings of fact, conclusion of law, and recommended disposition of the hearing, including recommended penalties, if any. The recommended order shall also include a statement advising parties fully of their exception and appeal rights.
- (2) If an extension of time is needed by the hearing officer to complete and submit his recommended order to the agency head, the hearing officer shall show good cause to the agency head, in writing, and based upon substantial proof, that an extension of time is needed.
- (3) If the agency head, after a showing of good cause, grants the hearing officer an extension of time:
 - (a) The extension shall not exceed thirty (30) days from the date the extension was granted;
 - (b) The statement granting the extension shall be included in the record of the hearing; and
 - (c) Notice of the extension shall be sent to all parties.
- (4) A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head. Transmittal of a recommended order may be sent by regular mail to the last known address of the party.
- (5) The provisions of this section shall not apply in an administrative hearing where the hearing officer conducts the hearing in the presence of the agency head who renders a decision without the recommendation of the hearing officer.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 10, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 382, sec. 11, effective July 15, 1996.