

**DEPARTMENT OF AGRICULTURE**  
**Office of Consumer and Environmental Regulation**  
**(New Administrative Regulation)**

**302 KAR 26:100. Structural pest control settlement proceedings.**

RELATES TO: KRS Chapter 217B

STATUTORY AUTHORITY: KRS 13B.070(3), 217B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the Department of Agriculture to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. This administrative regulation establishes procedures for the settlement of administrative complaints brought pursuant to KRS 217B.545.

Section 1. Commencement of Settlement Proceedings. At any time after the service of an administrative complaint upon a licensee and before hearing, the responding licensee may seek a settlement of any pending allegation with the department.

Section 2. Presentation of Proposal to Board. If a settlement has not been reached, the licensee may present the department's settlement offer to the Structural Pest Management Advisory Board for a written recommendation for settlement. The written recommendation for settlement shall be signed by the chairman and forwarded to the department for consideration.

Section 3. Action by the Department. The department may settle the matter taking the Board's written recommendation into consideration. If the department chooses not to adopt the Board's recommendation for settlement and the licensee rejects the department's offer for settlement, the matter shall continue to proceed as a formal proceeding pursuant to KRS Chapter 13B.

(49 Ky.R. 200; eff. 10-20-2022.)

*DR. RYAN QUARLES, Commissioner*

APPROVED BY AGENCY: June 13, 2022

FILED WITH LRC: June 14, 2022 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 23, 2022 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, email [clint.quarles@ky.gov](mailto:clint.quarles@ky.gov).