

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 13.—Pesticides

4-13-40. Types of hearings.

(a) A conference adjudicative hearing may be used for the following types of action:

(1) Suspension or revocation of a pesticide business license for the licensee's failure to maintain acceptable insurance or bond continuously during the licensing period as required by K.S.A. 2-2448, and amendments thereto;

(2) suspension or revocation of the pesticide business license or governmental registration for the licensee's failure to employ a certified commercial applicator for each category of business operations in which a license has been issued;

(3) suspension of a pesticide business license, governmental registration, or applicator's certificate, whether commercial or private, that has been issued when fees were paid by an insufficient fund check;

(4) suspension or revocation of a pesticide business license, governmental agency registration, or any certificate for multiple or repeated violations of the Kansas pesticide law or of the implementing regulations, if no material issue of fact is involved; and

(5) any other instances designated in K.S.A. 77-533, and amendments thereto.

Nothing in this subsection shall prohibit the conversion of another type of hearing to a conference adjudicative hearing. Conversion procedures shall conform with K.S.A. 77-506, and amendments thereto.

(b) The summary adjudicative hearing may be used for the following types of action:

(1) A reprimand, warning, or disciplinary report pertaining to a violation of the Kansas pesticide law or any implementing regulation;

(2) any matter that can be resolved solely on the basis of inspections, examinations, or tests made by the agency or its personnel; and

(3) assessment of civil penalties pertaining to a violation of the Kansas pesticide law or any implementing regulation.

All other hearings, except emergency adjudicative hearings or hearings that have been initiated as or converted to conference adjudicative hearings or summary adjudicative hearings, shall be formal adjudicative hearings as defined in the Kansas administrative procedures act.

(Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2449 and 2-2451; effective May 1, 1985; amended July 18, 2008.)

***** Authenticated Kansas Administrative Regulation *****