

KENTUCKY OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

WHAT IS AN ANSWER?

As the representative of record for the Respondent, you were mailed a copy of the complaint from the Secretary of the Kentucky Labor Cabinet. Before the case can proceed to the Attorney General's office for a hearing, you must respond to the Complaint issued by the Labor Cabinet. This response is called an *ANSWER*. If you are incorporated, this answer must be filed by an attorney. Please see Attachment "A" - KBA Advisory Ethics Opinion U-64.

In preparing the answer, you may either do a general denial of claims set forth in the Complaint (see Example No. 1 below) or you may address specific claims individually and either admit or deny those claims (see Example No. 2 below). If you deny a claim, you should provide a brief explanation of why the Review Commission should dismiss or modify that claim. **Please be advised that the Review Commission will treat any claims not denied as true. Also please note that an answer is not the same as the "Notice of Contest" you previously sent to the Labor Cabinet.** The Review Commission needs a *separate* answer once the Complaint from the Labor Cabinet has been issued.

The original of your Answer must be mailed to:

**KOSH Review Commission
#4 Millcreek Park
Frankfort, KY 40601**

A copy of your answer must also be mailed to the attorney at the Labor Cabinet who wrote the Complaint. The mailing address can be found on your complaint. You should indicate at the bottom of the answer that you have sent a copy to the attorney for the Labor Cabinet.

WHAT HAPPENS NEXT?

After your answer is received by the Review Commission, the case will be forwarded to the Attorney General's Office, Division of Administrative Hearings. When this occurs, you will receive formal written notice. The case will then be assigned to a hearing officer and scheduled for a telephonic prehearing conference. The hearing officer will discuss the case with you and the attorney for the Complaint during the telephone conference; a date for the hearing of the case will be scheduled when it becomes obvious the parties cannot reach a settlement. You may address any additional questions you might have about the pretrial process or the hearing to the hearing officer.

IMPORTANT ADDRESSES and PHONE NUMBERS:

KOSH Review Commission
#4 Millcreek Park
Frankfort, KY 40601
(502) 573-6892
(502) 573-4619 fax
Web: www.koshrc.ky.gov

Office of General Counsel
Kentucky Labor Cabinet
1047 US Hwy 127 South
Frankfort, KY 40601
(502) 564-3070
Web: www.labor.ky.gov

Div. of Administrative Hearings
Attorney General's Office
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
(502) 696-5300
Web: www.ag.ky.gov/hearings.htm

EXAMPLE NO. 1

KOSHRC# 9999-08

(this will be your case number)

SECRETARY OF THE LABOR CABINET
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

YOUR COMPANY NAME

RESPONDENT

ANSWER

On behalf of your company name will go here, I deny all violations alleged in the Complaint. I deny these violations because... (give a brief explanation).

John Doe
Your Company Name
Street Address
City, State, Zip Code
Phone Number

cc: Name of Attorney
Office of General Counsel
Kentucky Labor Cabinet
1047 U.S. 127 South
Frankfort, KY 40601

MAIL ORIGINAL ANSWER TO:

KOSH REVIEW COMMISSION, #4 Millcreek Park, Frankfort, KY 40601

EXAMPLE NO. 2

KOSHRC #9999-08

(this will be your case number)

SECRETARY OF THE LABOR CABINET
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

YOUR COMPANY NAME

RESPONDENT

ANSWER

On behalf of your company name will go here, I admit the claims contained in Paragraph (insert paragraph number(s)) of the Complaint.

I deny violation of Citation No. (insert citation number), Item No. (insert item number). This item should be dismissed or modified by the Review Commission because (give explanation).

(Repeat the above paragraph for every individual claim you wish to deny.)

John Doe
Your company name
Street Address
City, State, Zip Code
Phone Number

cc: Name of Attorney
Office of General Counsel
Kentucky Labor Cabinet
1047 U.S. 127 South
Frankfort, KY 40601

MAIL ORIGINAL ANSWER TO:

KOSH REVIEW COMMISSION, #4 Millcreek Park, Frankfort, KY 40601