



How to Simplify The Regulatory Process For Your Business

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If you're in business, then you're in a regulated business. Consequently, knowing the basics of the administrative process will not only keep you in compliance with the law, but can also provide your company with a sharp edge on the competition. From the simple licensing required to run a business to creative arguments necessary to persuade regulators to endorse your company's pioneering direction, skillfully navigating the twists and turns of bureaucracy regulation can be a key to success.

The first and most straightforward step in conducting your business within the bounds of the administrative process is to file with state and local authorities, which essentially registers your business to pay taxes and puts your business on the "regulatory map." Next, you must determine if your business operation requires any special licenses or permits – and then obtain them! This determination can be facilitated by examining the comprehensive list of permits and licenses that is linked to the Kentucky Secretary of State's website: www.thinkkentucky.com/BIC/license.aspx. In most instances, each regulating agency provides the necessary licensing applications electronically and makes them available for download and printing.

Once the preliminary items are taken care of and licensing is complete, the ongoing duty to remain in compliance with the applicable industry regulations begins. Along with this duty comes the tedious task of staying current on those ever-changing regulations – ignorance of the law is not an excuse for noncompliance! Although constantly monitoring the rule-making activities of regulatory agencies does not fit into most small business plans (nor is it a recommended pastime), some helpful tips can simplify the process and considerably reduce the time needed to keep on top of things.

The Commonwealth provides an excellent tool called *RegWatch* to monitor regulatory activity by agency and/or topic. This service sends subscribers, by email or standard mail, notice of administrative regulatory changes in their particular areas of interest. *RegWatch* is free, and you can sign up through an easy process online at <https://secure.kentucky.gov/Regwatch/>. Taking advantage of this simple service can assist your business in staying informed by filtering out the inapplicable material from the changes that actually affect your business. This, in turn, reduces the burden of compliance and may present the opportunity to adequately prepare and participate in the regulatory commenting process.

In addition to *RegWatch*, agencies are required to give notice of proposed regulations by publication in the monthly *Administrative Register*. This requirement corresponds with an agency's duty to hold a public hearing and public commentary period for proposed regulations in which it must provide all interested persons with a fair and reasonable opportunity to be heard. Accordingly, the *Administrative Register* includes an announcement of the time, place, and date of the public hearing and the manner in which interested persons may submit written comments or notice of their plans to attend that hearing.

Although agencies retain quite a bit of discretion in their ability to draft the substance of regulations, those agencies may not wholly disregard the contents and facts presented by those participating in the commenting process. This provides a valuable opportunity for perceptive business owners to look out for their best interests and influence the regulatory environment in which their business must operate. In order to achieve the full potential for your regulated business, familiarity with the rules of the game is a must. A watchful eye on your regulatory

surroundings will assist in compliance with the law and alert you of the chance to advance the goals of your business through the administrative process.

Ryan McLane, J.D., contributed to this article.