STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2009-1212
December 21, 2009

STATE OF EMERGENCY RELATING TO THE PROHIBITION AGAINST PRICE GOUGING

WHEREAS, beginning on December 18, 2009, conditions within the Commonwealth of Kentucky resulting from a snow and ice storm have created a danger to public health and safety and have threatened public and private property in multiple counties throughout the Central and Eastern parts of the state, specifically Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Owsley, Perry, Pike, Whitley, Carter and the cities of Paintsville and Salyersville; and

WHEREAS, substantial power outages across the Central and Eastern parts of the state have already occurred with the potential for additional damage due to the continued threat of freezing rain, snow and flooding; and

WHEREAS, on December 18, 2009, pursuant of Executive Order 2009-1207, by virtue of the authority vested in me by the Constitution of the Commonwealth of Kentucky and by Chapter 39A of the Kentucky Revised Statutes, I declared the existence of a State of Emergency in the Central and Eastern parts of the Commonwealth of Kentucky specifically to protect the citizens of the Commonwealth from predatory pricing by unscrupulous providers of goods and services including but not limited to:

1. Consumer food items;
2. Goods or services used for emergency cleanup;
3. Emergency supplies;
4. Medical supplies;
5. Home heating oil;
6. Building materials;
7. Housing;
8. Transportation, freight, and storage services; and
9. Gasoline or other motor fuels.

WHEREAS, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of the Commonwealth of Kentucky and by Chapter 39A of the Kentucky Revised Statutes, have declared the existence of a State of Emergency throughout the Commonwealth of Kentucky to protect the citizens of the Commonwealth from predatory pricing by unscrupulous providers of goods and services; and

WHEREAS, under such circumstances, I am empowered by the Constitution of the Commonwealth of Kentucky and Chapter 367 of the Kentucky Revised Statutes to implement certain provisions of law aimed toward protecting Kentucky consumers:

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NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of the Commonwealth of Kentucky and Chapter 367 of the Kentucky Revised Statutes, do hereby implement the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services in the aforementioned counties/cities in the Central and Eastern parts of the state affected by the state of emergency, and do hereby ORDER and DIRECT that:

1. No person, within the meaning of KRS 446.010, shall sell or offer to sell any goods or service delineated in KRS 367.374(1)(b) at a price grossly in excess of the price prior to the declaration by Executive Order on December 18, 2009, that a State of Emergency exists.

2. The foregoing is subject to the qualifications and limitations set forth otherwise in KRS 367.372, *et seq.*, with regard to increased cost to sellers, *inter alia*.

3. Any person who violates the provisions of KRS 367.372, *et seq.*, as implemented by this Order, shall be subject to the penalties set forth in KRS 367.378.

4. The Division of Emergency Management shall immediately notify the public and those registered with the Division for the purpose of receiving notice of the implementation, renewal, or termination. The Division shall notify the public by any means available, including the Division's Web site, news media, and electronic mail. Any person or trade association may register with the Division for the purpose of receiving notification.

This Order shall be in effect for the duration of the State of Emergency herein referenced, and shall be subject to renewal thereafter, subject to applicable law, if necessary to protect the lives, property, or welfare of the citizens of the Commonwealth of Kentucky.

STEVEN L. BESHEAR
Governor

TREY GRAYSON
Secretary of State