

75.140 Appeals of disciplinary actions.

- (1) Any member or employee of a fire protection district found guilty by the board of trustees of the fire protection district of any charge, as provided by KRS 75.130, may appeal to the Circuit Court of the county in which the fire protection district is located, but the enforcement of the judgment of the fire protection district shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the board of trustees of the fire protection district makes its determination on the charge.
- (2) Upon request of the accused, the secretary of the board of trustees of the fire protection district shall file a certified copy of the charges and the judgment of the board of trustees in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.
- (3) If the secretary of the board of trustees fails to certify the transcript to the Circuit Court within thirty (30) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the board of trustees of the fire protection district, together with a statement that demand for transcript was made upon the secretary of the board of trustees more than thirty (30) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed and the Circuit Court may compel the filing of the transcript by the secretary of the board of trustees by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 6, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 5, effective February 28, 1956.