

151.186 Appeals from final orders.

- (1) Appeals may be taken from all final orders of the cabinet. Within thirty (30) days from entry of the final order the appeal shall be taken to the Circuit Court of the county where the structure or activity which is the subject of the order is located. The party or parties affected by the final order shall file in the Circuit Court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The cabinet shall be named respondent, and service shall be had on the secretary. Summons shall be issued upon the petition directing the cabinet to send its entire record, properly bound, to the clerk of the Circuit Court after certifying that such record is its entire original record or a true copy thereof, which shall be filed by the clerk of the Circuit Court and considered by the Circuit Court on the review. After the case has been properly docketed in the Circuit Court, any party directly affected by the issues on appeal may, upon notice to the parties and upon proper showing and in the discretion of the court, be permitted to intervene. Upon hearing of the appeal, the findings of the cabinet shall be prima facie evidence of the facts found therein. The court shall review the entire record and the findings and final order of the cabinet.
- (2) Appeals to the Court of Appeals from orders of the Circuit Court shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 215, sec. 5, effective July 14, 1992. -- Created 1980 Ky. Acts ch. 253, sec. 3, effective July 15, 1980.