

COMMONWEALTH OF KENTUCKY  
NELSON CIRCUIT COURT  
CIVIL ACTION NO. 17-CI- 00294  
DIVISION 2

JOHN ROYALTY

APPELLANT

V.

PETITION AND NOTICE FOR APPEAL

BARDSTOWN CITY COUNCIL,  
An Administrative Agency consisting of:

APPELLEES

J. RICHARD HEATON, MAYOR  
P.O. Box 91  
Bardstown, Kentucky 40004

JOSEPH BUCKMAN, COUNCILMAN  
213 West Broadway  
Bardstown, Kentucky 40004

KECIA COPELAND, COUNCILMAN  
149 Castleton Drive  
Bardstown, Kentucky 40004

DAVID DONES, COUNCILMAN  
100 Spalding Avenue  
Bardstown, Kentucky 40004

JOHN S. KELLEY, JR., COUNCILMAN  
3208 Kings Court  
Bardstown, Kentucky 40004

WILLIAM SHECKLES, COUNCILMAN  
408 Gaffney Lane  
Bardstown, Kentucky 40004

ROLAND WILLIAMS, COUNCILMAN  
225 Elmcrest Drive  
Bardstown, Kentucky 40004

AND

CITY OF BARDSTOWN, KENTUCKY  
Serve: Major J. Richard Heaton  
220 North Fifth Street  
Bardstown, Kentucky 40004

AND

HON. DOUGHLAS GEORGE  
421 Lakeview Drive  
Springfield, Kentucky 40069

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*Electronically filed*

Comes the Appellant, John Royalty, by counsel, and for his Petition and Notice of Appeal, states herein as follows:

1. This Petition and Notice of Appeal is taken from governmental action pursuant to KRS 89A.040(9) taken on April 13, 2017.
2. Subject matter jurisdiction and venue is appropriate in this Court pursuant to KRS 89A.040(9).
3. The Appellant is John Royalty.
4. The Appellant is represented by the Hon. John Douglas Hubbard and Hon. Jason P. Floyd, Fulton Hubbard & Hubbard, 117 East Stephen Foster Avenue, P.O. Box 88, Bardstown, Kentucky 40004. Phone: (502) 348-6457; Facsimile: (502) 348-8748; email: [jdh@bardstown.com](mailto:jdh@bardstown.com) and [jfloyd@bardstown.com](mailto:jfloyd@bardstown.com).
5. The Appellee is the Bardstown City Council, an administrative body consisting of Joseph Buckman, Kecia Copeland, John S. Kelley, Jr., William Sheckles, Roland Williams and formerly J. Richard Heaton, and currently David Dones.

6. The Appellee, Bardstown City Council, is represented by the Hon. Scott Crosbie, Mattmiller Crosbie, 301 East Main Street, Suite 750, Lexington, Kentucky 40507. Phone: (859) 287-2400; Facsimile: (859) 287-2401; email: [scrosbie@mattmillercrosbie.com](mailto:scrosbie@mattmillercrosbie.com).

7. An additional Appellee is the City of Bardstown, Kentucky, in ratification of the Bardstown City Council action.

8. The City of Bardstown, Kentucky, has as its Mayor, J. Richard Heaton, and is represented by the Hon. Timothy C. Butler, P.O. Box 311, Bardstown, Kentucky 40004. Phone: (502) 348-9120; Facsimile: (502) 348-7796; email: [tbutler@bardstown.com](mailto:tbutler@bardstown.com).

9. An additional Appellee is the Hon. Douglas George, 421 Lakeview Drive, Springfield, Kentucky 40069. Phone: (859) 230-3442; email: [dodiegeorge@bellsouth.net](mailto:dodiegeorge@bellsouth.net). Said Appellee presided as Hearing Officer over the hearing aforementioned in paragraph 1.

10. The Hon. Andy Beshear, Attorney General, Commonwealth of Kentucky, Capitol Building, Suite 118, 700 Capital Avenue, Frankfort, Kentucky 40601, is hereby noticed pursuant to KRS 418.075 of a challenge to the constitutionality of KRS 89A.040(9), as was presented at pretrial administrative hearing, but not reviewed by the Hearing Officer.

11. The matter appealed from involves the removal of the Appellant from his office as Mayor of the City of Bardstown, including the facts, circumstances, and legal challenges leading up to that removal, the constitutionality of the statute, sufficiency of the evidence, and other matters.

12. The Appellant asks this Honorable Court to interpret the meaning of KRS 89A.404(9) with regard to its statement that, "the Appeal shall be on the record," and further to establish a schedule for designation of the record, briefing of the issues, and presentation of evidence (if any).

Respectfully submitted,

FULTON HUBBARD & HUBBARD

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Counsel for Appellant

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