

R. E. Lee Marshall, Esq., City Solicitor (cont'd)

pending a hearing by the Board of Fire Commissioners. All charges against members of the Fire Department must be heard by the Board of Fire Commissioners and the Chief of the Fire Department would have no power to dismiss the charges. Unless the Chief of the Fire Department can reverse his order of suspension he would be required to retain in force, until the Board acts, an order of suspension even though he might now know that such an order was unjustifiable. Such a result would in many cases be unfair, particularly when the next meeting of the Board of Fire Commissioners would not be held for sometime. It is my opinion, therefore, that a reasonable construction of the regulations empowers the Chief of the Fire Department to revoke an order of suspension pending a hearing by the Board.

I would suggest that when the Chief of the Fire Department does revoke his order of suspension he notify the accused member of the Fire Department that the revocation of the order of suspension should not be construed as affecting the charges pending against him and that he will be notified, in accordance with the provisions of the regulations, of a hearing to be held on the charges by the Board of Fire Commissioners.

Very truly yours,

(signed) CHARLES G. G. EVANS

Deputy City Solicitor

CCGE/RRS