

State Personnel Board, State of Colorado

Case No.98 B 088

ORDER OF THE STATE PERSONNEL BOARD

JAMES B. KLOVAS,

Complainant,

v.

DEPT. OF CORRECTIONS, COLORADO CORRECTIONAL INDUSTRIES,

Respondent.

The State Personnel Board (the "Board") met in public session on October 20, 1998. During this public session, the Board considered the record on appeal, including the parties' briefs.

The following Order is entered:

The Board adopts the findings of fact and conclusions of law 1 through 4 and conclusion of law 6 contained within the Initial Decision of the Administrative Law Judge. The Board specifically rejects conclusion of law 5 and declines to award attorney fees to Complainant, finding that the actions of Respondent were not groundless. While the disciplinary action which was imposed was found to be arbitrary and capricious, the action was not groundless in that the findings of fact support produced some competent evidence giving rise to the Respondent's actions.

This Order represents the unanimous vote of the following present Board members:
Joy Hoffman, May Snowden, Genola McCartee, Melanie Daly and Connie Kehmeier.

Dated this _____ day of
October, 1998.

Joy Hoffman
Board Chair
State Personnel Board
1525 Sherman Street, 2nd Floor
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (1988 Repl. Vol. 10A), as provided in Section 24-50-125.4(3), C.R.S. (1988 Repl. Vol. 10B).

CERTIFICATE OF MAILING

This is to certify that on the _____ day of _____, 1998, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD in the United States mail, postage prepaid, addressed as follows:

James R. Gilsdorf, Esq.
1690 Logan Street, Suite 402
Denver, CO 80203

and in the interagency mail, addressed as follows:

John A. Lizza
First Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203