

State Personnel Board, State of Colorado

Case No. 99B009

ORDER OF THE STATE PERSONNEL BOARD

FIDEL C. KELLY,

Complainant,

v.

DEPT. OF HIGHER EDUCATION, TRUSTEES OF STATE COLLEGES IN COLORADO,
MESA STATE COLLEGE,

Respondent.

The State Personnel Board (the "Board") met in public session on January 16, 2001. During this public session, the Board considered the record on appeal, including but not limited to:

1. Dismissal Order;
2. Appellant's Opening Brief;
3. Appellee's Answer Brief;
4. Complainant's Motion for Attorney Fees;
5. Order of the State Personnel Board;
6. Transcript of Public Meeting of March 16, 1999;
7. Order Affirmed in Part, Reversed in Part, and Cause Remanded with Directions; and
8. Mandate.

This case came before the Board for review on remand for findings pursuant to the statute as to an award of attorney fees. In finding that Respondent's appeal of the Dismissal Order did not rise to the level of frivolous and groundless, the Board reconsidered its previous ruling and voted to deny attorney fees to Complainant.

This order reflects the affirmative vote of the following Board members: Ms Hoffman, Ms. Daly, Ms. Lottner, Ms. Siderius, and Mr. Zakhem.

Dated this _____ day of
January, 2001.

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. (2000), as provided in Section 24-50-125.4(3), C.R.S. (2000).

CERTIFICATE OF MAILING

This is to certify that on the _____ day of January, 2001, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD in the United States mail, postage prepaid, addressed as follows:

Vonda G. Hall, Esq.
1145 Bannock Street
Denver, CO 80204

and in the interagency mail, addressed as follows:

Coleman M. Connolly
Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
