

ORDER OF THE STATE PERSONNEL BOARD

CHRISTINE BONICORO,

Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES,
DIVISION OF YOUTH CORRECTIONS,
MOUNT VIEW YOUTH SERVICES CENTER,

Respondent.

The State Personnel Board (the "Board") met in public session on July 17, 2001. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge
2. Respondent's Opening Brief
3. Bonicoro's Response Brief
4. Respondent's Reply Brief.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge. In so doing, the Board reviewed the concept of the "weight of the evidence" argument of Respondent regarding particular Findings of Fact within the Initial Decision of the Administrative Law Judge. It was noted that no requests for expanding the lengths of the briefs was received by the Board to allow for the attachment of an appendix of parts of the record. It was also noted that case law provides that there is an assumption that the administrative law judge's findings of evidentiary fact are accurate and that in situations in which the evidence could equally support alternative findings, the administrative law judge's findings may not be set aside. See: Samaritan Institute v. Prince-Walker, 883 P.2d 3 (Colo. 1994).

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

Dated this _____ day
Of July, 2001.

Melanie Daly
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
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).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

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

Mark Rau, Esq.
940 Wadsworth Blvd., Fourth Floor
Lakewood, CO 80215

And in the interagency mail, addressed as follows:

Joseph Q. Lynch
Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
