

ORDER OF REMAND OF THE STATE PERSONNEL BOARD

BRIAN GONZALES,

Complainant,

v.

DEPARTMENT OF CORRECTIONS, YOUTHFUL OFFENDER SYSTEM,

Respondent.

The State Personnel Board (the "Board") met in public session on June 20, 2000. During this public session, the Board considered the record on appeal, including but not limited to the following:

1. The Initial Decision of the Administrative Law Judge;
2. Procedural Order of the State Personnel Board re: Oral Argument;
3. Opening Brief of the Respondent-Appellant;
4. Complainant's Answer Brief; and
5. Reply Brief of Respondent-Appellant.

The Board also noted that at the May 16, 2000 Board meeting, it had stayed ruling on Complainant's Motion for Relief from Order; and For a Post-Hearing Deposition to Preserve Testimony ("Complainant's Motion"), and Respondent's Response thereto.

The following order is entered:

The Board remands this matter to the Administrative Law Judge based upon the Initial Decision of the Administrative Law Judge, the parties' briefs, Complainant's Motion and Respondent's Response. The parties' motions argue that post-hearing depositions may need to be taken to develop the record. It is noted that such issues may include developing the record as to the credibility of witnesses and the acts for which discipline was imposed.

The Administrative Law Judge is directed to reconvene the hearing upon this remand and limit the hearing to issues as briefed by the parties, and as identified in Complainant's Motion and Respondent's Response.

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, Mr. Duran, Ms. Lottner, and Ms. McCartee.

Dated this _____ day
Of June, 2000

Joy Hoffman
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

CERTIFICATE OF MAILING

This is to certify that on the _____ day of _____, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

Charles F. Kaiser, Esq.
1801 Broadway, Suite 1100
Denver, CO 80202

And in the interagency mail, addressed as follows:

Susan J. Trout
Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203
