

ORDER OF THE STATE PERSONNEL BOARD

TONY BELMONTE,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,
BUENA VISTA CORRECTIONAL COMPLEX,

Respondent.

The State Personnel Board (the "Board") met in public session on May 15, 2001. During this public session, the Board considered the record on appeal, including the Initial Decision of the Administrative Law Judge, Respondent's Opening Brief, Complainant's Brief in Response to Respondent's Opening Brief, and Respondent's Reply Brief, and entered the following order:

The Board voted to adopt the findings of fact in the Initial Decision of the Administrative Law Judge, but to reverse the ALJ on both conclusions of law. The conclusions of law which the Board voted to reverse are conclusions of law Nos. 1 and 2. The Board found that Respondent's action was not arbitrary, capricious or contrary to rule or law, and Complainant is not entitled to an award of attorney fees and costs. This order represents the affirmative vote of the following Board members: Melanie Daly, Joyce Lottner, Linda Siderius, and John Zakhem.

Dated this _____ day of
May, 2001.

Melanie Daly
Acting Board Chair

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by the 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 May, 2001, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

Kenneth Scott
Attorney at Law
P.O. Box 4046
Buena Vista, CO 81211

and in the interagency mail, addressed as follows:

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