

**ORDER OF THE STATE PERSONNEL BOARD**

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TONY BELMONTE,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,  
BUENA VISTA CORRECTIONAL COMPLEX,

Respondent.

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The State Personnel Board (the "Board") met in public session on November 20, 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. Order of the State Personnel Board dated October 19, 2001
4. Complainant's Brief in Response to Respondent's Opening Brief
5. Respondent's Reply Brief

After discussion of the issues of the appeal, including retaliation, unsatisfactory performance, and disparate treatment, the Board voted to adopt the findings of fact in the Initial Decision of the Administrative Law Judge ("ALJ"), but to modify: (1) the conclusions of law, with the determination that Respondent's action was not retaliatory; and (2) the Initial Decision, upholding, rather than rescinding, the termination.

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

Dated this \_\_\_\_\_ day  
Of November, 2001.

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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. (2001), as provided in Section 24-50-125.4(3), C.R.S. (2001).

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 November, 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, Esq.  
Scott Law Offices, P.C.  
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, 5<sup>th</sup> Floor  
Denver, CO 80203

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