

INTERIM 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 October 16, 2001. During this public session, the Board considered the following motions and responses thereto:

1. Respondent's Rule 60(B)(4) Motion to Stay Further Proceedings Pending Appellate Court Review;
2. Complainant's Motion to Compel Reinstatement Pursuant to the Initial Decision of the Administrative Law Judge Dated June 11, 2001;
3. Complainant's Response to Respondent's Rule 60(B)(4) Motion to Stay Further Proceedings Pending Appellate Court Review;
4. Order Denying Motion for Stay and Procedural Order;
5. Complainant's Motion Pursuant to C.R.C.P. 107 for Contempt and Sanctions and to Compel Reinstatement and Payment of Backpay; and
6. Respondent's Objection to Complainant's Motion Pursuant to C.R.R.P. [sic] 107 for Contempt and Sanctions and to Compel Reinstatement and Payment of Backpay.

After a brief discussion, which focused on the Order Denying Motion for Stay and Procedural Order, the Board entered the following order:

1. The Order Denying Motion to Stay and Procedural Order, dated September 19, 2001, is to be modified to reflect that Respondent's Rule 60(B)(4) Motion to Stay Further Proceedings Pending

Appellate Court Review is denied and to strike the last two sentences of the Order Denying Motion to Stay and Procedural Order, as follows: "The order of the Administrative Law Judge is to be implemented. Complainant's Motion, by way of this order, is GRANTED."

2. The issues raised in the above-referenced motions and responses thereto are to be reserved for consideration during the Board review scheduled for November 20, 2001.
3. Complainant's Motion Pursuant to C.R.C.P. 107 for Contempt and Sanctions and to Compel Reinstatement and Payment of Backpay is moot.

This order represents the affirmative vote of the following Board members: Elizabeth Salkind, Linda Siderius, John Zakhem, and Joyce Lottner. Melanie Daly was absent.

Dated this _____ day
of October, 2001.

Joyce Lottner
Acting 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 October, 2001, I placed true copies of the foregoing Interim Order of the State Personnel Board, in the United States mail, postage prepaid, addressed as follows:

Kenneth Scott
Ryan & Scott, 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, 5th Floor
Denver, CO 80203
