

**ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR
DECLARATORY ORDER**

JOHN P. DELEO,

Complainant,

vs.

DEPARTMENT OF REVENUE,
MOTOR VEHICLE BUSINESS GROUP,
DRIVER SERVICES DIVISION,

Respondent.

On July 17, 2001, the State Personnel Board (the "Board") met in public session. At this public meeting, the Board reviewed the Petition for Declaratory Order in the above-captioned case. The Board voted to deny the petition for declaratory order. In so doing, Board considered the following matters, among others:

- (1) Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability of any statutory provision, rule or order of the Board to petitioner;
- (2) Whether the petition involves any subject, question or issue which is also the subject of a formal or informal matter or investigation which is currently pending before the Board or a court, and which involves one or more of the petitioners; or
- (3) Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation which is currently pending before the Board or a court, but which does not involve any petitioner.

The Board noted that a majority of the specific requests made by petitioner involved a case in controversy which may or may not have jurisdictional issues. Thus, the Board concluded that a petition for declaratory relief was not the appropriate avenue for resolution of the identified issues. This order reflects the affirmative vote of the following Board members: Ms. Lottner, Ms. Siderius, Mr. Zakhem, and Ms. Daly. Ms. Salkind abstained from voting.

Dated this _____ day
of July, 2001.

Melanie Daly
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 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).

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 Denying Petition for Declaratory Order in the United States mail, postage prepaid, addressed as follows:

John P. DeLeo
60 Vista Linda
Durango, CO 81303

And in the interagency mail addressed as follows:

Stacy L. Worthington
First Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203