

**ORDER OF THE STATE PERSONNEL BOARD**

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MICHAEL FOWLER,

Complainant,

vs.

DEPARTMENT OF HIGHER EDUCATION, TRUSTEES OF THE STATE  
COLLEGES IN COLORADO, WESTERN STATE COLLEGE,

Respondent.

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The State Personnel Board (the "Board") met in public session on Tuesday, June 17, 2003. 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. Complainant's Answer Brief
4. Respondent's Reply Brief

After a discussion of the grounds for an award of attorney fees, the Board voted to adopt the findings of fact of the Administrative Law Judge, but to reverse conclusion of law #4 ("Complainant is entitled to an award of attorney fees and costs"). The Board found that Respondent's action was not groundless and that Complainant thus was not entitled to an award of attorney fees and costs.

This order represents the affirmative vote of the following Board members: Ms. Salkind, Mr. Zakhem, and Ms. Lottner. Ms. Garcia and Ms. Siderius were absent.

Dated this \_\_\_\_\_ day of  
June, 2003.

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Joyce Lottner  
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. (2002).

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 June, 2003, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Susan Tyburski, Esq.  
Boyle & Tyburski  
1439 Court Place  
Denver, CO 80202

And in the interagency mail, addressed as follows:

Hollyce Farrell  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

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