

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

IN THE MATTER OF THE PETITION OF:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

FOR A DECLARATORY ORDER, PURSUANT TO STATE PERSONNEL
BOARD RULE 8-20

On May 21, 2002, the State Personnel Board (the "Board") met in public session. At this public meeting, the Board reviewed:

1. Petition for Declaratory Order and Request for Expedited Ruling
2. Beverley Dahan's Motion to Intervene.

The Board voted to deny the petition for declaratory order, rendering moot Beverley Dahan's Motion to Intervene. 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.

This order reflects the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Daly was absent.

Dated this _____ day
of May, 2002.

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

CERTIFICATE OF MAILING

This is to certify that on the _____ day of May, 2002, 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:

William S. Finger, Esq.
Mark W. Gerganoff, Esq.
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And in the interagency mail addressed as follows:

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