

**ORDER OF THE STATE PERSONNEL BOARD**

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KEVIN HARVEY,

Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF YOUTH  
CORRECTIONS, MOUNT VIEW YOUTH SERVICE CENTER,

Respondent.

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The State Personnel Board (the "Board") met in public session on Tuesday, October 21, 2003. During this public session, the Board considered the record on appeal, including but not limited to:

1. Dismissal Order and Order to Set Hearing on Respondent's Request for Attorney Fees
2. Initial Decision and Order Denying Respondent's Request for Attorney Fees
3. Harvey's Opening Brief
4. Respondent's Response Brief
5. Harvey's Reply Brief

After discussing the provisions of the Whistleblower Act, the Board voted to adopt the Dismissal Order, the findings of fact and conclusions of law in the Initial Decision and Order Denying Respondent's Request for Attorney Fees, and the Initial Decision of the Administrative Law Judge.

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

Dated this \_\_\_\_\_ day of  
October, 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. (2003), as provided in Section 24-50-125.4(3), C.R.S. (2003).

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

Cecelia M. Serna, Esq.  
The Frickey Law Firm  
940 Wadsworth Blvd., Fourth Floor  
Lakewood, CO 80214

And in the interagency mail, addressed as follows:

Andrew M. Katarikawe  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

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