

**ORDER OF THE STATE PERSONNEL BOARD**

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**EDWARD LAWRENCE DONALDSON,**

Complainant,

vs.

**DEPARTMENT OF PUBLIC SAFETY, COLORADO STATE PATROL,**

Respondent.

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This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on October 16, 2007. 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.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law numbers 1 ("Complainant committed some of the acts for which he was disciplined") and 4 ("Attorney fees are not warranted") in the Initial Decision of the Administrative Law Judge are adopted, and that Conclusions of Law numbers 2 ("Respondent's actions were arbitrary, capricious, or contrary to rule or law") and 3 ("The corrective action and two disciplinary actions imposed were not within the range of reasonable alternatives") in the Initial Decision are modified or reversed, as follows:

- Respondent's actions were arbitrary, capricious, or contrary to rule or law with respect to the September 2005 corrective action and the December 13, 2005 disciplinary action, as the discipline imposed by the appointing authority was not within the range of reasonable alternatives. The September 2005 corrective action is rescinded, and the December 13, 2005 disciplinary action is modified from five days to one day. Conclusions of Law numbers 2 and 3 of the Initial Decision of the Administrative Law Judge with respect to these two actions are adopted;

- Respondent's actions were not arbitrary, capricious, or contrary to rule or law with respect to the February 15, 2006 disciplinary termination and the discipline imposed was within the range of reasonable alternatives; therefore, the disciplinary termination is affirmed and that portion of the Initial Decision of the Administrative Law Judge, Conclusions of Law numbers 2 and 3 relating to the disciplinary termination, is reversed.

Dated this 26<sup>th</sup> day of  
October, 2007.

  
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Rich Djokic, Board Chair  
State Personnel Board  
633 17th Street, Suite 1320  
Denver, Colorado 80202-3604

### NOTICE OF APPEAL

Each party has the following rights:

- To abide by this decision of the State Personnel Board; or
- To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S., as provided in Section 24-50-125.4(3), C.R.S.

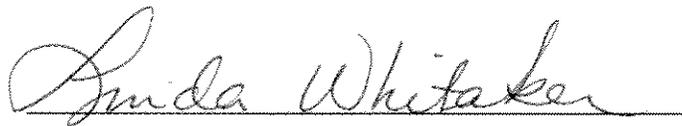
In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

### CERTIFICATE OF MAILING

This is to certify that on the 26 day of October, 2007, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

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Denver, CO 80203

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Assistant Attorney General  
POST Board Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

  
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Sandra Whitaker