STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. **2003B115**

INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE

BETTY PINKERTON,

Complainant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Administrative Law Judge Kristin F. Rozansky held the hearing in this matter on July 26, 2004; August 17, 2004; August 23, 2004; and November 8 and 10, 2004 at the State Personnel Board, 1120 Lincoln, Suite 1420, Denver, Colorado. First Assistant Attorney General Jill M.M. Gallet represented Respondent. Respondent's advisory witness was Karla Harding, the appointing authority. Complainant appeared and was represented by Cecilia Serna. The parties submitted written closing arguments and the record was closed on January 26, 2005.

MATTER APPEALED

Complainant, Betty J. Pinkerton ("Complainant" or "Pinkerton") appeals her termination, based on failure to perform competently, by Respondent, Department of Transportation ("Respondent" or "CDOT"), alleging retaliation for the complaint of sexual harassment she filed against her supervisor one month earlier. Complainant seeks reinstatement, back pay and benefits and attorney fees and costs.

For the reasons set forth below, Respondent's action is **affirmed.**

ISSUES

1. Whether Complainant committed the acts for which she was disciplined;

2. Whether Respondent's action was arbitrary, capricious or contrary to rule or law;

3. Whether the discipline imposed was within the reasonable range of alternatives available to the appointing authority;

4. Whether attorney fees are warranted.

FINDINGS OF FACT

General Background

1. Complainant began to work for the State of Colorado in 1980. In October 1995, she transferred as an Administrative Assistant II from Colorado State University ("CSU") to CDOT to work in CDOT's Loveland Residency in Region 4.

2. CDOT's statewide operations are divided into six regions. Each region is further divided into residencies. Region 4 has headquarters in Greeley and residencies in Loveland, Sterling and Boulder. Two Resident Engineers oversee the Loveland Residency.

3. Two Program Engineers oversee all of the Region 4 residencies. The Program Engineers, in turn, report to Karla Harding, the Regional Transportation Director.

4. Initially, when Complainant began to work in the Loveland Residency, Scott Ellis, the Loveland Resident Engineer, was her supervisor. Ellis was classified as a Professional Engineer II ("PEII").

5. From October 1995 to May 2000, Ellis evaluated Complainant. For the first three rating periods he rated her as "good,' for the final two years as "fully competent." In some of the sub-areas, Complainant received "needs improvement" ratings and there were scattered comments about problems with timeliness and accuracy.

6. During the time that Ellis was supervising Complainant, he never recommended she be put on a corrective action or disciplined.

Position Upgrade to Administrative Assistant III

7. In 1999, Complainant and the other AAIIs from Region 4's residencies, prepared a revised Position Description Questionnaire ("PDQ") for their AAII positions to demonstrate that the positions should be upgraded to AAIII.

8. When Complainant presented the revised PDQ to Ellis, he told her he disagreed that it was an accurate description of her duties.

9. They discussed revisions, but ultimately Complainant submitted the original PDQ to CDOT's Human Resources Department and Ellis submitted his comments. Complainant withdrew the revised PDQ, otherwise it would be rejected because of the discrepancies between its description of Complainant's job duties and Ellis' description.

10. In 2000, Jeff Kuhlman, the Program Engineer overseeing Ellis, instructed Ellis and Complainant to prepare a revised PDQ. Complainant's position was then upgraded to an

AAAIII in July 2000.

11. Complainant competed for and obtained the new AAIII position.

12. In order to give Complainant a fresh start in her AAIII position, Rick Gabel (who had replaced Kuhlman as Program Engineer) moved supervision of Complainant from Ellis to David Martinez, another PEII and a Resident Engineer at the Loveland residency, in order to give Complainant a fresh start.

13. Prior to supervising Complainant, she and Martinez had a good working relationship. That relationship became strained as Martinez had problems with Complainant's work quality and confronted her with those issues.

October 2000 Corrective Action

14. After being appointed as Complainant's supervisor, Martinez held progress review meetings with her in August and September 2000. Wendy Miller, the EEO representative for Region 4, was present at the meetings.

15. At the August and September 2000 meetings, Martinez informed Complainant that there were continuing issues with timeliness, accuracy and ability to follow directions.

16. Complainant would call Miller after these meetings, complaining that Martinez, who had been a friend, was "mean" to her now that he was her supervisor.

17. When Complainant's performance did not improve, Martinez referred the matter to Gabel who had delegated authority to issue corrective actions.

18. After holding an R-6-10 meeting, Gabel issued a corrective action against Complainant on October 17, 2000 (the "October 2000 Corrective Action").

19. Under the October 2000 Corrective Action, Complainant was given until the end of December 2000 to improve her performance. In addition, Martinez was directed to submit a report on or before December 15, 2000 regarding Complainant's performance during the corrective action timeframe.

20. Complainant grieved the October 2000 Corrective Action but it was ultimately upheld by CDOT.

May 2001 Disciplinary Action

21. On December 29, 2000, Martinez submitted to Gabel a report that stated Complainant's performance had not improved in three of the five competency areas.

22. On January 10, 2001, Gabel referred the issues concerning Complainant's performance to

Harding, as Complainant had not complied with the terms of the October 2000 Corrective Action. Gabel requested that Harding have an R-6-10 meeting with Complainant.

23. On April 6, 2001, Martinez rated Complainant as a "Needs Improvement" in three separate competency areas and overall for the rating period from August 1, 2000 to May 1, 2001.

24. Complainant grieved the "Needs Improvement" rating and Gabel upheld the rating.

25. After an R-6-10 meeting on May 9, 2001, Harding issued a disciplinary action against Complainant, demoting her from an AAIII to an AAII (the "May 2001 Disciplinary Action"), on the grounds that she had failed to comply with the terms of the October 2000 Corrective Action.

26. Complainant appealed the disciplinary demotion and the grievance decision concerning her evaluation to the Board

Settlement Agreement and Subsequent Performance Plan

27. After two days of hearing on Complainant's appeal to the Board, the matter was settled by agreement of the parties (the "Settlement Agreement").

28. Under the terms of the Settlement Agreement, new Individual Performance Objectives ("IPOs") were established. The IPOs were set out, in detail, in an attachment to the Settlement Agreement and included a description of Complainant's duties (the "IPO Attachment"). Each of the IPOs listed the number of acceptable errors in order to determine Complainant's level of performance.

29. It was also agreed that, for the rating period of May 1, 2001 to April 30, 2002, Complainant would only be rated based upon the new IPOs and only on her performance for the four month period from January 2002 through April 2002. Under the Settlement Agreement Complainant was to receive monthly progress review meetings.

30. Complainant had monthly progress review meetings in February and March 2002.

June 2002 Corrective Action and Complainant's Subsequent Performance

31. On April 22, 2002, Martinez issued an overall "Needs Improvement" rating to Complainant.

32. Complainant objected to the rating. Gabel then reviewed and upheld the rating.

33. On June 25, 2002, in connection with the "Needs Improvement" rating, Gabel issued a corrective action against Complainant based on Complainant's poor performance (the "June 2002 Corrective Action").

34. Under the June 2002 Corrective Action, Complainant was given from June 25, 2002 to

October 15, 2002 to improve her performance. In addition, Martinez was to prepare, on or before October 15, 2002, a report on Complainant's performance during the four-month corrective period. Evaluation of Complainant's performance was to be based on the same IPOs and standards set out in the Settlement Agreement.

35. Complainant did not grieve the June 2002 Corrective Action.

36. Martinez held progress review meetings with Complainant in July, August, September and October 2002 to discuss her progress under the June 2002 Corrective Action.

37. For each progress review meeting, Martinez had prepared a copy of the IPO Attachment from the Settlement Agreement. On the IPO Attachment, Martinez would have a monthly tally of Complainant's errors for each IPO and, where possible, backup documentation concerning Complainant's errors.

38. During July, August, September and October 2002, Complainant exceeded the number of allowable errors in at least three of the five IPOs outlined under the Settlement Agreement.

39. On September 10, 2002, Martinez gave Complainant a memo which stated that, as of that date, he viewed her performance as "continuing to fail in at least 3 of the 5 areas" in her performance plan, the remaining two areas were "borderline" and that he considered the situation as "very serious."

40. On October 15, 2002, Martinez gave Gabel a Corrective Action Report, outlining the areas in which Complainant was exceeding the number of errors allowed under the Settlement Agreement (the "October 2002 Corrective Action Report"). Overall, Complainant had exceeded the number of allowable errors in four of the five areas in which her performance was being evaluated.

41. In November 2002, there was a meeting, at Complainant's request, between Complainant, Gabel and Miller. Complainant stated that she was looking for another job as she thought her job was in jeopardy. In addition, she was considering buying a few years of state service and retiring. She asked that she be given some time to conduct her job search.

42. Gabel told Complainant that he was not in a hurry to follow-up on her poor performance and would talk to Harding about possible open positions in CDOT.

43. Martinez was instructed to be flexible in allowing Complainant time to interview and to grant her administrative leave when she was interviewing.

44. In late 2002 or early 2003, Harding found a temporary data entry position in the Traffic Division at CDOT's Denver Headquarters. Although the position was temporary, Region 4 would transfer Complainant's position to the Traffic Division, if Complainant accepted the position.

45. Complainant was given administrative leave to work in the Traffic Division position for two days.

46. On February 28, 2003, Complainant met with Gabel and Miller and told them she was no longer interested in pursuing any other job openings, as things were fine, she had worked out her differences and was fine with staying in the Loveland office.

Sexual Harassment Investigation and CDOT's Response

47. While working in Denver, on February 19, 2003, Complainant contacted Eugene Trujillo, CDOT Headquarters' EEO Administrator, and reported that Martinez had been sexually harassing her since December 2002, by making sexual comments to Complainant.

48. On February 24, 2003, Complainant submitted a memo to Trujillo stating that Martinez, since December 2002, had made six sexually harassing comments to her.

49. On February 26, 2003, Harding learned of Complainant's sexual harassment complaint from Celina Benavidez, Director of CDOT's Human Resources Division. Harding decided to have CDOT Headquarters, rather than Region 4, investigate the complaint.

50. On March 18, 2003, Harding transferred supervisory responsibility for Complainant from Martinez back to Ellis.

51. On March 21, 2003, the sexual harassment investigative report was issued.

52. On April 1, 2003, Harding held an R-6-10 meeting with Martinez.

53. On April 7, 2003, Harding issued a disciplinary action against Martinez for violation of CDOT's Sexual Harassment Policy, demoting him from a PEII to a PEI and moving him from the Loveland Residency to the Traffic Unit in Greeley. The demotion resulted in approximately an $1100 reduction in Martinez' monthly pay. Martinez also went through counseling and received sexual harassment training.

54. Eventually Gabel came to Harding and said the Loveland residency needed the Resident Engineer position back. An upgrade for Complainant's position was eventually approved and posted for applications.

55. Eight months after Martinez was demoted, he was allowed to reapply for the PEII job in Loveland. He was eventually appointed to the job and is currently employed in that position.

56. When Complainant met, on February 28, 2003, with Gabel and Miller, she did not discuss her sexual harassment complaint. In addition, neither Miller nor Gabel were aware at that time that Complainant had filed a complaint. Gabel was not aware of the complaint until March 18, 2003 when Harding informed him of the basis for transferring Complainant's supervision back to Ellis.

R-6-10 Meeting and Disciplinary Action

57. After Complainant told Gabel and Miller that she would not be taking the position in Denver, Harding told Gabel that Complainant's past poor performance would need to be addressed.

58. On March 7, 2003, Gabel referred Complainant's case to Harding for non-performance issues by Complainant.

59. On March 13, 2005, Harding held an R-6-10 meeting with Complainant to discuss Complainant's insufficient progress towards compliance with the June 2002 Corrective Action. Miller was also present.

60. Prior to the meeting, Harding reviewed the June 2002 Corrective Action, Martinez' progress review notes from July, August, September and October 2002 and the October 15, 2002 Corrective Action Report. Harding did not review anything, including any progress reports by Martinez, from December 2002 or January or February 2003 because of Complainant's sexual harassment complaint concerning this time period.

61. During the R-6-10 meeting, Harding discussed with Complainant the errors noted by Martinez.

62. Complainant submitted to Harding six letters or emails of commendation on her performance from a CDOT consultant and five CDOT employees. Four of the letters from the CDOT employees were dated in April and June 2001; and the fifth letter was dated May 2002. The letter from the consultant was dated October 29, 2002. Complainant did not offer any other mitigating factors for her poor performance, did not disagree with the list of errors presented by Harding nor did she mention the sexual harassment by Martinez.

63. Prior to issuing her decision, Harding spoke with the consultant who was very positive in her review of Complainant. Harding did not view the remaining letters as relevant because they were all at least a year old.

64. Harding also reviewed Complainant's performance history and evaluations, her disciplinary history, the length of that history, and Martinez' progress review notes from August through October 2002. Harding also noted the types of errors being made, the repetitive nature of those errors, the lack of improvement and the effect of Complainant's performance on the Loveland Residency.

65. Harding did not consider a corrective action because there had been no indication of improvement by Complainant under the previous corrective action.

66. Harding considered a demotion but the Loveland Residency needed someone who could perform the AAII duties. She also considered moving her supervision but there was no one else, other than Ellis, at the Loveland residency, who could handle these duties.

67. On March 27, 2003, Harding issued written notice to Complainant, terminating Complainant's employment.

68. Complainant timely appealed her termination to the State Personnel Board.

DISCUSSION

I. GENERAL

Certified state employees have a property interest in their positions and may only be disciplined for just cause. Colo. Const. Art. 12, §§ 13-15; §§ 24-50-101, et seq., C.R.S.; *Department of Institutions v. Kinchen*, 886 P.2d 700 (Colo. 1994). Such cause is outlined in State Personnel Board Rules R-6-9, 4 CCR 801 and generally includes:

(1) failure to comply with standards of efficient service or competence;
(2) willful misconduct including either a violation of the State Personnel Board's rules or of the rules of the agency of employment;
(3) willful failure or inability to perform duties assigned; and
(4) final conviction of a felony or any other offense involving moral turpitude.

A. Burden of Proof

In this *de novo* disciplinary proceeding, the agency has the burden to prove by preponderant evidence that the acts or omissions on which the discipline was based occurred and that just cause warranted the discipline imposed. *Department of Institutions v. Kinchen*, 886 P.2d 700 (Colo. 1994). However, Complainant bears the burden of proof regarding her claim of retaliation. *Id.* The Board may reverse Respondent's decision if the action is found arbitrary, capricious or contrary to rule or law. Section 24-50-103(6), C.R.S.

II. HEARING ISSUES

A. Complainant committed the acts for which he was disciplined.

Complainant was terminated for her continuing performance problems. Respondent established that complainant failed to improve her performance after the June 2002 Corrective Action by continuing to exceed the number of allowable errors under the Settlement Agreement IPOs.

Complainant's testimony with regards to Martinez' review of her performance from July 2002 through October 2002 was simply that Martinez was not dealing with her "in good faith." However, Complainant was unable to provide any credible testimony as to specific instances in which her performance was improperly evaluated. Complainant committed the acts for which she was disciplined.

B. The Appointing Authority's action was not arbitrary, capricious, or contrary to rule or law.

In determining whether an agency's decision is arbitrary or capricious, a court must determine whether the agency has 1) neglected or refused to use reasonable diligence and care to procure such evidence as it is by law authorized to consider in exercising the discretion vested in it; 2) failed to give candid and honest consideration of the evidence before it on which it is authorized to act in exercising its discretion; 3) exercised its discretion in such manner after a consideration of evidence before it as clearly to indicate that its action is based on conclusions from the evidence such that reasonable men fairly and honestly considering the evidence must reach contrary conclusions. *Lawley v. Department of Higher Education,* 36 P.3d 1239, 1252 (Colo. 2001).

Respondent established that it gathered all of the necessary evidence prior to Harding making a decision. Martinez monitored and reviewed Complainant's performance for the four months mandated by the June 2002 corrective Action. During that time period he held monthly progress review meetings with Complainant to review his evaluation of her performance. Prior to imposing discipline Harding met with Complainant and provided her with an opportunity to present any information that would explain her poor performance.

Respondent also established that it considered honestly and fairly all of the evidence before it. Harding only focused on Complainant's performance from the time of the July 2002 through October 2002, the evaluation period outlined in the June 2002 Corrective Action. She specifically excluded any information from December 2002 through February 2003, given Complainant's sexual harassment complainant. Harding reviewed Complainant's prior disciplinary history, the frequency of her behavior and its effect on the Loveland office – all factors mandated by Board Rule R-6-6 to be contemplated prior to imposing discipline.

Five of the six emails or letters of commendation presented by Complainant to Harding were not considered by Harding. However, this was a reasonable decision, given that they were written over a year prior to the June 2002 Corrective Action and were not pertinent to the four-month corrective action evaluation period.

There was no credible evidence of any evidence or mitigating information being given to Harding that she failed to consider. This in no way diminishes the sexual harassment that Complainant experienced from Martinez. His actions were egregious and were appropriately handled by CDOT. However, it is noted, by Complainant's own admission, that Martinez' comments did not begin until December 2002, after the evaluation period mandated by the June 2002 Corrective Action. In addition, Complainant did not allege during the R-6-10 meeting or at anytime prior to Harding making the decision to terminate her, that Martinez made such comments during the four-month evaluation period and that such comments affected her performance.

Finally, Harding's decision to discipline Complainant was a reasonable conclusion based

on all of the factors present. Under Board Rule R-6-9(1), an employee may be disciplined if she fails to perform competently. There were monthly progress review meetings during the four-month evaluation period, all of which noted that Complainant was not performing competently. Complainant herself was aware her job was in jeopardy and asked for no action to be taken against her while she looked for another job. Given Complainant's performance history and her continued lack of improvement, Harding's decision to discipline Complainant was reasonable.

Complainant has alleged that Respondent, in terminating her employment, was retaliating against her for filing a sexual harassment complainant against Martinez. In alleging retaliation, Complainant must show that she (1) was engaging in a protected activity (e.g. she had opposed a discriminatory practice); (2) was subjected to an adverse job consequence; and (3) the adverse job action was causally related to her engagement in the protected activity. §24-34-402(1)(e), C.R.S. Complainant's sexual harassment complaint and her employment termination meet the first two prongs of the test for retaliation. However, Complainant did not establish that there was a causal relationship between the filing of her complaint and Harding's termination of her employment.

In November 2002, Complainant had asked for no action to be taken against her while she searched for another job. Rather than taking any action, Gabel and, ultimately, Harding tried to find Complainant another position. It was only when Complainant decided that she was going to stay in Loveland that it became necessary to take action on Gabel's January 2003 referral for disciplinary action. Complainant argues that the only thing that changed between October 2002 and March 2003 was the filing of her sexual harassment complaint and that, therefore, this was the real reason behind the decision to terminate her. But this ignores Complainant's own request that no action be taken during that time period. Respondent complied with that request. However, when it became apparent that Complainant was going to stay in Loveland, Respondent could either ignore Complainant's prior performance problems or address them. To ignore them would have been a poor management practice and would have compounded and extended the problem. Complainant did not establish that Respondent retaliated against her.

C. The discipline imposed was within the range of reasonable alternatives

Respondent chose to terminate Complainant. Harding considered a wide range of factors prior to deciding to terminate Complainant's performance. These factors included Complainant's prior performance history, her disciplinary history and the effect of that history on her performance, the frequency and continued nature of her poor performance and the effect of that performance on the operation of the Loveland Residency. It is also noteworthy that Complainant had had been supervised by the only two people at the Loveland Residency that were able to perform this task. She was unhappy under both managers, even when she was getting "meets expectations" evaluations under the first supervisor. Respondent demonstrated that it employed good management techniques by working with Complainant to the extent possible to give her measurable performance standards, changing her supervisor and giving her a promotional upgrade. None of these techniques nor a history of discipline, corrective actions and monthly progress review meetings seemed to have an impact on Complainant's performance. Given these factors, Harding was left with little choice but to terminate Complainant's employment. The credible evidence demonstrates that Harding pursued her decision

thoughtfully and with due regard for the circumstances of the situation as well as Complainant's individual circumstances, as mandated by Board Rule R-6-6, 4 CCR 801.

D. Attorney fees are not warranted in this action.

Attorney fees are warranted if an action was instituted frivolously, in bad faith, maliciously, or as a means of harassment or was otherwise groundless. § 24-50-125.5, C.R.S. and Board Rule R-8-38, 4 CCR 801. The party seeking an award of attorney fees and costs shall bear the burden of proof as to whether the personnel action is frivolous, in bad faith, malicious, harassing, or otherwise groundless. Board Rule R-8-38(B), 4 CCR 801.

Given the above findings of fact and the conclusion that Respondent did not act arbitrarily, capriciously or contrary to rule or law, an award of attorney fees to Complainant is not warranted.

CONCLUSIONS OF LAW

1. Complainant committed the acts for which she was disciplined.

2. Respondent's action was not arbitrary, capricious, or contrary to rule or law.

3. The discipline imposed was within the range of reasonable alternatives.

4. Attorney's fees are not warranted.

ORDER

Respondent's action is **affirmed**. Complainant's appeal is dismissed with prejudice. Attorney fees and costs are not awarded.

Dated this 9th day of March, 2005.

Kristin F. Rozansky
Administrative Law Judge
1120 Lincoln Street, Suite 1420
Denver, CO 80203
303-764-1472

NOTICE OF APPEAL RIGHTS

EACH PARTY HAS THE FOLLOWING RIGHTS

1. To abide by the decision of the Administrative Law Judge ("ALJ").

2. To appeal the decision of the ALJ to the State Personnel Board ("Board"). To appeal the decision of the ALJ, a party must file a designation of record with the Board within twenty (20) calendar days of the date the decision of the ALJ is mailed to the parties. Section 24-4-105(15), C.R.S. Additionally, a written notice of appeal must be filed with the State Personnel Board within thirty (30) calendar days after the decision of the ALJ is mailed to the parties. Both the designation of record and the notice of appeal must be received by the Board no later than the applicable twenty (20) or thirty (30) calendar day deadline. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990); Sections 24-4-105(14) and (15), C.R.S.; Rule R-8-58, 4 Code of Colo. Reg. 801. If the Board does not receive a written notice of appeal within thirty calendar days of the mailing date of the decision of the ALJ, then the decision of the ALJ automatically becomes final. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990).

PETITION FOR RECONSIDERATION

A petition for reconsideration of the decision of the ALJ may be filed within 5 calendar days after receipt of the decision of the ALJ. The petition for reconsideration must allege an oversight or misapprehension by the ALJ. The filing of a petition for reconsideration does not extend the thirty-calendar day deadline, described above, for filing a notice of appeal of the decision of the ALJ.

RECORD ON APPEAL

The party appealing the decision of the ALJ must pay the cost to prepare the record on appeal. The fee to prepare the record on appeal is **$50.00** (exclusive of any transcription cost). Payment of the preparation fee may be made either by check or, in the case of a governmental entity, documentary proof that actual payment already has been made to the Board through COFRS.

Any party wishing to have a transcript made part of the record is responsible for having the transcript prepared. To be certified as part of the record, an original transcript must be prepared by a disinterested, recognized transcriber and filed with the Board within 45 days of the date of the designation of record. For additional information contact the State Personnel Board office at (303) 894-2136.

BRIEFS ON APPEAL

The opening brief of the appellant must be filed with the Board and mailed to the appellee within twenty calendar days after the date the Certificate of Record of Hearing Proceedings is mailed to the parties by the Board. The answer brief of the appellee must be filed with the Board and mailed to the appellant within 10 calendar days after the appellee receives the appellant's opening brief. An original and 7 copies of each brief must be filed with the Board. A brief cannot exceed 10 pages in length unless the Board orders otherwise. Briefs must be double-spaced and on 8 □ inch by 11-inch paper only. Rule R-8-64, 4 CCR 801.

ORAL ARGUMENT ON APPEAL

A request for oral argument must be filed with the Board on or before the date a party's brief is due. Rule R-8-66, 4 CCR 801. Requests for oral argument are seldom granted.

CERTIFICATE OF SERVICE

This is to certify that on the 9th day of March, 2005, I placed true copies of the foregoing **INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE and NOTICE OF APPEAL RIGHTS** in the United States mail, postage prepaid, addressed as follows:

Cecilia M. Serna, Esq.
The Frickey Law Firm
940 Wadsworth Blvd., 4th Floor
Lakewood, Colorado 80214

and in the interagency mail, to:

Jill M.M. Gallet
First Assistant Attorney General
Employment Law Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203

_____
Andrea C. Woods