

ORDER OF THE STATE PERSONNEL BOARD

KRISTINA LANOUE,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS, LIMON CORRECTIONAL FACILITY,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on July 19, 2005. 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. Motion for Contempt Citation
3. Response to Complainant's Motion for Contempt Citation
4. Reply in Support of Motion for Contempt Citation
5. Respondent's Opening Brief on Appeal
6. Complainant/Appellee's Brief in Support of Decision of Administrative Law Judge
7. Respondent's Reply Brief on Appeal

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge be ADOPTED, but that Conclusion of Law No. 2 - "Complainant is entitled to an award of attorney fees and costs" - be reversed on the grounds that based upon the factual findings in this matter, attorney fees are not warranted.

IT IS FURTHER ORDERED that the Motion for Contempt Citation be denied due to lack of jurisdiction.

Dated this _____ day of
July, 2005.

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

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. (2004), as provided in Section 24-50-125.4(3), C.R.S. (2004).

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S. (2004), the party filing the appeal with the Court of Appeals must serve the Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of July, 2005, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Brian Stutheit, Esq.

[REDACTED]

and in the interagency mail, to:

Valerie Arnold

[REDACTED]
