

ORDER OF THE STATE PERSONNEL BOARD

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**BRETT L. WILLIAMS,**  
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 December 18, 2012. 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 on Appeal to State Personnel Board with Motion for Oral Argument;
3. Motion to Submit Errata Sheet to Replace Page One of Respondent's Opening Brief on Appeal to State Personnel Board;
4. Complainant/Appellee's Appeal Brief;
5. Respondent/Appellant's Reply Brief on Appeal to Personnel Board.

Based upon the Board's review and consideration,

IT IS ORDERED that Respondent's Motion for Oral Argument is **DENIED**.

IT IS FURTHER ORDERED that Respondent's Motion to Submit Errata Sheet to Replace Page One of Respondent's Opening Brief on Appeal to State Personnel Board is **GRANTED**.

IT IS HEREBY ORDERED that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge and the Initial Decision of the Administrative Law Judge ("ALJ") are **ADOPTED**, with the exception of the following modifications to the ALJ's Order:

1. The Board rejects the ALJ's conclusion that there is an anti-gay culture in the Colorado State Patrol and finds that this conclusion is not supported by substantial evidence in the record. The conclusion that there is an anti-gay culture in the Patrol is not necessary to support the ALJ's conclusion of law that Respondent discriminated against Complainant on the basis of sexual orientation, which the Board adopts.

2. The last two sentences of the Order, "The Patrol will immediately incorporate sexual orientation into all existing diversity training programs. The Patrol will immediately designate a command-level point-of-contact for gay Patrol members." are stricken, because these remedies are not within the scope of the Board's authority under Board Rule 9-6.

Dated this 20<sup>th</sup> day  
of December 2012.



Rich Djokic, Board Chair  
State Personnel Board  
633 17<sup>th</sup> Street, Suite 1320  
Denver, CO 80202-3604

**NOTICE OF APPEAL**

Each party has the following rights:

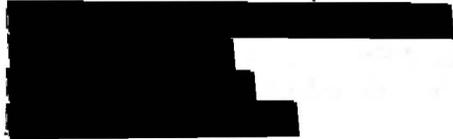
1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S., as provided in Section 24-50-125.4(3), C.R.S.

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.

**CERTIFICATE OF MAILING**

This is to certify that on the 20<sup>th</sup> day of **December, 2012**, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** as follows:

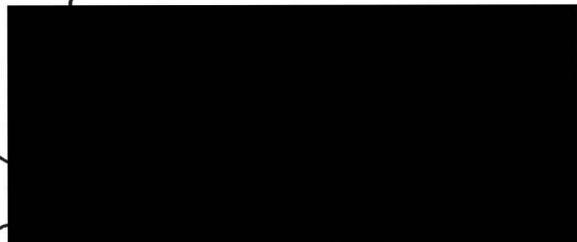
Keith A. Shandalow Esq.



Diane Marie Dash  
Katherine Spalding



Micah Payton, AAG



Andrea C. Woods