

STATE PERSONNEL BOARD, STATE OF COLORADO  
Case No. 2018G090

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ORDER OF THE STATE PERSONNEL BOARD

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FLAVIO QUINTANA,  
Complainant,

vs.

DEPARTMENT OF REVENUE,  
Respondent.

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This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled meeting held on February 19, 2019. During this public session, the Board considered the record on appeal, including but not limited to:


1. Order Granting Respondent's Motion to Dismiss;
2. Complainant's Opening Brief;
3. Respondent's Answer Brief.

Based upon the Board's review and consideration,

The Board adopts the findings of fact of the Administrative Law Judge but reverses on one or more conclusions of law, finding that there is a reasonable basis in law regarding Board Rule 8-41(a) to reverse the Administrative Law Judge's dismissal of the petition for hearing for the Board's lack of subject matter jurisdiction and to reverse the judge's decision that the Complainant must allege another basis for a discretionary review.

IT IS HEREBY ORDERED THAT the matter be remanded to the Administrative Law Judge for a full discretionary review and preliminary recommendation.

Dated this 19<sup>th</sup> day  
Of February 2019.

  
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Michelle Palmquist, Board Vice Chair  
State Personnel Board  
1525 Sherman Street, 4<sup>th</sup> Floor  
Denver, CO 80203

**NOTICE OF APPEAL**

1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 49 days pursuant to Section 24-50-125.4(3), C.R.S., in the method described at Section 24-4-106(11), C.R.S., and in accordance with applicable Colorado Appellate Rules.

In the event this decision is appealed, the party filing the appeal with the Court of Appeals must name in the appeal and serve such appeal upon the State Personnel Board and all other parties who have appeared as parties to this action. See Section 24-4-106(11)(d), C.R.S. The State Personnel Board can be served at: 1525 Sherman Street, 4<sup>th</sup> Floor, Denver, Colorado 80203.

**CERTIFICATE OF MAILING**

This is to certify that on the 26<sup>th</sup> day of February 19, 2019, I electronically served a true copy of the foregoing ORDER OF THE STATE PERSONNEL BOARD as follows:

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