

PA 2/10.10/2005-  
c. 2

# State of Colorado



Bill Owens  
Governor

John Zakhem  
Board Chair

Kristin F. Rozansky  
Board Director

State Personnel Board  
633 17<sup>th</sup> Street, Suite 1320  
Denver, Colorado 80202-3604  
Phone (303) 866-3300  
Fax (303) 866-5038

October 25, 2005

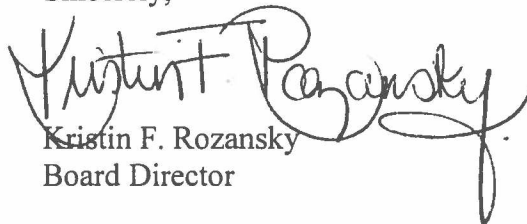
The Honorable Bill Owens  
Governor of the State of Colorado  
136 State Capitol Building  
Denver, Colorado 80203

**RE: State Personnel Board  
FY 05 Annual Report of Cases Under the State Employee Protection (Whistleblower)  
Act**

Dear Sir:

Pursuant to §24-50.5-107, C.R.S., I have enclosed the State Employee Protection Act Annual Report of the Colorado State Personnel Board for Fiscal Year 2005 (July 1, 2004, through June 30, 2005). If there are questions, or if you would like additional information regarding the Report, please feel free to contact me at (303) 866-5044.

Sincerely,

  
Kristin F. Rozansky  
Board Director

cc: State Personnel Board Members  
Jeff Wells  
Jeffrey Schutt  
Karen Hoff, Librarian (4 copies)



# **Annual Report of State Personnel Board to the Governor**

**Pursuant to State Employee Protection Act, § 24-50.5-107, C.R.S.  
July 1, 2004, through June 30, 2005**

## **FY 03 Cases<sup>1</sup>**

### **Frank Carlton v. Department of Corrections, Arrowhead Correctional Facility, 2003B156**

- On 5/19/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosing abusive leave practices, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 5/26/04, the Administrative Law Judge consolidated Cases 2004G035 and 2004G078 with this case.
- Complainant's claims of discrimination have been referred to the Colorado Civil Rights Division, and the matter is currently under investigation.
- On 9/25/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- The case was set for hearing, but following settlement the parties filed a stipulation to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 9/14/05.

### **A.L. Weber v. Department of Corrections, 2003B157 & 2003B208**

- On 5/19/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosures regarding assignments and qualifications for positions, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/28/03, Complainant filed a second notice of appeal of his suspension with pay, again alleging discrimination and retaliation for disclosure
- On 7/29/03, the first case was referred to the Office of the Personnel Director for investigation. On 7/31/03, the second case was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Complainant waived investigation by the Colorado Civil Rights Division.
- The case was set for hearing, but following settlement, the parties filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 12/24/04.

### **Patricia Jones v. Department of Corrections, 2003B165**

- On 5/20/03, Complainant filed a notice of appeal of her layoff, alleging discrimination and retaliation for disclosures relating to expenditures for office furniture, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/7/03, the matter was referred to the Office of the Personnel Director and to the Colorado Civil Rights Division for investigation. The Director found no violation of the Whistleblower Act.
- On 10/15/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- Hearing was held on 10/11 and 10/12/05, and an initial decision is pending.

---

<sup>1</sup> These matters remain open or reached resolution before the Board during FY 05.

**Betty Sutak v. Department of Corrections, 2003G087, 2003B175**

- On 3/5/03, Complainant filed a petition for hearing, alleging retaliation for disclosures regarding her agency's reorganization in violation of the State Employee Protection (Whistleblower) Act. This matter was referred to the agency for a response on 8/5/03.
- On 5/21/03, Complainant filed a notice of appeal of her layoff, alleging discrimination and retaliation for unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- The whistleblower claim in the second case was dismissed by the Administrative Law Judge by order dated 7/2/03.
- On 10/28/03, the Personnel Director's Whistleblower Investigative Report was issued. The Director found no violation of the Whistleblower Act.
- On 9/17/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- The case was set for hearing, but following a notice of settlement, the Administrative Law Judge issued a Dismissal Order on 8/24/05.

**Ricardo A. Jaramillo v. Community Colleges in Colorado, Community College of Aurora, 2003B178**

- On 5/21/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/3/03, his whistleblower claim was dismissed by the Administrative Law Judge because he failed to file a whistleblower complaint.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 6/11/04.
- This matter was set for hearing on 10/12/04; however, Complainant failed to appear for hearing and the case was dismissed on 10/12/04.

**Gene E. Muller v. Department of Corrections, Youthful Offender System, 2003B186**

- On 5/23/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosing use of offensive language, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/03, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 7/15/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 6/11/04, the Colorado Civil Rights Division issued its finding of no probable cause.
- On 8/4/04, the Administrative Law Judge issued a Dismissal Order following Complainant's failure to respond to an order to show cause.

**Barbara Mickens v. Department of Corrections, Limon Correctional Facility, 2003G076, 2003G121**

- On 4/9/03 and 4/11/03, Complainant filed two petitions for hearing, alleging retaliation through a corrective action, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/03, the matter was referred to the Office of the Personnel Director for investigation. On 6/24/03, the case was consolidated with 2003G076, which contained an allegation of discrimination.

- The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 10/29/03.
- On 8/23/04, the Director issued a Preliminary Recommendation of the Board's Director, recommending that a hearing be granted.
- On 3/23/05, the Administrative Law Judge issued an Initial Decision of the Administrative Law Judge, which Complainant appealed.
- On 6/10/05, Complainant's appeal of the Initial Decision was dismissed for failure to tender payment for preparation of the record.

## **FY 04 Cases<sup>2</sup>**

### **Shimila Stewart, Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2004B132**

- On 3/9/04, Complainant filed an appeal of her termination, alleging discrimination based on disability and race/color/national origin and retaliation for filing multiple internal grievances, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 9/22/04, the Administrative Law Judge issued a Dismissal Order, based on Complainant's request to withdraw her appeal.
- On 11/1/04, the Director dismissed Complainant's appeal of the Dismissal Order for failure to file a proper designation of record.

### **Don Smith v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2004B133**

- On 3/11/04, Complainant filed an appeal of his demotion, alleging retaliation by the appointing authority, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/3/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, and the parties settled the matter.
- On 7/29/04, the Administrative Law Judge vacated the hearing date, pending the receipt of a joint motion to dismiss.
- On 9/27/04, the Administrative Law Judge issued an order granting a stipulated motion to dismiss.

### **Alex V. Evonitz v. Department of Transportation, 2004B142**

- On 4/1/04, Complainant filed an appeal of his disciplinary and corrective action, alleging that Respondent imposed such actions in retaliation for his disclosures of information about a temporary supervisor, in violation of the State Employee Protection (Whistleblower) Act.
- On 5/5/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, the parties settled the matter, and on 8/31/04, the Administrative Law Judge issued an Order Granting Unopposed Motion to Dismiss.

---

<sup>2</sup> These matters remain open or reached resolution before the Board during FY 05.

**Diane M. Callaham v. Department of Natural Resources, Accounting and Financing, 2004B170**

- On 5/10/04, Complainant filed an appeal of the termination of her employment, alleging retaliation for disclosure of information, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/14/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review on 7/13/04.
- On 7/15/04, Respondent filed a Motion to Dismiss to which Complainant did not respond.
- On 8/11/04, the Administrative Law Judge issued an Order Granting Motion to Dismiss.

**LaVonne Taylor v. Department of Education, Colorado School for the Deaf and Blind, 2004G029, 2004G064**

- On 10/3/03, Complainant filed a petition for hearing, appealing the 8/12/03 complaint to the Board of Nursing, which she alleged Respondent filed in retaliation for whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 11/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 1/20/04, Complainant filed another petition for hearing, appealing a performance improvement plan dated 1/7/04, which she claimed Respondent issued in retaliation for whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 11/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Case 2004G029 was set for preliminary review, and the parties filed information sheets.
- Case 2004G064 was set for preliminary review, and the parties filed information sheets.
- Following a Preliminary Recommendation of the Administrative Law Judge, the Order of the State Personnel Board Denying Petition for Hearing was issued in 2004G029 on 7/20/05.
- On 3/24/05, the Administrative Law Judge issued an Order of Dismissal in 2004G064.

**John Culley v. Department of Revenue, Field Audit Section, Tax Group, 2004G051, 2004G115, 2005G082, 2006B006**

- 12/11/03, Complainant filed a petition for hearing, appealing an unsatisfactory overall performance evaluation and contending that Respondent issued the evaluation in retaliation for a grievance he filed, a violation of the State Employee Protection (Whistleblower) Act.
- On 1/21/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Case 2004G051 was set for preliminary review, and Complainant filed an information sheet on 3/18/04, the date that 2004G051 was consolidated with an earlier case, 2004G009.
- On 6/3/04, Complainant filed another petition for hearing, alleging discrimination based on age and appealing his performance rating, corrective action, and performance plan, which he claims was generated in retaliation for his whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/04, 2004G115 was referred to the Office of the Personnel Director for investigation.
- On 7/9/04, Respondent filed "Respondent's Motion to Dismiss Whistleblower Response."
- On 7/15/04, Complainant filed "Complainant's Response Brief to Respondent's Motion to Dismiss Whistleblower Response in Case 2004G115." A ruling by the Administrative Law Judge is pending.
- Complainant filed an information sheet in the consolidated case, 2004G009(C), on 7/20/04.

- On 7/19/05, Complainant filed an appeal of his termination, and his cases were consolidated.
- The case is to be set for hearing.

**Timothy Bennett v. Department of Corrections, Colorado Territorial Correctional Facility, 2003B150, 2004G052**

- On 12/12/03, Complainant filed a petition for hearing pertaining to Respondent's denial of his grievance relating to hostile work environment and abusive treatment, issuance of a corrective action by the warden, wrongfully being placed on administrative leave, removal of retention rights, and harassment, abuse, and retaliation for his disclosures about layoffs and the targeting of older employees by the Department of Corrections, a violation of the State Employee Protection (Whistleblower) Act.
- On 1/21/04, the matter was referred to the Colorado Civil Rights Division for investigation.
- After the case was consolidated with an earlier case, 2003B150, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 10/25/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- The matter is currently set for hearing on November 15 and 16, 2005.

**Kathleen D. Starling, Department of Revenue, Tax Group, 2004G079**

- On 2/17/04, Complainant filed a petition for hearing, alleging retaliation in the form of a corrective action, a violation of the Whistleblower Act.
- On 4/6/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, but Complainant did not file an information sheet.
- On 7/6/04, the Administrative Law Judge issued an Order Granting Motion to Dismiss.

**Stephen Bullock v. Department of Human Services, Division of Disability Determination Services, 2004G085**

- On 3/8/04, Complainant filed a petition for hearing, alleging retaliation for his reporting of workplace violence by being placed on administrative leave, a violation of the State Employee Protection (Whistleblower) Act.
- On 4/7/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review.
- On 8/17/04, the Administrative Law Judge dismissed the case with prejudice because Complainant failed to file an information sheet that complied with the requirements of the Notice of Preliminary Review.

**William Harris v. Department of Labor and Employment, Labor Market Information, 2004G093**

- On 4/16/04, Complainant filed a petition for hearing following Respondent's denial of his grievance of a corrective action. He alleged that the corrective action was imposed in retaliation for his involvement in a data-sharing dispute, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.

- Following the issuance of a Preliminary Recommendation by the Director, the Board issued its Order of the State Personnel Board Denying Petition for Hearing on 11/17/04.

**Young Sook Lee v. Regents of the University of Colorado, 2004G094**

- On 4/15/04, Complainant filed a petition for hearing, appealing his non-certification and termination during the probationary period, and alleging retaliation for her disclosures that co-workers falsified their work hours, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/8/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, but Complainant did not file an information sheet.
- On 8/31/04, the Administrative Law Judge issued an Order Granting University's Motion to Deny Discretionary Hearing.

**Beverly Miller, Department of Labor and Employment, 2004G118**

- On 6/22/04, Complainant filed a petition for hearing contending that Respondent transferred her to Fremont County in retaliation for filing a complaint with the U.S. Department of Labor, a violation of the State Employee Protection (Whistleblower) Act.
- Following an Amended Request for Additional Information Regarding Whistleblower Complaint, to which Complainant did not respond, the Administrative Law Judge issued a Dismissal Order on 8/4/04.

**Cary Kelliher v. Department of Revenue, Field Audit Section, Tax Group, 2004G121**

- On 6/28/04, Complainant filed a petition for hearing alleging that Respondent gave him scores on his revenue performance evaluation which are arbitrary and capricious and based on retaliation and retribution as threatened by the evaluation reviewer, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/30/04, Respondent filed its Motion to Dismiss and Response to Whistleblower Complaint.
- On 8/2/04, the matter was referred to the Office of the Personnel Director for investigation.
- On 8/3/04, Complainant filed his response to the motion to dismiss.
- Following a notice of settlement, the Administrative Law Judge granted Complainant's request to withdraw his petition for hearing on 5/16/05.

**FY 05 Cases**

**Wolney Cunha v. Department of Transportation, 2005B006**

- On 7/23/04, Complainant filed an appeal of the termination of his employment, alleging discrimination based on race and age, and retaliation for disclosure of poor quality of projects and liability problems, in violation of the State Employee Protection (Whistleblower) Act.
- On 8/31/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 5/25/04.
- A hearing was held on August 31 and September 1, 2005, and an initial decision is pending.

**John Deelman v. Department of Education, Colorado School for the Deaf and the Blind, 2005B020**

- On 8/26/04, Complainant filed an appeal of the termination of his employment and checked the box indicated on the appeal form for violation of the State Employee Protection (Whistleblower) Act; however, no separate Whistleblower complaint was filed.
- On 12/24/04, the Administrative Law Judge issued a Dismissal Order.
- On 7/20/05, the Board issued an Order of the State Personnel Board affirming the Dismissal Order.
- The case is currently at the Court of Appeals pending review.

**Foggia Fognani v. Department of Corrections, Trinidad Correctional Facility, 2005B043**

- On 10/19/04, Complainant filed an appeal of the termination of his employment, alleging discrimination based on disability, other and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/2/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Complainant waived investigation by the Colorado Civil Rights Division.
- On 9/8/05, the Administrative Law Judge issued an Initial Decision.

**John H. Bloor v. Department of Corrections, 2005B058**

- On 11/23/04, Complainant filed an appeal of the termination of his employment, alleging that he questioned whether it was fiscally responsible for DOC to contract out gastrointestinal medical procedures and suffered retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 1/4/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, the parties settled the matter, and on 4/13/05, the Administrative Law Judge issued an Order granting a stipulated motion to dismiss the appeal.

**Richard Conger v. Department of Corrections, Canon Minimum Center, 2005B064**

- On 12/10/04, Complainant filed an appeal of the termination of his employment, alleging that he suffered retaliation for disclosure of information about the safety of the facility in violation of the State Employee Protection (Whistleblower) Act.
- On 2/1/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, the parties settled the matter, and on 6/7/05, the Administrative Law Judge issued an Order granting a stipulated motion to dismiss the appeal.

**Janice J. Shaproski, Department of Regulatory Agencies, Real Estate Commission, 2005B090**

- On 2/25/05, Complainant filed an appeal of the termination of her employment, alleging that she was discriminated against based on age and that she suffered retaliation for disclosure of information about Adequate Segregation of Duties, in violation of the State Employee Protection (Whistleblower) Act.
- Complainant waived investigation by the Colorado Civil Rights Division.



- On 4/5/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, the parties settled the matter, and on 7/19/05, the Administrative Law Judge issued an Order granting a stipulated motion to dismiss the appeal.

**Consuelo Gonzales v. Department of Human Services, Colorado State Veterans Home, 2005B091**

- On 2/25/05, Complainant filed an appeal of the termination of her employment, alleging that she suffered retaliation for disclosure that she observed an employee of Veterans Center loading Veterans Center supplies into his personal automobile on a Sunday, in violation of the State Employee Protection (Whistleblower) Act.
- On 4/5/05, the matter was referred to the Office of the Personnel Director for investigation.
- On 5/11/05, Complainant withdrew her Whistleblower complaint.
- Hearing was held on 8/25, 8/26, and 9/12/05, and an initial decision is pending.

**Russell Guerrero v. Department of Corrections, Division of Adult Parole and Community Corrections and Youthful Offender System, 2005B098**

- On 3/16/05, Complainant filed an appeal of the termination of his employment, alleging discrimination based on retaliation and retaliation for disclosure of mismanagement at the YOS Program by DOC administrative officials, in violation of the State Employee Protection (Whistleblower) Act.
- On 3/21/05, the case was consolidated with Brian Manzanares v. Department of Corrections, Division of Adult Parole and Community Corrections and Youthful Offender System, 2005B052.
- On 4/8/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case is currently set for hearing on 11/1-11/4/05.

**Rex Hopper v. Regents of the University of Colorado, University of Colorado at Colorado Springs, Colorado University Bookstore, 2005B129**

- On 5/20/05, Complainant filed an appeal of the termination of his employment, alleging that he suffered retaliation for disclosure that another employee took software from the bookstore without purchasing it, in violation of the State Employee Protection (Whistleblower) Act.
- On 7/29/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case is currently set for hearing on 12/8/05.

**Cynthia Kinney v. Regents of the University of Colorado at Denver and Health Science Center, School of Nursing, 2005G009**

- On 7/20/04, Complainant filed a petition for hearing, requesting that she be permitted to reserve the right to file a complaint of a violation of the State Employee Protection (Whistleblower) Act.
- The matter was not referred to the Office of the Personnel Director for investigation, because no Whistleblower complaint was filed.
- On 11/30/04, the Administrative Law Judge issued an order granting Respondent's motion to deny Complainant's petition for hearing.

**Joan L. Hatcher v. Department of Labor and Employment, Workforce Development Programs, 2005G010**

- On 7/21/04, Complainant filed a petition for hearing, alleging retaliation for disclosure of misconduct of three employees to Federal and State auditors, in violation of the State Employee Protection (Whistleblower) Act.
- On 7/29/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 1/11/05, the Administrative Law Judge dismissed the case upon Complainant's request.

**Nancy Resnick v. Department of Human Services, Colorado Mental Health Institute at Fort Logan, 2005G021**

- On 9/3/04, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging retaliation for disclosure of unsafe conditions at Fort Logan to the Pharmacy Board, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/10/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter is currently pending preliminary review.

**Warren Squires v. Department of Corrections, 2005G025**

- On 9/23/04, Complainant filed a petition for hearing, alleging discrimination based on sex and retaliation for disclosure of mismanagement of his agency, in violation of the State Employee Protection (Whistleblower) Act.
- On 10/24/04, the Whistleblower claim was dismissed because Complainant failed to respond to a request for additional information.
- Complainant having waived investigation by the Colorado Civil Rights Division, the matter was set for preliminary review.
- On 1/3/05, the Administrative Law Judge dismissed the case because Complainant failed to file an information sheet.

**Steven Rutledge v. Department of Corrections, 2005G026**

- On 9/23/04, Complainant filed a petition for hearing, alleging discrimination based on sex and retaliation for disclosure of mismanagement of his agency, in violation of the State Employee Protection (Whistleblower) Act.
- On 10/25/04, the Administrative Law Judge dismissed the case because Complainant failed to respond to a request for additional information.

**Timothy Bennett v. Department of Corrections, Fort Lyon Correctional Facility, 2005G028**

- On 9/27/04, Complainant filed a petition for hearing, alleging discrimination based on retaliation and retaliation for disclosure of unsafe conditions at the facility, in violation of the State Employee Protection (Whistleblower) Act.
- On 11/15/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- By letter dated 12/30/04, the Colorado Civil Rights Division informed the Board that it administratively closed the investigation into discrimination at Complainant's request.
- The matter is currently pending preliminary review.

**Teresa Dishmon v. Regents of the University of Colorado, University of Colorado at Denver and Health Science Center, 2005G031**

- On 10/4/04, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on race/color/creed and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 11/29/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Complainant having waived investigation by the Colorado Civil Rights Division, the matter was set for preliminary review.
- On 3/14/05, the Administrative Law Judge dismissed the case because Complainant failed to file an information sheet.

**Erik Roberts v. Department of Revenue, 2005G033**

- On 10/7/04, Complainant filed a petition for hearing from the termination of his employment during the probationary period, alleging retaliation for disclosure of actions and decisions of agency not in the best interest of the state or countries involved, in violation of the State Employee Protection (Whistleblower) Act.
- On 11/16/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 2/15/05, the Administrative Law Judge dismissed the case because Complainant failed to file an information sheet.

**Toni R. Lucci-Wolgamott v. Department of Natural Resources, Board of Land Commissioners, 2005G044**

- On 11/12/04, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on sex and retaliation, and retaliation for disclosure of irregularities in the selection process, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/2/04, the Administrative Law Judge dismissed Complainant's discrimination claims upon her request.
- On 12/22/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter is currently pending preliminary review.

**Allyson Broska v. Department of Labor and Employment, 2005G099**

- On 5/6/05, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on sex, and retaliation for disclosure of male co-worker's interaction and sexual harassment complaint resulting in termination of employment, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/05, Complainant filed her Verification of Filing Discrimination Charge at the Colorado Civil Rights Division.
- On 6/28/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.

- The discrimination charge is currently pending investigation at the Colorado Civil Rights Division.

**Saadia E. Naiman v. Department of Public Safety, Colorado State Patrol, 2005G102**

- On 5/10/05, Complainant filed a petition for hearing, alleging discrimination based on creed, race, retaliation, and sex, and retaliation for disclosure of harassing behaviors and workplace hostility according to CSP Operations Manual, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/30/05, Complainant filed her Verification of Filing Discrimination Charge at the Colorado Civil Rights Division.
- The discrimination charge is currently pending investigation at the Colorado Civil Rights Division.

**John Warnock v. Department of Corrections, Colorado State Penitentiary, 2005G117**

- On 6/22/05, Complainant filed a petition for hearing from the termination of his employment during the probationary period, alleging discrimination based on disability and age, and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 8/24/05, the Administrative Law Judge dismissed the Whistleblower claim because Complainant failed to file a separate complaint and did not respond to a request for additional information.
- Complainant having waived investigation by the Colorado Civil Rights Division, the matter was set for preliminary review; however, to date no information sheets have been filed.