

ANNUAL WHISTLEBLOWER REPORT TO THE GOVERNOR

TO: The Honorable Jared Polis, Governor

FROM: The State Personnel Board
Rick Dindinger, Director

PERIOD: July 1, 2019, through June 30, 2020

INTRODUCTION

We submit this report pursuant to C.R.S. § 24-50.5-107 of the State Employee Protection Act (commonly referred to the “Whistleblower Act,” sometimes referred to as “SEPA”). The statute provides that “[t]he state personnel board shall report annually to the governor concerning the complaints filed, hearings held, and actions taken pursuant to this article.” This report encompasses whistleblower matters pending with the State Personnel Board on July 1, 2019, and all new whistleblower matters filed from July 1, 2019, through June 30, 2020. Unless necessary to indicate the posture of a pending matter, this report does not cover actions unrelated to the whistleblower claims such as discovery disputes, procedural orders, and decisions relating to discrimination claims. **To the Board’s knowledge, no appointing authority or supervisor received disciplinary action pursuant to C.R.S. § 24-50.5-104(4) during Fiscal Year 2019-2020.**

SUMMARY CHART¹

	FY 2019-20	FY 2018-19
Number of whistleblower complaints filed with the Board.	33	34
Complaints filed subject to a mandatory Board hearing. ²	14	8
Complaints filed subject to Board’s discretion.	19	26
Complaints dismissed voluntarily.	17	11
Complaints dismissed by Board following preliminary review.	7	4
Complaints dismissed by Board for procedural reasons. ³	7	10
Evidentiary hearings of whistleblower complaints.	0	2
Board decisions finding a whistleblower violation.	0	0

¹ Unshaded rows tally filings during the fiscal year. Shaded rows tally outcomes during the fiscal year.

² The State Personnel Board uses different letters in its case numbering to indicate the type of appeal. “**B**” in the case number indicates matters where the employee has a mandatory right to a Board hearing, such as a loss of pay. “**G**” indicates discretionary matters where the employee does not have a right to a hearing, such as a petition to review a grievance decision. “**S**” indicates a matter where an applicant disputes a selection decision and alleges a violation of rights under the Whistleblower Act or the Colorado Anti-Discrimination Act (often referred to as “CADA”). A “**(c)**” in the case number indicates that separate appeals have been consolidated into a single matter.

³ Reasons include lack of jurisdiction, untimeliness, abandonment, and other procedural reasons.

CASES PENDING FROM FY 16-17
(July 1, 2016-June 30, 2017)

Jeffreyson Gieck v. Governor's Office of Information and Technology, 2017G074 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- May 2, 2017. Complainant filed a whistleblower complaint asserting retaliation for reporting alleged compliance issues with the labor allocation, budget and cost reporting.
- June 26, 2017. Respondent filed its response to the whistleblower complaint.
- September 29, 2017. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant Complainant's petition for hearing.
- October 18, 2017. The State Personnel Board issued an order adopting the ALJ's recommendation.
- November 13, 2017. Respondent filed a Motion to Dismiss for lack of jurisdiction on grounds that Complainant was an at-will employee.
- February 1, 2018. Evidentiary hearing on jurisdictional issues.
- March 8, 2018. ALJ dismissed the appeal for lack of jurisdiction because Complainant is exempt from the state personnel system.
- July 18, 2018. The State Personnel Board adopted the order dismissing the case.
- September 4, 2018. Complainant filed an Appeal to the Colorado Court of Appeals, COA Case No. 2018CA1637.
- May 21, 2020. The Court of Appeals affirmed the ALJ, concluding that Complainant is exempt from the state personnel system as an employee in the Governor's office.

CASES PENDING FROM FY 17-18
(July 1, 2017-June 30, 2018)

Michelle Muller v. Department of Corrections, 2018B012 - *This case went to an evidentiary hearing on the whistleblower complaint.*

- September 15, 2017. Complainant appealed a termination. Complainant asserted Respondent retaliated for reporting alleged use of a state vehicle for personal use in violation of state policy.
- December 4, 2017. Respondent filed its response to the whistleblower complaint.
- November 5-7, 2018. Evidentiary hearing.
- December 31, 2018. ALJ issued an Initial Decision affirming the termination and denying a violation of the Whistleblower Act.
- May 21, 2019. The State Personnel Board affirmed the Initial Decision of ALJ.
- June 7, 2019. Complainant filed an Appeal to the Colorado Court of Appeals, COA Case No. 2019CA1045. The Court of Appeals scheduled the matter for oral arguments on August 12, 2020.

Patricia Tippins v. Department of Corrections, 2018B059(c) - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- December 7, 2017. Complainant filed a whistleblower complaint following a transfer to a different facility. The State Personnel Board assigned the appeal as SPB **2018G034**. Complainant asserted Respondent retaliated for reporting that a dangerous offender was inappropriately "graduated" from a therapeutic program.

- February 12, 2018. Respondent filed its response to the whistleblower complaint.
- March 26, 2018. Complainant appealed a demotion. The State Personnel Board assigned the appeal as SPB **2018B059**. Complainant asserted Respondent retaliated for reporting concerns about a dangerous offender whose treatment was allegedly fast-tracked.
- April 18, 2018. Order consolidating SPB **2018B059** with SPB **2018G034**.
- May 31, 2018. Respondent filed its response to the second whistleblower complaint.
- June 4, 2018. Order consolidating SPB **2018B059(c)** with SPB **2018S056**.
- June 7, 2018. Complainant filed another whistleblower complaint relating to a performance evaluation. Complainant asserted Respondent retaliated for the prior disclosures.
- July 27, 2018. Respondent filed its response to the third whistleblower complaint.
- February 5, 2019. CCRD issued no probable cause determination.
- July 19, 2019. Order consolidating SPB **2018B059(c)** with SPB **2020S001**.
- April 6, 2020. Due to State of Emergency related to COVID-19, ALJ vacated evidentiary hearing.
- April 22, 2020. Order scheduling evidentiary hearing.

Lorraine Diaz de Leon v. Department of Corrections, 2018B060(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- October 24, 2017. Complainant appealed a transfer from the Fort Collins office to the Denver office. The State Personnel Board assigned the appeal as SPB **2018G022**. Complainant asserted retaliation for reporting alleged unequal treatment and racial insensitivity.
- January 26, 2018. Respondent filed its response to the whistleblower complaint.
- March 26, 2018. Complainant filed an appeal of demotion. The State Personnel Board assigned the appeal as SPB **2018B060**. Complainant asserted Respondent retaliated for reporting alleged racial insensitivity and misconduct.
- April 16, 2018. Order consolidating SPB **2018B060** with SPB **2018G022**.
- May 17, 2018. Respondent filed its response to the second whistleblower complaint.
- April 22, 2019. Following the CCRD's investigation, ALJ set the matter for an evidentiary hearing.
- October 7, 2019. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- October 8, 2019. ALJ dismissed the case.

Janet Monson v. Department of Human Services, 2018G035(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- October 31, 2017. Complainant filed a whistleblower complaint following a mid-year evaluation. The State Personnel Board assigned the appeal as SPB **2018G024**. Complainant asserted Respondent retaliated for "failing to complete an analysis of a Pharmacy Tech position she was asked to fill."
- December 7, 2017. Complainant filed a second whistleblower complaint asserting retaliation for reporting concerns about the use of a reclassified "Pharmacy Technician" to dispense prescription medications without the supervision of a pharmacist. The State Personnel Board assigned the appeal as **SPB 2018G035**.
- February 12, 2018. Respondent filed its response to the whistleblower complaint in SPB **2018G035**.

- April 17, 2018. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant an evidentiary hearing.
- May 15, 2018. The State Personnel Board issued an order adopting the ALJ's recommendation.
- June 28, 2018. Complainant filed another whistleblower complaint asserting that a negative evaluation and a corrective action constituted retaliation for the prior whistleblower complaint.
- July 13, 2018. Following a deferral for completion of the grievance process, Respondent filed its response to the whistleblower complaint in SPB **2018G024**.
- August 24, 2018. Order consolidating SPB **2018G024** with SPB **2018G035**.
- September 18, 2018. Respondent filed its response to the third whistleblower complaint.
- September 13, 2018 and September 24, 2018. Complainant filed additional whistleblower complaints relating to the use of Pharmacy Technicians to fill prescription medications.
- November 6, 2018. Respondent filed its response to Complainant's additional whistleblower complaints.
- January 21, 2020. Following the CCRD's investigation, the parties reached a settlement agreement and Complainant filed a motion to dismiss.
- January 22, 2020. ALJ dismissed case.

Jason Purdue v. Department of Regulatory Agencies, 2018G047(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- February 8, 2018. Complainant filed a whistleblower complaint following his receipt of a Performance Improvement Plan (PIP). Complainant asserted Respondent retaliated for reporting alleged abuses of power, reporting "stealing company time/money," and reporting improper modification of computers that jeopardized personal information.
- March 16, 2018. Complainant filed a second appeal that did not include a whistleblower claim.
- March 20, 2018. ALJ consolidated Complainant's two appeals.
- March 28, 2018. Respondent filed its response to the whistleblower complaint.
- August 7, 2018. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- August 22, 2018. The State Personnel Board issued an order adopting the ALJ's recommendation.
- September 18, 2018. Complainant filed an Appeal to the Colorado Court of Appeals, COA Case No. 2018CA1754.
- August 2, 2019. Complainant filed a Notice of Settlement and Request for Dismissal with the Colorado Court of Appeals.
- August 8, 2019. Court of Appeals dismissed case.

Angel Medina v. Department of Corrections, 2018G051(c) - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- February 16, 2018. Complainant filed a whistleblower complaint following an alleged withholding of work assignments. Complainant asserted Respondent retaliated for reporting an alleged improper storage of electronic waste at a correctional facility.
- April 9, 2018. Respondent filed its response to the whistleblower complaint.

- April 18, 2018. Complainant filed a second whistleblower complaint following a performance dispute. Complainant asserted Respondent retaliated for reporting an alleged improper storage of electronic waste at a correctional facility.
- May 4, 2018. Complainant filed a third whistleblower complaint.
- June 7, 2018. Respondent filed its response to the second and third whistleblower complaints.
- Complainant has filed additional whistleblower complaints and Respondent has filed additional responses.
- June 3, 2019. Respondent filed its response to Complainant's seventh whistleblower claim.
- July 11, 2019. Order consolidating SPB **2018G051(c)** with SPB **2019G080**.
- August 5, 2019. Respondent filed its response to Complainant's eighth whistleblower claim.
- December 20, 2019. Order consolidating SPB **2018G051(c)** with SPB **2020S017**.
- March 2, 2020. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant a hearing on some of Complainant's claims but deny a hearing on some of Complainant's claims.
- March 17, 2020. The State Personnel Board issued an order adopting the ALJ's recommendation.
- April 3, 2020. Order consolidating SPB **2018G051(c)** with SPB **2020B039**, and setting hearing.

Keith Nordell v. Department of Human Services, 2018G073(c) - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- April 27, 2018. Complainant filed a whistleblower complaint following a revocation of his trial service status and separation because there were no existing vacancies in a previously certified class within the department. Complainant asserted Respondent retaliated for disclosures about alleged system mismanagement, salary inequities, and problems with patient competency evaluations.
- June 12, 2018. Respondent filed its response to the whistleblower complaint.
- May 6, 2019. Order consolidating SPB **2018G073** with SPB **2019S001**.
- June 27, 2019. Following the CCRD's investigation, ALJ set the matter for review pursuant to Board Rule 8-45.
- September 25, 2019. ALJ found Complainant had a mandatory right to hearing as a result of the separation.
- April 30, 2020. Order scheduling evidentiary hearing.

Patrick Espinoza v. Department of Human Services, 2018G089 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- June 27, 2018. Complainant filed a whistleblower complaint relating to the termination of his probationary employment. Complainant asserted Respondent retaliated for complaints regarding alleged unprofessional and discriminatory behavior of agency management.
- August 10, 2018. Respondent filed its response to the whistleblower complaint.
- June 10, 2019. Following the CCRD's investigation, ALJ set the matter for review pursuant to Board Rule 8-45.
- July 10, 2019. ALJ dismissed the case for abandonment.

Patricia Tippins v. Department of Corrections, 2018S056 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- May 14, 2018. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for disclosures concerning a violent, dangerous offender allegedly being “pushed through” therapeutic community, and for complaints of discrimination based on disability.
- June 4, 2018. Order consolidating SPB **2018S056** with SPB **2018B059(c)**.

CASES PENDING FROM FY 18-19
(July 1, 2018-June 30, 2019)

Jason Purdue v. Department of Regulatory Agencies, 2019B030 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- November 8, 2018. Complainant appealed a termination. Complainant asserted Respondent retaliated for reporting alleged abuses of power and other matters as raised in SPB **2018G047(c)**.
- December 7, 2018. Respondent filed its response to the whistleblower complaint.
- June 5, 2019. ALJ set the matter for an evidentiary hearing.
- August 7, 2019. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- August 8, 2019. ALJ dismissed the case.

Theresa Stephens v. Department of Personnel & Administration, 2019B083 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- April 29, 2019. Complainant appealed a forced resignation. Complainant asserted Respondent retaliated for disclosing alleged errors in a new collections system.
- July 15, 2019. Respondent filed its response to the whistleblower complaint.
- January 24, 2020. The CCRD’s statutory period to investigate the matter expired.
- March 23, 2020. ALJ set the matter for an evidentiary hearing.
- June 15, 2020. Respondent filed a motion to vacate the hearing on grounds that the parties had reached a settlement agreement.

Gerard Trujillo v. Department of Corrections, 2019B096 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- June 11, 2019. Complainant appealed a forced resignation. Complainant asserted Respondent retaliated for complaining about alleged deficiencies with the training program for offenders, including possible fraud.
- October 11, 2019. Respondent filed its response to the whistleblower complaint.
- May 21, 2020. Following the CCRD’s investigation, ALJ set the matter for a commencement hearing.
- June 3, 2020. ALJ vacated commencement and ordered parties to brief if matter should be set for review pursuant to Board Rule 8-45.

Valerie Bishop v. Department of Human Services, 2019G012(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- August 16, 2018. Complainant filed a whistleblower complaint relating to a corrective action. Complainant asserted Respondent retaliated for reporting concerns with alleged overdue payments to vendors that negatively impacted services to residents.
- October 1, 2018. Respondent filed its response to the whistleblower complaint.
- October 18, 2018. Complainant filed a second whistleblower complaint relating to an unsatisfactory performance appraisal. Complainant asserted Respondent retaliated for the prior whistleblower complaint.
- November 6, 2018. ALJ consolidated Complainant's two whistleblower complaints.
- December 10, 2018. Respondent filed its response to the second whistleblower complaint.
- February 13, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant the petition for hearing.
- March 19, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.
- April 22, 2019. ALJ set the matter for an evidentiary hearing.
- November 27, 2019. The parties reached a settlement agreement and Complainant filed a motion to dismiss.
- December 2, 2019. ALJ dismissed the case.

Jason Soltani v. Department of Human Services, 2019G026 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- October 1, 2018. Complainant filed a whistleblower complaint relating to a performance improvement plan. Complainant asserted Respondent retaliated for reporting an alleged time-keeping violation, assignment to duties that Complainant was not qualified to perform, and being required to transport a patient without assistance.
- November 26, 2018. Respondent filed its response to the whistleblower complaint.
- January 25, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant the petition for hearing.
- February 19, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.
- April 22, 2019. ALJ set the matter for an evidentiary hearing.
- December 20, 2019. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- December 26, 2019. ALJ dismissed the case.

Olga Ivanova v. Department of Public Health & Environment, 2019G051(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 8, 2019. Complainant filed a whistleblower complaint relating to a final grievance decision. Complainant asserted Respondent retaliated for reporting concerns about the agency's accounting processes and alleged accounting irregularities.
- April 25, 2019. Respondent filed its response to the whistleblower complaint.
- June 26, 2019. Order consolidating SPB **2019G051** with SPB **2019G082**.
- August 12, 2019. Respondent filed its response to Complainant's second whistleblower complaint.

- June 1, 2020. Following the CCRD's investigation and a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny a hearing.
- June 16, 2020. The State Personnel Board issued an order adopting the ALJ's recommendation.

Michael Vigil v. Department of Transportation, 2019G052 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 11, 2019. Complainant filed a whistleblower complaint relating to the termination of probationary employment. Complainant asserted Respondent retaliated for reporting concerns about the agency's appraisal processes.
- May 3, 2019. Respondent filed its response to the whistleblower complaint.
- August 6, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant the petition for hearing.
- August 20, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.
- April 1, 2020. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- April 1, 2020. ALJ dismissed the case.

Linda Stanley v. Department of Revenue, 2019G053 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 28, 2019. Complainant filed a whistleblower complaint relating to a corrective action. Complainant asserted Respondent retaliated for reporting concerns about a supervisor's performance.
- May 13, 2019. Respondent filed its response to the whistleblower complaint.
- October 2, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- October 15, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.

Kevin Mestey v. Department of Corrections, 2019G054(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 29, 2019. Complainant filed a whistleblower complaint relating to a suspension. Complainant asserted Respondent retaliated for reporting that employees were allegedly not locking coolers in the correctional facility.
- May 20, 2019. Respondent filed its response to the whistleblower complaint.
- November 19, 2019. The parties reached a settlement agreement and Complainant filed a motion to dismiss.
- November 20, 2019. ALJ dismissed the case.

Dawn Jacobs v. Department of Human Services, 2019G059 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- April 5, 2019. Complainant filed a whistleblower complaint relating to a corrective action. Complainant asserted Respondent retaliated for reporting that the director of nursing was placing residents at risk due to mismanagement.

- June 14, 2019. Respondent filed its response to the whistleblower complaint.
- August 6, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- August 20, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.

Michael Walsh v. Department of Corrections, 2019G060 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- April 8, 2019. Complainant filed a whistleblower complaint relating to a grievance decision. Complainant asserted Respondent retaliated for reporting that an individual was allegedly violating medical orders and making changes to prescription when the individual did not have a license to make such changes.
- May 28, 2019. Respondent filed its response to the whistleblower complaint.
- June 25, 2020. Following the CCRD's investigation, ALJ set matter for an evidentiary hearing on jurisdictional issues.

Daniel Esquibel v. Department of Human Services, 2019G070(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- May 9, 2019. Complainant filed a whistleblower complaint relating to a performance evaluation. Complainant asserted Respondent retaliated for reporting that a supervisor should not be managing an investigation because of an alleged conflict of interest.
- June 26, 2019. Complainant filed a second whistleblower complaint relating to allegedly onerous work plans and conditions. The second whistleblower complaint also asserts Respondent retaliated against Complainant for reporting a supervisor's involvement in an investigation.
- July 1, 2019. Respondent filed its response to the whistleblower complaints.
- July 2, 2019. ALJ consolidated Complainant's two whistleblower complaints.
- September 9, 2019. Respondent moved to stay matter pending settlement discussions.
- December 2, 2019. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- December 4, 2019. ALJ dismissed the case.

Angel Medina v. Department of Corrections, 2019G080 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- June 21, 2019. Complainant filed a whistleblower complaint relating to a performance evaluation. Complainant asserted Respondent retaliated for filing a whistleblower claim in SPB **2018G051(c)**.
- July 11, 2019. Order consolidating SPB **2019G080** with SPB **2018G051(c)**.

Olga Ivanova v. Department of Public Health & Environment, 2019G082 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- June 25, 2019. Complainant filed a whistleblower complaint relating to a performance evaluation. Complainant asserted Respondent retaliated for filing a whistleblower claim in SPB **2019G051**.
- June 26, 2019. Order consolidating SPB **2019G082** with SPB **2019G051(c)**.

Keith Nordell v. Department of Human Services, 2019S001 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- July 2, 2018. Complainant filed a whistleblower complaint relating to two non-selections. Complainant asserted Respondent retaliated for filing a whistleblower claim in SPB **2018G073**.
- August 24, 2018. Respondent filed its response to the whistleblower complaint.
- October 4, 2018. Complainant filed a whistleblower complaint relating to a third non-selection. The second whistleblower complaint also asserts Respondent retaliated against Complainant for filing the whistleblower claim in SPB **2018G073**.
- May 6, 2019. Order consolidating SPB **2019S001** with SPB **2018G073**.

Ryan Flores v. Department of Corrections, 2019S040(c) - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- December 27, 2018. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for processing a complaint against an appointing authority and for participating in an investigation of a harassment claim.
- February 14, 2019. Respondent filed its response to the whistleblower complaint.
- March 28, 2019. Order consolidating SPB **2019S040** with SPB **2019S047**.
- April 23, 2019. Respondent filed its response to the whistleblower complaint in SPB **2019S047**.
- June 3, 2020. Following the CCRD's investigation and a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing on the whistleblower claim (but granting a hearing on the claim of discrimination based on national origin/ancestry).
- June 16, 2020. The State Personnel Board issued an order adopting the ALJ's recommendation denying the whistleblower claim.

Ruby Gonzalez v. Department of Health Care Policy & Financing, 2019S045 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 4, 2019. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for complaining about an employee's alleged failure to update a position description.
- April 26, 2019. Respondent filed its response to the whistleblower complaint.
- August 9, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant the petition for hearing.
- August 20, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.
- March 24, 2020. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- March 24, 2020. ALJ dismissed the case.

Ryan Flores v. Department of Corrections, 2019S047 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 8, 2019. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for filing the whistleblower claim in SPB **2019S040**.
- March 28, 2019. Order consolidating SPB **2019S047** with SPB **2019S040(c)**.

Jonathan Stricklett v. Department of Corrections, 2019S057 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- June 12, 2019. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for disclosing an allegedly unsafe work environment.
- June 26, 2019. ALJ referred the matter to the CCRD for investigation.
- October 1, 2019. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- October 2, 2019. ALJ dismissed the case.

CASES FILED IN FY 19-20
(July 1, 2019-June 30, 2020)

Amy Vincze v. Department of Revenue, 2020B016 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- August 29, 2019. Complainant appealed a termination. Complainant asserted Respondent retaliated for statements made during a performance review about management's lack of communication.
- October 28, 2019. Respondent filed its response to the whistleblower complaint.
- February 14, 2020. Order scheduling evidentiary hearing.

Duane Sinning v. Department of Agriculture, 2020B023 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- September 23, 2019. Complainant appealed a demotion. Complainant asserted Respondent retaliated for supporting a state audit of the department's pesticide program.
- November 12, 2019. Respondent filed its response to the whistleblower complaint.
- April 29, 2020. Order rescheduling evidentiary hearing because of COVID-19.

Douglas Ramsey v. Department of Corrections, 2020B031 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- September 16, 2019. Complainant appealed a termination. Complainant asserted retaliation for reporting an employee's possession of illegal narcotics at a correctional facility.
- January 22, 2020. Respondent filed its response to the whistleblower complaint.
- March 10, 2020. Complainant filed a voluntary motion to dismiss.
- March 18, 2020. ALJ dismissed the case.

Angel Medina v. Department of Corrections, 2020B039(c) - *This case has not gone to an evidentiary hearing on the whistleblower complaint.*

- November 1, 2019. Complainant appealed a \$500/month pay reduction for twelve months. Complainant asserted Respondent retaliated for reporting an alleged improper storage of electronic waste at a correctional facility.
- December 12, 2019. Respondent filed its response to the whistleblower complaint.
- March 3, 2020. Order consolidating SPB **2020G047** with SPB **2020B039**.
- April 3, 2020. Order consolidating SPB **2020B039(c)** with SPB **2018G051(c)**.

John Berko v. Department of Human Services, 2020B051 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- November 26, 2019. Complainant appealed a termination. Complainant asserted Respondent retaliated for reporting an attack by a resident.
- January 17, 2020. Respondent filed its response to the whistleblower complaint.
- February 13, 2020. Respondent filed an unopposed motion to dismiss.
- February 18, 2020. ALJ dismissed the case.

Kwame Malik Dawson v. Department of Higher Education, 2020B054 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- September 16, 2019. Complainant appealed an alleged forced resignation. Complainant asserted Respondent retaliated for complaining about lack of training and support.
- January 14, 2020. Respondent filed a motion to dismiss on grounds Complainant is exempt from the state personnel system.
- January 29, 2020. Respondent filed its response to the whistleblower complaint.
- February 3, 2020. ALJ dismissed the case.

Sandra Ruby v. Department of Revenue, 2020B055 - *This case has not gone to an evidentiary hearing on the whistleblower complaint.*

- September 16, 2019. Complainant appealed a termination. Complainant asserted Respondent retaliated for filing a concern on the fraud hotline.
- December 16, 2019. ALJ referred the matter to the CCRD for investigation
- January 27, 2020. Respondent filed its response to the whistleblower complaint.

Ann Greco v. University of Colorado Boulder, 2020B062(c) - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- January 31, 2020. Complainant appealed a disciplinary action that reduced pay for approximately three months. Complainant asserted Respondent retaliated for disclosing mismanagement issues and issues with the workplace environment.
- February 25, 2020. Order consolidating SPB **2020B062** with SPB **2020G053**, an appeal that disputes a "Not Fit for Duty" determination in a Psychological Fitness for Duty Evaluation but does not assert a whistleblower complaint.
- April 10, 2020. Respondent filed its response to the whistleblower complaint.
- June 30, 2020. Order consolidating SPB **2020B062(c)** with SPB **2020B084**.

Victor Garcia v. Department of Human Services, 2020B066 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- February 13, 2020. Complainant appealed an administrative separation. Complainant asserted Respondent retaliated for disclosing personnel actions that were allegedly inappropriate.
- March 6, 2020. ALJ dismissed the case for untimeliness.

Liza Alarid v. Department of Corrections, 2020B067 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- February 24, 2020. Complainant appealed a disciplinary termination. Complainant asserted Respondent retaliated for disclosing another employee allegedly stealing prescription medications and disclosing that the pharmacy was not in compliance with regulatory standards.
- April 13, 2020. Respondent filed its response to the whistleblower complaint.
- May 18, 2020. Order scheduling evidentiary hearing.

Jennifer Henson v. Department of Regulatory Agencies, 2020B079 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- April 24, 2020. Complainant appealed a disciplinary termination. Complainant asserted Respondent retaliated for complaining to the U.S. Department of Labor about alleged FMLA violations.
- June 29, 2020. Respondent filed its response to the whistleblower complaint.

Ann Greco v. University of Colorado Boulder, 2020B084 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- April 24, 2020. Complainant appealed an administrative separation. Like the assertions in SPB **2020B062(c)**, Complainant asserted Respondent retaliated for disclosing mismanagement issues and concerns with the workplace environment.
- June 29, 2020. Respondent filed its response to the whistleblower complaint.
- June 30, 2020. Order consolidating SPB **2020B084** with SPB **2020B062(c)**.

Susan Franzen v. Department of Human Services, 2020B085 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- May 11, 2020. Complainant appealed an alleged forced resignation. Complainant asserted Respondent retaliated for disclosing alleged nepotism.
- June 9, 2020. Order to Complainant to respond regarding the appeal's timeliness.

Mona Sadeghpour v. University of Colorado Denver, 2020B087 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- May 11, 2020. Complainant appealed a layoff. Complainant asserted Respondent retaliated for disclosing alleged unprofessional conduct and bullying.
- May 27, 2020. ALJ issued order to show cause why appeal should not be dismissed for lack of jurisdiction.

Grace Novotny v. Department of Corrections, 2020G005 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- July 12, 2019. Complainant filed a whistleblower complaint disputing a paid administrative leave. Complainant asserted Respondent retaliated for making disclosures about alleged improper conduct by the Deputy Executive Director with respect to certain organizational changes to the Background Investigation Unit at the Office of the Inspector General and other abuses of power by the Deputy Executive Director.
- September 3, 2019. Respondent filed its response to the whistleblower complaint.
- October 31, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- November 19, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.

Kirsten Gregg v. Department of Revenue, 2020G009 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- July 24, 2019. Complainant filed a whistleblower complaint disputing a transfer. Complainant asserted Respondent retaliated for public comments at a Colorado Limited Gaming Control Commission meeting that raised concerns about the use of gaming funds for matters outside of Gaming's statutory and constitutional mandate.
- September 13, 2019. Respondent filed its response to the whistleblower complaint.
- December 2, 2019. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to grant the petition for hearing.
- December 17, 2019. The State Personnel Board issued an order adopting the ALJ's recommendation.
- January 27, 2020. Order scheduling evidentiary hearing.

Lisa Weiss v. Department of Education, 2020G010 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- July 25, 2019. Complainant filed a whistleblower complaint disputing a transfer to another position. Complainant asserted Respondent retaliated for regularly discussing the department's alleged lack of monitoring and supervision of the school districts in Colorado, particularly with respect to accessibility to sign language interpreters.
- July 29, 2019. ALJ issued an order for Complainant to show cause why the appeal should not be dismissed for lack of jurisdiction.
- August 19, 2019. ALJ dismissed the case for lack of jurisdiction because Complainant is exempt from the state personnel system.

Donia Amick v. Department of Revenue, 2020G012 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- July 30, 2019. Complainant filed a whistleblower complaint disputing a transfer. Complainant asserted Respondent retaliated for disclosing that the department allegedly failed to monitor grant money and the department's alleged failure to implement audit recommendations related to same.
- September 16, 2019. Respondent filed its response to the whistleblower complaint.

- June 29, 2020. Following the CCRD's investigation, Complainant filed a voluntary motion to dismiss.
- June 30, 2020. ALJ dismissed the case.

Viktor Bojilov v. Department of Public Safety, 2020G014 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- August 12, 2019. Complainant filed a whistleblower complaint disputing a corrective action. Complainant asserted Respondent retaliated for an email that alleged the department was violating internal controls for purchasing and mismanaging state contracts.
- August 27, 2019. Respondent filed an unopposed motion to dismiss on grounds that Complainant wished to withdraw the complaint.
- August 29, 2019. ALJ dismissed the case.

Douglas Ramsey v. Department of Corrections, 2020G027 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- September 16, 2019. Complainant filed a whistleblower complaint disputing a Rule 6-10 meeting and an administrative leave. Complainant asserted Respondent retaliated for disclosing that an employee was allegedly bringing disallowed substances into a correctional facility.
- December 11, 2019. ALJ dismissed the case for untimeliness.

Alyssa Unsel v. Department of Corrections, 2020G029 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- October 11, 2019. Complainant appealed a termination of probationary employment. The factual allegations for the whistleblower complaint are unclear.
- November 14, 2019. ALJ dismissed the case for untimeliness.

Stephanie Baudhuin v. Colorado State University, 2020G034 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- November 5, 2019. Complainant filed a whistleblower complaint regarding the salary for a new position at the University. Complainant asserted Respondent retaliated by not being transparent regarding the salary related to the position.
- December 30, 2019. Respondent filed its response to the whistleblower complaint.
- April 7, 2020. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- April 21, 2020. The State Personnel Board issued an order adopting the ALJ's recommendation.

Ian Kleats v. Department of Human Services, 2020G036 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- November 5, 2019. Complainant filed a whistleblower complaint regarding a performance improvement plan. Complainant asserted Respondent retaliated for disclosure of incidents of workplace violence.
- January 3, 2020. Respondent filed its response to the whistleblower complaint.

- April 6, 2020. Following a review pursuant to Board Rule 8-45, ALJ issued a Preliminary Recommendation to deny the petition for hearing.
- April 21, 2020. The State Personnel Board issued an order adopting the ALJ's recommendation.

Tanya Lynn James v. Department of Revenue, 2020G037 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- November 18, 2019. Complainant filed a whistleblower complaint regarding the termination of probationary employment. Complainant asserted Respondent retaliated for questioning having to use annual leave to vote and for disclosing information about management's inspection of employees' desks.
- January 7, 2020. Respondent filed its response to the whistleblower complaint.
- February 5, 2020. ALJ dismissed the case for abandonment.

Angel Medina v. Department of Corrections, 2020G047 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- December 30, 2019. Complainant filed a whistleblower complaint disputing a 2019-2020 mid-year performance evaluation. Complainant asserted Respondent retaliated for reporting an alleged improper storage of electronic waste at a correctional facility.
- February 11, 2020. Respondent filed its response to the whistleblower complaint.
- March 3, 2020. Order consolidating SPB **2020G047** with SPB **2020B039**.

Jonathan Enser v. Department of Transportation, 2020G055 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- February 14, 2020. Complainant filed a whistleblower complaint disputing a corrective action. Complainant asserted Respondent retaliated for disclosing alleged negative impacts of utilizing consultants to publish dashboards.
- May 4, 2020. Respondent filed its response to the whistleblower complaint.
- June 29, 2020. The parties reached a settlement agreement and filed a stipulated motion to dismiss.
- June 30, 2020. ALJ dismissed the case.

Viktor Bojilov v. Department of Public Safety, 2020G057 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- February 28, 2020. Complainant filed a whistleblower complaint disputing a corrective action. Complainant asserted Respondent retaliated for disclosing information relating the alleged inappropriate use of the Technology Advancement and Emergency Fund.
- April 16, 2020. Respondent filed its response to the whistleblower complaint.
- May 1, 2020. The parties reached a settlement agreement and Respondent filed a motion to dismiss.
- May 8, 2020. ALJ dismissed the case.

Angel Medina v. Department of Corrections, 2020G063 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- March 18, 2020. Complainant filed a whistleblower complaint relating to being placed on administrative leave. Complainant asserted Respondent retaliated for filing a prior whistleblower claim with the Board and for reporting an alleged improper storage of electronic waste at a correctional facility.
- April 17, 2020. Order staying review pending completion of third party investigation.

Kervyn Dimney v. Office of Information Technology, 2020G074 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- March 18, 2020. Complainant filed a whistleblower complaint relating to a grievance decision. Complainant asserted Respondent retaliated for complaining about alleged deceptiveness in communications regarding the length of a project and alleged project mismanagement.
- May 28, 2020. ALJ referred the matter to the agency for a response to the whistleblower complaint.

Christine Adams v. Department of Treasury, 2020G078 - *This case did not go to an evidentiary hearing on the whistleblower complaint.*

- March 13, 2020. Complainant appealed an alleged forced resignation. Complainant asserted Respondent retaliated for disclosing alleged inefficient cash management resulting in unnecessary fees paid to a banking institution.
- June 12, 2020. Respondent filed an unopposed motion to dismiss.
- June 15, 2020. ALJ dismissed the case.

Patricia Tippins v. Department of Corrections, 2020S001 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- July 3, 2019. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for filing a prior whistleblower claim with the Board.
- July 19, 2019. Order consolidating SPB **2020S001** with SPB **2018B059(c)**.

Angel Medina v. Department of Corrections, 2020S017 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- November 12, 2019. Complainant filed a whistleblower complaint relating to a non-selection to the position of Deputy Director of Prisons. Complainant asserted Respondent retaliated for filing a prior whistleblower claim with the Board and for reporting an alleged improper storage of electronic waste at a correctional facility.
- December 12, 2019. Respondent filed its response to the whistleblower complaint.
- December 20, 2019. Order consolidating SPB **2020S017** with SPB **2018G051(c)**.

Matthew Valdez v. Department of Corrections, 2020S043 - *This case has not yet gone to an evidentiary hearing on the whistleblower complaint.*

- June 8, 2020. Complainant filed a whistleblower complaint relating to a non-selection. Complainant asserted Respondent retaliated for raising security concerns about an employee and a possible security breach.
- June 15, 2020. ALJ issued order to show cause why the case should not be dismissed for lack of jurisdiction.