

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**

Appeal No. 92-05

DECISION

IN THE MATTER OF THE APPEAL OF:

CATHRYN L. DIAZ,
Appellant,

vs.

DENVER ZOOLOGICAL FOUNDATION, DEPARTMENT OF PARKS AND RECREATION and the City and County of Denver, a municipal corporation, Agency.

The hearing in this appeal was held on December 22, 2005 before Hearing Officer Valerie McNaughton. Appellant was present and represented by Duane Montano, Esq. The Agency was represented by Assistant City Attorney Mindi L. Wright. Carole Flohr served as the Agency's advisory witness. Having considered the evidence and arguments of the parties, the following findings of fact, conclusions of law and order are entered herein.

INTRODUCTION

Appellant Cathryn Diaz is an Administrative Support Assistant II (ASA II) for the Department of Parks and Recreation (Agency) who is assigned to the Denver Zoo's Operations Department. Appellant appeals a 2-week suspension imposed on August 12, 2005. The Agency's exhibits 1 – 3, 5 – 13, 15 – 16, 19, and 21 – 40 were admitted into evidence. Agency's Exhibit 18 was offered but rejected. Appellant's Exhibits C and D were also admitted.

The issues presented herein are as follows:

- 1) Did the Agency establish that Appellant violated the cited section of the Career Service Rules (CSR), and
- 2) Was a two-week suspension justified under the CSR's disciplinary rules?

FINDINGS OF FACT

The Agency suspended Appellant for two weeks based upon claimed performance and behavior issues occurring from February to July 2005. [Exh. 1.]

The following facts are undisputed. Appellant serves as the sole clerical support employee in the Operations Department at the Denver Zoo. Her main clerical duties during the relevant period were handling matters related to distribution and repair of zoo radios, mail delivery, petty cash, and credit cards. She was also required to answer the phone, handle zoo access through Gate 7, order office supplies and keep paper in the copier and fax machines. [Testimony of Ms. Flohr; Exhs. 11, 19, 22, 23, C, and D.]

Appellant's supervisor, Administrative Support Supervisor I Carol Flohr, testified that she and Appellant together handle the general operations functions for the zoo, with Ms. Flohr acting as back-up in Appellant's absence. [Exh. 12.] Ms. Flohr stated that she was required to perform certain of Appellant's clerical duties, including petty cash, package delivery, and handling requests for credit cards, about 47% of the time because Appellant was not at her work station. [Exhs. 25 – 29, 35.] Ms. Flohr also noted that Appellant's work sometimes contained errors in the performance of these duties, and in the tracking of zoo radios. [Testimony of Ms. Flohr; Exhs. 13 – 14, 30-26, 33 – 34, and 37 – 40.]

In addition, Ms. Flohr stated that Appellant left her desk without notifying her on six occasions, which resulted in a lack of phone and gate coverage. [Exhs. 12-2, 20, 30-12, 30-18, 30-19, 30-21, 30-28, and 30-29.] Appellant did not fill the copier and fax machines with paper on May 11, May 19 and June 13 [Exhs. 30-12, 30-15, and 30-22], and did not lock the filing cabinets on April 11, April 15, and May 11. [Exhs. 30-4, 30-5, and 30-12.]

Under Ms. Flohr's supervision, Appellant was given increasingly strict rules regarding personal phone calls during work hours based upon Ms. Flohr's perception that Appellant's acceptance of personal calls was interfering with the performance of her duties. [Testimony of Ms. Flohr; Exhs. 9, 15, and 12-2.] Ms. Flohr documented by e-mail message or on her calendar ten dates on which Appellant made or accepted personal calls in violation of the stricter policy, which forbade all non-emergency personal calls during work hours. [Exhs. 10, 30-4, 30-6, 30-18, 30-19, 30-20, 30-21, 30-23, 30-26, 30-31, and 30-32.]

Ms. Flohr testified that Appellant was required to communicate with her in order to accomplish the work of the section [Exhs. 12-2, 15, and 17], but that Appellant failed to communicate with her, resulting in a decrease in the ability of the section to provide good customer service and to operate efficiently. Ms. Flohr noted in her calendar that on April 28th Appellant refused to meet with her without a union representative, and on June 3rd said she wouldn't talk to her because she "communicated with me just fine." [Exhs. 30-9 and 30-19.] The Agency asserts that Ms. Flohr's calendar and notes to Appellant indicate several occasions when Appellant's failure to communicate with Ms.

Flohr created problems in the Operations Section. [Exhs. 16, 17, 30-12, 30-24, and 30-33.]

Appellant is alleged to have disobeyed her supervisor's orders to get to work on time on four occasions. [Exhs. 30-1, 30-12, 30-19, 30-21, 31, 32] Ms. Flohr testified she instructed Appellant in 2004 not to use a golf cart, and that on May 9th Appellant nonetheless used one to deliver mail without permission. [Exh. 30-12] Chris Ball, who shared duties with Appellant in 2004, testified he heard Ms. Flohr verbally instruct Appellant not to use golf carts for anything but the delivery of heavy packages.

Finally, Ms. Flohr testified to two occasions when Appellant inaccurately reported her activities outside the work area. [Exhs. 30-9, 30-13.] Based upon a significant decrease in the Operations workload in early 2005, Appellant was assigned to special projects in other departments in the spring of that year. On April 29, 2005, Appellant told Ms. Flohr she was finished with a project in the Education Department. The next day, a Saturday, Appellant went back to the Education Dept. and asked permission to complete the project on a volunteer basis. Ms. Flohr asserts that Appellant failed to communicate with her that she intended to return to the zoo on Saturday, and misrepresented that she was done with the project when she was not.

The second occasion occurred on May 12th, when Ms. Flohr instructed Appellant to go to the Education Dept. to get instructions on the next day's project. Ms. Flohr testified Appellant was gone for 2 ½ hours, and that upon her return told Ms. Flohr she had begun the project, which was typing letters to volunteers. The volunteer manager later asked Ms. Flohr for Appellant's assistance to type the same letters.

Appellant responded to the allegation that Ms. Flohr did almost half Appellant's clerical duties by stating that Appellant was assigned to the Education Dept for 2 ½ to 3 months, and was thus unable to perform her own duties during that period. Appellant testified she was usually within hearing distance of the phones and the gate buzzer, and checked the paper in the fax and copier when she went by. Appellant acknowledged receiving Ms. Flohr's e-mails that she left the cabinets unlocked on March 28th and May 12th, but testified she was sure she did not leave them unlocked.

Appellant denied taking any personal calls during the period in question. She testified that the communication problems between herself and Ms. Flohr were caused by Ms. Flohr, who she testified treats her like a child. Appellant said she is intimidated when Ms. Flohr's voice escalates when she speaks to Appellant. As a result, Appellant requests a union representative and the topic to be discussed before agreeing to meet with Ms. Flohr. Since union representation is difficult to arrange, Appellant and Ms. Flohr did not meet during this period. Appellant testified she communicates with her supervisor by checking her e-mail once an hour and performing the tasks assigned by e-mail without directly responding to the e-mail. Appellant believes their communication problems do not interfere with her ability to accomplish her job duties.

Appellant admitted she was late to work when her power went out and she overslept, but said she called in as soon as she knew she would be late. Appellant acknowledged that Ms. Flohr changed Appellant's reporting time to 8:30 a.m. in order to assist her in being on time. Appellant testified she used a golf cart on May 9, 2005 because her arm was hurting and the package was too heavy to be carried the half mile to the delivery point. At the time, Appellant was restricted by her doctor from carrying anything weighing 20 or more pounds. Appellant recalls that this package weighed about 15 pounds.

As to the allegation that she misrepresented her activities, Appellant testified that on April 29th she did complete the work in the Education Dept., as she reported to her supervisor, but that it had a formatting problem. At home that evening, she decided how it could be corrected, and returned to the zoo on Saturday to fix it on a volunteer basis. When Ms. Flohr denied her permission to do that, Appellant left the zoo, and made the necessary corrections in five minutes when she returned to work on Monday morning.

In response to Ms. Flohr's claim that Appellant failed to promptly return to her work station in Operations on May 12th, Appellant testified she went to the Education Dept. to learn the nature of the special project, and stayed for more than an hour for training. Appellant stated she returned to Education for two hours the next day to work on a different project. She asserts that her actions were not improper because she was not required to punch out when she left the Operations Section.

At the pre-disciplinary meeting, Ms. Flohr observed that Appellant admitted some of the misconduct, but that the reasons she gave for her behavior were insufficient. Ms. Flohr imposed the two-week suspension after considering Appellant's previous work and disciplinary history, the latter including three verbal warnings, two written warnings, and a one-day suspension within the past three years. [Exhs. 4 – 9.] Ms. Flohr imposed a longer suspension because she determined that the previous discipline over the past three years had not accomplished the goal of correcting Appellant's misconduct.

ANALYSIS

I. Career Service Rules

In this de novo hearing on the appropriateness of the two-week suspension, Agency bears the burden of proof to show by a preponderance of the evidence both that Appellant violated the disciplinary rules as alleged, and that the discipline was within the range of discipline that can be imposed under the circumstances. Turner v. Rossmiller, 535 P.2d 751 (Colo. App. 1975.); In re Gustern, CSA 128-02, 20 (12/23/02).

A. CSR § 16-50 A. 1) Gross negligence or willful neglect of duty.

The Agency claims that Appellant was grossly or willfully negligent based upon her pattern of non-performance of her duties over the period in question. Ms. Flohr's testimony and the exhibits demonstrated that Ms. Flohr performed Appellant's clerical duties approximately 47% of the time. Appellant claims that for much of that time she was on assignment to the Education department. However, Ms. Flohr's contemporaneous notes show that Appellant was in Education for two hours on April 13th, for most of the day April 14th and 15th, and for part of the day on April 25th, 26th and 27th. When all entries from those days are subtracted, the percentage of time Appellant performed her clerical duties changes only minimally to 48%.

While Appellant disputes that she left the phone and gate uncovered on the six dates alleged, or that she failed to lock the file cabinets or supply the office machines with paper, the evidence created at the time of the claimed incidents corroborates the testimony of Ms. Flohr. [Exhs. 16, 20, 38.] Appellant also denied accepting personal phone calls after being ordered not to, but Ms. Flohr made a calendar note of fifteen instances of such calls. [Exhs. 10, 15, and 30.] Appellant's credibility was harmed when she stated she was "down to hardly anything to do" during the period in question, and then, in response to the very next question, said she had "no free time."

Appellant's position required her to be at her desk in order to handle her clerical, receptionist and office duties. When she was not, her supervisor postponed her own duties to attend to those of Appellant. I conclude that Appellant was grossly negligent of her assigned duties, despite the clarity of her duties and repeated warnings about the consequences of her nonfeasance. See In re Roberts, CSA 179-04, 3 (6/29/05); In re Martinez, CSA 19-05, 7 (6/27/05).

B. CSR § 16-50 A. 3) Dishonesty, including but not limited to: altering or falsifying official records or examination; accepting, soliciting, or making a bribe; lying to superiors or falsifying records with respect to official duties, including work duties, disciplinary actions, or false reporting of work hours; using official position or authority for personal profit or advantage, including kickbacks; or any other act of dishonesty not specifically listed in this paragraph.

The Agency asserts that Appellant violated this rule because she inaccurately reported her activities on April 29th and May 12th, and failed to advise Ms. Flohr of her intent to return to work on April 30th. Appellant claims that her actions were not intended to deceive.

Appellant testified that on April 29th, she worked on a document for the Education Dept. Appellant returned to the zoo on Saturday to volunteer to fix a formatting problem before the document was due to be sent to the printer. I find that Appellant sincerely believed she was finished with the project on April 29th, and answered Ms. Flohr in accordance with that belief. I also find that Appellant did not act improperly in returning to the zoo on April 30th, as the Agency presented no proof that the conduct violated any employee rule, or even that Appellant knew she could not volunteer to work over 40 hours.

The Agency also supports this claim by its allegation that Appellant deceived Ms. Flohr on May 12th by stating she had finished the volunteer letters for the Volunteer Coordinator for the Education Dept. The disciplinary letter stated that Ms. Flohr received an e-mail from the Volunteer Manager asking for Appellant's assistance to type the same letters. Ms. Flohr concluded that Appellant had lied about her activities during the two hours she had been gone. Appellant testified that she got some training on the project while she was gone, and went back to the Education Dept. the next day to work on another project. It is not clear from the evidence that Appellant intended to deceive Ms. Flohr about what she had done for the Education Dept. on May 12th. I conclude that the Agency failed to prove this violation.

C. CSR § 16-50 A. 7) Refusing to comply with the orders of an authorized supervisor or refusing to do assigned work, which the employee is capable of performing.

The Agency asserts that the evidence shows Appellant engaged in a pattern of willful failure to perform her duties and follow her supervisor's orders.

Proof of violation of this rule requires a showing that the Agency communicated a reasonable rule to Appellant, and that she continued to violate the rule under circumstances demonstrating willfulness. See In re Conway, CSA 40-05, 3 (8/17/05). Proof of the intent to refuse compliance may be established circumstantially. See In re Owens, CSA 139-04, 7 (3/31/05).

The Agency did not prove Appellant refused to perform the duties of tracking packages and radios, and handling petty cash and credit card requests. Appellant did perform those tasks at least 52% of the time, and the Agency did not prove that Appellant's behavior demonstrated an intention to refuse any particular order to do that work. Likewise, Appellant's absence from her desk on some occasions does not without more prove a refusal to cover the phones and gate. The Agency did not allege that Appellant continually failed to stock the fax and copier with paper or lock the cabinets, or that she ever refused to do so. Therefore, these allegations do not support a finding of refusal to comply with her supervisor's orders to perform those duties.

As to the order prohibiting personal phone calls, the Agency established that the order was reasonable based upon Appellant's abuse of phone privileges and the disruption of operations caused by that abuse. Appellant acknowledged receiving the order, and the evidence demonstrates that Appellant received frequent reminders of the rule. [Exhs. 9, 10, 12, and 15.] The Agency proved that Appellant took fifteen calls after being ordered to cease any such calls. Appellant denied taking any calls, but her denial was not as persuasive as Ms. Flohr's calendar notes and testimony indicating a specific memory of each event. On one occasion, Appellant took a call on her cell phone and left her duty station to continue the call. [Exh. 30-6.] Under these circumstances, the Agency proved that Appellant refused to obey the order of her supervisor prohibiting personal calls during work hours.

The Agency also argues that Appellant refused her supervisor's May 12th order to return to Operations after learning the nature of the special project she was to do for the Education Dept. the next day. The evidence shows that Appellant stayed at Education for about two hours for training or to begin the project. I find that this behavior standing alone does not establish a willful refusal to obey the order.

Finally, the Agency supported this allegation by evidence that Appellant refused to talk about performance issues with Ms. Flohr. On April 28, Ms. Flohr noted that Appellant "said she won't talk w/ me w/o her union rep present". [Exh. 30-9.] On May 12th, Appellant again refused to talk to Ms. Flohr because, in her opinion, they "communicated just fine." [Exh. 30-19.] Appellant confirmed during her testimony that, after a June 2004 confrontation between the two, she has refused to speak with her supervisor without a union representative and being advised in advance of the subject of the discussion. Appellant testified she believes she can do her job without communicating with her supervisor by any means other than taking e-mail instructions from her. However, the evidence demonstrates that this method has caused a number of significant performance errors and has lessened the efficiency of the Operations Section. I find that the Agency communicated a reasonable order requiring Appellant to speak with her supervisor about their work and her performance, and that Appellant refused to obey that order, in violation of CSR § 16-50 A. 7).

E. CSR § 16-51 A. 2) Failure to meet established standards of performance including qualitative or quantitative standards.

In order to establish a violation of this rule, the Agency must prove 1) the existence of a performance standard, 2) its communication to the employee, and 3) the employee's failure to meet the standard. In re Owoeye, CSA 11-05, 5 (6/10/05).

The Agency asserts that Appellant's failure to perform her duties or to do them correctly establishes a violation of this rule. The Performance Enhancement Plan (PEP) sets forth Appellant's performance standards for each of her job duties. [Exh. 22.] Specifically, Appellant will earn a "below expectations" rating for four or more incidents of failing to distribute packages or petty cash, or one incident of failing to treat supervisor with courtesy, consideration and respect.

Ms. Flohr testified that she expected to perform back-up for Appellant about 20% of the time. As to the duty to receive and distribute packages, the office records indicate that Ms. Flohr in fact performed that duty sixteen times out of the thirty-five occasions on the first page of the office records presented. [Exh. 24-1.] If Ms. Flohr performed the duty no more than 20% of the time, her initials would have appeared seven times rather than sixteen. Thus, Appellant failed to perform that duty nine times for that period. That alone is sufficient to find that Appellant violated the standard of performance for distribution of packages. Likewise, Ms. Flohr handled petty cash requests six times and Appellant three on the first page from petty cash records. [Exh. 25-1.] That is four times more than she would have if Ms. Flohr had performed the duty only 20% of the time.

Finally, it must be concluded that Appellant failed to treat her supervisor with courtesy and respect when she refused to talk with her on June 2nd with the comment that she communicated with her just fine. [Exh. 30-19.]

Appellant admitted she was aware of these standards of performance, and presented no evidence challenging the Agency's evidence of her violation of those standards. Therefore, Appellant violated the above quantitative standards of performance established by Appellant's PEP. The evidence does not support a finding that Appellant breached any other standard of performance.

F. CSR § 16-51 A. 4) Failure to maintain satisfactory working relationship with coworkers, other City and County employees or the public.

The Agency claims that Appellant's refusal to communicate with her supervisor constitutes a violation of this rule, which proscribes actions causing an inability to work together. Appellant testified that she was justified in not communicating with Ms. Flohr because she felt intimidated by her, and that she was not prevented from performing her job by their lack of communication. The Agency countered with examples of errors and inefficiencies caused by Appellant's refusal to talk with her supervisor.

Appellant's position requires her "to help the Denver Zoo meet its goals and objectives" by providing clerical support, radio inventory and maintenance, external customer service, and the ordering of office supplies. [Exh. 22.] "Clear, courteous and ongoing verbal or written communications are required to apprise peers and supervisors of all information needed to conduct zoo business." [Exh. 22-2.] Verbal communication between employee and supervisor is a necessary part of most working relationships. The job description lists such communication as one of three "Priority I" duties essential to this position, since Ms. Flohr performs Appellant's duties in her absence. In order to efficiently run the Operations Section, both Appellant and Ms. Flohr must quickly communicate the status of various tasks and be able to take over for each other. In addition, Ms. Flohr has all the usual supervisory duties to direct Appellant's assignments and administer the section.

Ms. Flohr testified that on six occasions Appellant did not inform her she had left her desk. As a result, Ms. Flohr was forced to cancel or defer her own work to cover the phones and gate. Appellant admitted she sometimes does not respond to Ms. Flohr's e-mails and verbal requests. This failure to respond requires Ms. Flohr to take further action to confirm that orders have been followed. As a result, Ms. Flohr devised a daily checklist of tasks and a form for the status of special projects for Appellant's use. Ms. Flohr testified that Appellant does not fill out the project forms. On occasion, Appellant's failure to communicate has led directly to disciplinary allegations, as in the golf cart incident and Appellant's failure to clarify the events of May 12th. The evidence demonstrates that the working relationship between Appellant and Ms. Flohr has suffered as a result of Appellant's decision to limit communication with her supervisor.

Appellant cannot perform the duties of her position as described in the PEP without timely communication with her supervisor. Rule 18 of the Career Service Rules provides a mechanism for presenting grievances of conditions of employment and for alternate dispute resolution of work-related disputes. In addition, an employee may report harassment pursuant to CSR § 15-103. Appellant's refusal to communicate in the most effective and timely manner with her supervisor about job assignments or performance issues is not justified as a method of resolving employee-supervisor conflicts.

The evidence is clear that the work of the Operations Section is impeded by Appellant's reluctance to engage in normal communication with her supervisor. It is also clear that this behavior has caused Appellant and her supervisor to be unable to work together in an efficient manner. I find that Appellant has violated CSR § 16-51 A. 4) by virtue of this conduct.

G. CSR § 16-51 A. 6) Carelessness in performance of duties and responsibilities.

The Agency cites the performance errors and omissions listed on the disciplinary letter in its contention that Appellant violated this rule. [Exh. 1, pp. 2, 4.] Those acts include failing to perform her clerical duties, errors in the performance of those duties, failing to cover the phones and gate or to inform Ms. Flohr when leaving her desk, failing to fill the copier and fax with paper, and failing to lock the cabinets at the end of the day.

Appellant did not specifically deny that Ms. Flohr was required to perform Appellant's clerical duties more often because of Appellant's absence from the section. Appellant instead testified that she was on special assignment out of the Operations Section at times during this period, and therefore could not always perform her duties. The Agency's evidence indicates that Appellant was absent from the office at some point on April 14th – 15th, 25th – 29th, and for two hours on April 13th.

Appellant also testified that she tried to stay within earshot of the phones and answer them by the third ring, as required by her work rules. [Exh. 19.] Appellant did not deny Ms. Flohr's evidence that Appellant failed to notify her when she left to deliver mail and other errands. [Exh. 30-12.] Appellant stated she would check the paper in the machines when she went by, and that she never left the cabinets unlocked after Ms. Flohr reminded her in April of her failure to do so. Appellant acknowledged that she had admitted leaving them unlocked in a May 12th e-mail, but said since that time she concluded that she had locked them. [Exh. 38.] Appellant admitted she didn't always respond to her supervisor, and that she would decide whether to do so depending on if Ms. Flohr's request was something she needed.

An employee acts with carelessness when she fails to take that degree of care an ordinarily careful person would exercise under the circumstances. See Black's Law Dictionary 146 (Abridged 15th ed. 1991). I conclude that Appellant performed her

clerical duties, monitoring phones and gate, and locking the cabinets in a careless manner, in violation of CSR § 16-51 A. 6).

H. CSR § 16-51 A. 10) Failure to comply with the instructions of an authorized supervisor.

In order to establish a violation of this rule, the Agency must prove that it gave Appellant reasonable notice of its instruction, and that Appellant failed to comply with that instruction. In re Martinez, CSA 19-05, 6 (6/27/05).

Appellant does not dispute that Ms. Flohr instructed her to cover the phones and gate, supply the machines with paper, and lock the cabinets when leaving the office. She testified that she obeyed these instructions during the relevant period. Specifically, Appellant stated she was within earshot of the phones, checked on the machines when she passed them, and was sure she locked the cabinets every night after being reminded. Ms. Flohr testified she wrote a note on her calendar when Appellant failed to obey these instructions, and sometimes sent her e-mail messages. On one such occasion, Appellant responded with an admission that she left the cabinets unlocked. I find that Appellant's memory of the event the day after the incident was more accurate than her memory on the day of hearing, seven months later. On May 12th, Appellant admitted forgetting to lock the cabinets because "I was trying to get you the daily work reports completed." [Exh. 38.] Appellant admitted she responded to her supervisor only "most of the time," and that she tries to pick up the phone by the third ring. I find Ms. Flohr's contemporaneous notes more convincing than Appellant's qualified denials.

The Agency also claims Appellant disregarded her supervisor's rule prohibiting personal phone calls. Appellant was given notice of this rule, and failed to obey it on fifteen occasions. Appellant also ignored her supervisor's instruction not to use the golf cart to deliver mail. I conclude the Agency proved Appellant failed to comply with the instructions of her supervisor.

II. Penalty

Appellant contends that Appellant's supervisor bears some of the responsibility for the poor communication between Appellant and Ms. Flohr, and thus the suspension is not appropriate. The Agency counters that the penalty makes a measured statement that Appellant must turn her conduct around, since previous milder discipline did not have the desired effect.


The Career Service Rules require progressive discipline to correct inappropriate behavior or performance. Discipline must be reasonably related to the seriousness of the offense, and appropriate to correct the situation and achieve the desired change in behavior or performance. CSR § 16-10.

At hearing, Appellant testified she believed her supervisor was being unreasonable by requiring her to communicate with her, in view of Appellant's desire to avoid face-to-face conversations. Appellant denied that she neglected her duties because she responds to her supervisor "most of the time." It is clear that previous discipline including a one-day suspension had not corrected similar past behavior. On this evidence, I find that the discipline was within the range of discipline that could be imposed by a reasonable administrator.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Hearing Officer AFFIRMS the Agency action dated August 12, 2005.

Dated this 31st day of January, 2006.



Hearing Officer for the
Career Service Board

CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in the U.S. mail, postage prepaid, this 31st day of January, 2006 to:

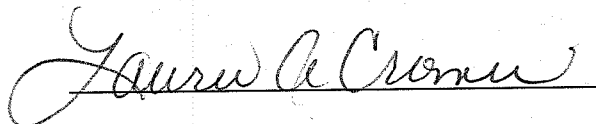
Duane Montano, Esq.
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I further certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in interoffice mail this 31st day of January, 2006 to:

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Ms. Leslye Bileau
Denver Zoological Foundation



Gaurav A. Chandra