

**HEARING OFFICER, CAREER SERVICE BOARD  
CITY AND COUNTY OF DENVER, COLORADO**  
Appeal No. 86-09

---

**ORDER DISMISSING APPEAL AND DENYING MOTION TO SEAL RECORDS**

---

IN THE MATTER OF THE APPEAL OF:

**DONNA NORRIS**, Appellant,

vs.

**ENVIRONMENTAL HEALTH**,  
and the City and County of Denver, a municipal corporation, Agency.

---

On January 6, 2010 the parties filed a stipulated two-part motion seeking to dismiss the appeal and seal all records of the appeal. As grounds, the parties state (1) they have resolved the matter and (2) they agree that sealing the Hearing Office file and proceedings serves the interests of the parties and the public.


1. Motion to dismiss. Upon consideration, it is determined the motion to dismiss is made voluntarily and without prejudice to either party. The appeal is, therefore, **DISMISSED WITH PREJUDICE**.

2. Motion to seal. As a general matter, hearing office records are open to the public unless there is a legitimate reason for non-disclosure. An order sealing the records may not be based solely upon an agreement between the parties. The hearing officer must conduct a balancing inquiry, weighing the public's presumed right to open access against the potential harm to the privacy of a person in interest. Anderson v Home Insurance Co. et al, 924 P.2d 1123 (Colo. App. 1996); C.R.C.P 121 § 1-5.

The Agreed Motion to Seal Records lacks sufficient information from which I may balance the interests of privacy and public access. Consequently the motion is **DENIED**.

The parties may re-apply to seal if the parties provide sufficient information to determine good cause exists for sealing the Hearing Office records, to wit: whose privacy or confidences are to be protected; what are the privacy interests sought to be protected; the nature of the documents which the parties seek to protect; and a proposal for the least restrictive means which satisfy privacy concerns while respecting the public's right to access public information, for example by replacing names with letters or some other form of redaction. The request should also specify the duration of the requested seal.

DONE January 8, 2010.

  
Bruce A. Plotkin  
Career Service Hearing Officer

I certify that, on January 8, 2010, I delivered a correct copy of this Order to the following in the manner indicated:

Ms. Donna Norris, 2990 Clermont Street, Denver, CO 80207	(via U.S. mail);
Ross P. Goldsmith, Esq., fax (303) 871-1976	(via facsimile);
Ms. Nancy Severson, Mgr., <a href="mailto:Nancy.Severson@denvergov.org">Nancy.Severson@denvergov.org</a>	(via email);
Mr. Robert M. McDonald, <a href="mailto:Robert.McDonald@denvergov.org">Robert.McDonald@denvergov.org</a>	(via email);
City Attorney's Office at <a href="mailto:Dfiling.litigation@denvergov.org">Dfiling.litigation@denvergov.org</a>	(via email).

