

ORDER CLARIFYING ORDER OF 4/22/11

IN THE MATTER OF THE APPEAL OF:

MATHEW CAROTHERS, Appellant,

vs.

DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT,
and the City and County of Denver, a municipal corporation, Agency.

Appellant filed a motion to clarify a portion of my order dated April 22, 2011. Agency did not respond. Appellant asserts the order potentially permits retroactive application of an Agency policy, the disciplinary matrix. The portion of the order at issue, Appellant's interrogatory #5, states "...the Agency's basis for discipline has shifted to a matrix that was not in place until this year, rendering comparison with **prior**, even if similar discipline, unhelpful. Consequently, this request is GRANTED, but only to the extent of disciplinary actions assessed for alleged excessive force **since** the Agency shifted to its current matrix-based disciplinary system." [emphasis added]. Appellant is correct in his concern. The word "prior" should read "subsequent" and the word "since" should read "before." The Order of April 22, 2011 is corrected accordingly.

Accordingly, the Agency shall comply with the corrected interrogatory on or before July 15, 2011. The remainder of the April 22, 2011 Order remains unaltered.

DONE June 24, 2011.



Bruce A. Plotkin
Career Service Hearing Office

I certify that, on June 24, 2011, I delivered a correct copy of this Order to the following, in the manner indicated:

Mr. Mathew Carothers, mattcarothers@hotmail.com	(via email);
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