
ORDER TO SHOW CAUSE

IN THE MATTER OF THE APPEAL OF:

FAUN GOMEZ, Appellant,

vs.

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

Appellant appealed her dismissal from employment on June 28, 2013. In addition to denying the Agency's stated basis for discipline, Appellant claimed the Agency's dismissal was an unlawful denial of due process, violates Career Service Rules 16-20 and 16-40, and violated the Equal Protection and Due Process Clauses of the U.S. Constitution. [Appellant's attachment to appeal "Appeal of Disciplinary Action" p.4]. In addition, Appellant claims several Career Service and Agency rules cited by the Agency as a basis for termination, are unconstitutional. [Id at p.5]. Jurisdictional issues are apparent in Appellant's appeal.

Hearing officers are without jurisdiction to rule on the constitutionality of the Career Service Rules. [See, e.g., In re Ray, CSA 57-06, 3 (12/4/06)]. A hearing officer's authority is limited by the Career Service Rules to affirming, modifying, or reversing agency action based on findings made after a hearing on the merits of an appeal. CSR §19-55. Only the Judicial Branch of government may rule on the constitutionality of Career Service Rules. See Arapahoe Roofing & Sheet Metal, Inc. v. Denver, 831 P.2d 451 (Colo. 1992).

In consequence of the above, the Appellant is directed to state, by July 15, 2013, how the Hearings Office has jurisdiction over her constitutional claims. Failure to respond will result in the dismissal of those claims. The Agency may also respond by July 15.

DONE July 8, 2013.


Bruce A. Plotkin
Career Service Hearing Officer

I certify that, on July, 2013, I delivered a correct copy of this Order to the following, in the manner indicated:

Ms. Faun Gomez, 456 W. 91 st Circle, Thornton, CO 80260	(via U.S. mail);
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