



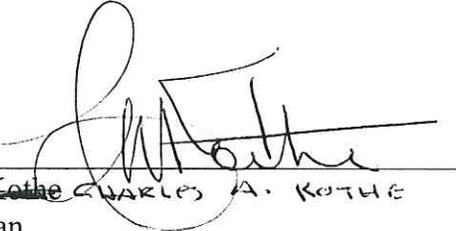
5. This action followed.

### CONCLUSIONS OF LAW

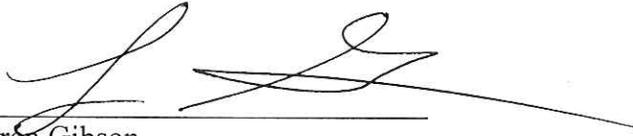
1. Respondent's motion was filed as a Motion to Dismiss. Complainant asserts the motion should be reviewed as a Motion for Summary Judgment. The parties acknowledge discovery is complete.
2. The distinction is irrelevant here. This action is taken under the purview of the Administrative Procedures Act, 75 O.S.1991 and Supp.1997, Sec. 308a, et seq. The motion is best reviewed to determine if the Board has jurisdiction to hear this matter, regardless of the nomenclature of the type of motion filed.
3. The Board has reviewed the facts presented in a light most favorable to the Complainant.
4. From the materials presented to the Board, the Board determines that any statement by Mr. Lemons was the result of a police investigation of a criminal matter and outside the acts contemplated as grounds for an unfair labor practice under 11 O.S.1991, Sec. 51-102.
5. This matter should be dismissed.

### ORDER

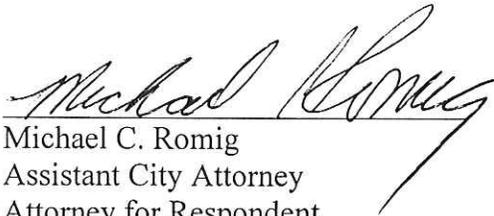
It is therefore the **ORDER** of the Board that this matter is **DISMISSED**.

  
~~James Kothe~~ CHARLES A. ROTHE  
Chairman  
Public Employees Relations Board

Approved as to form:

A handwritten signature in black ink, appearing to read 'Loren Gibson', written over a horizontal line.

Loren Gibson  
Attorney at Law  
Attorney for Complainant

A handwritten signature in black ink, appearing to read 'Michael C. Romig', written over a horizontal line.

Michael C. Romig  
Assistant City Attorney  
Attorney for Respondent

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