

FILED

FEB 28 2008

Public Employees Relations
Board

PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

FRATERNAL ORDER OF POLICE,)
LODGE 123,)
)
Complainant,)
)
vs.)
)
CITY OF OKLAHOMA CITY,)
OKLAHOMA,)
)
Respondent.)

Case No. 00448

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 14th day of February, 2008, on the Motion for Summary Judgment filed by the Respondent City of Oklahoma City (the "City"). The City appeared by and through its attorney, Richard E. Mahoney. The Fraternal Order of Police, Lodge 123 ("FOP" or the "Union"), appeared by and through its attorney, James R. Moore.

The Union brought the present action alleging that retaliatory actions were taken against a police officer because he grieved the City's tattoo directive.

"Summary judgment is appropriate only where it appears that there is no substantial controversy as to any material fact and that one party is entitled to judgment as a matter of law." *Post Oak Oil Co. v. Stack & Barnes, P.C.*, 913 P.2d 1311, 1313 (Okla. 1996). The Board finds that the City's Motion for Summary Judgment should be, and is hereby, DENIED.

Dated: February 25, 2008



Craig W. Hoster, Chair
Public Employees Relations Board