



Arizona Ombudsman – Citizens' Aide

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May 17, 2012

Members of the Arizona Legislature Council Committee

The Honorable Jan Brewer, Governor

Subject: Annual Ombudsman Report to Legislative Council Committee

Pursuant to A.R.S. § 41-1376, I have the pleasure of submitting the annual report on the performance of the Arizona Ombudsman - Citizens' Aide Office for the calendar year 2011.

This is our sixteenth annual report and we hope it illustrates how our small office helps the people of Arizona in a big way. As in previous reports, we have included a sampling of the kinds of problems that people bring to us and how we responded to them. We have also included information that statute directs us to provide to the legislature, governor and public.

In 2011, we helped over 4,013 Arizona citizens by addressing the public's questions and complaints about agencies of state government and by answering their public access concerns about all levels of local government. We examine how agency policies and procedures impact people, businesses, and other forms of government. Since we are not under any agency's control, we can make an independent assessment. When an agency is wrong, we work to correct the situation. When an agency is right, we explain why they are right.

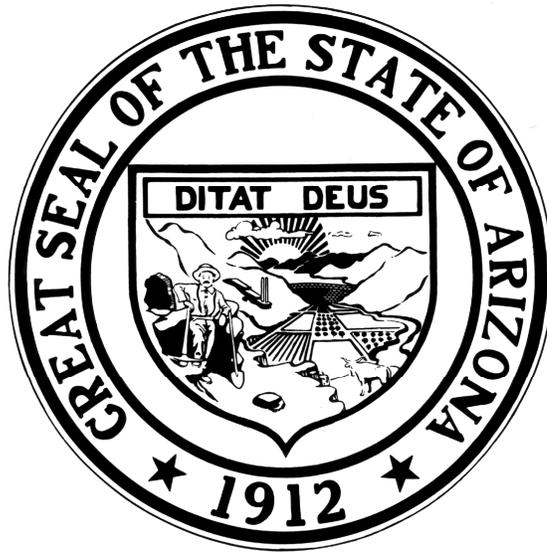
Many times our complaint resolution results in financial savings. Sometimes it's the state agency that saves money. Sometimes, it's a small business or a private citizen who benefits, and sometimes both save. This report will highlight some of those instances.

I hope you find this report useful. Please contact us if you have any questions or comments. We welcome the opportunity to sit down and discuss our program with you. We could also use your help in spreading the word about the services we offer. If you know of someone who could use our assistance, please let us know so we can contact him or her or point them to our web site.

In closing, I would like to thank you for the opportunity to serve as Acting Ombudsman over the past year. It has been a pleasure and I am proud of our office and staff members' development over the year. The new Ombudsman, Dennis Wells, begins his tenure on July 1, 2012 and we are busy preparing in the hope we can make the transition easy for him.

Sincerely,

Joanne C. MacDonnell
Acting Ombudsman-Citizens' Aide



Arizona Ombudsman-Citizens' Aide
Annual Performance Report
January 1, 2011 – December 31, 2011

Submitted by
Acting Ombudsman-Citizens' Aide
Joanne C. MacDonnell

May 17, 2011

Mission Statement

[Required pursuant to A.R.S. § 41-1376(A)(2)(a)]

The mission of the Arizona Ombudsman-Citizens' Aide is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies and, when warranted, recommend fair and appropriate remedy.

Customer Satisfaction Survey

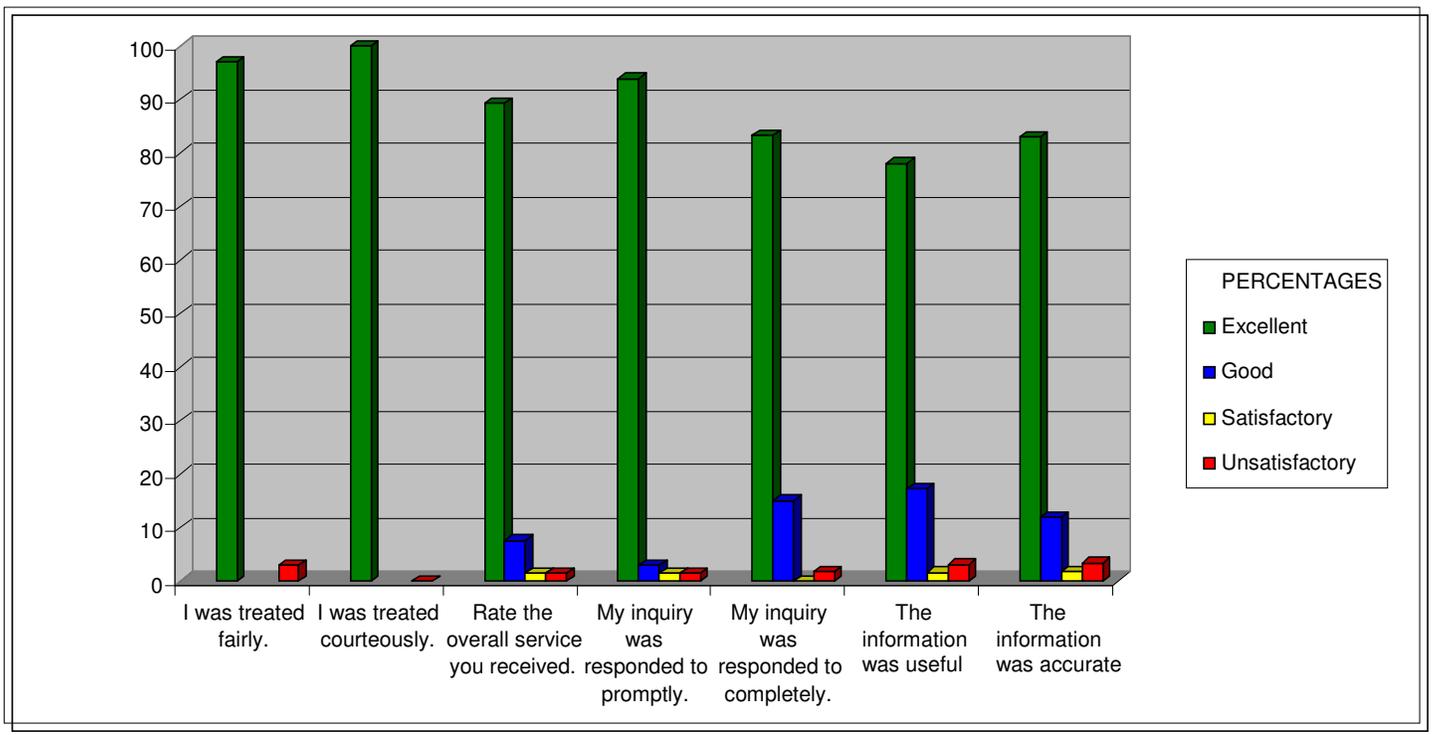
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing six standards that we developed in our strategic plan.

These standards are:

- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** solutions to citizens.
- Provide **accurate** responses to citizen complaints.
- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.

The following chart and comments summarize the results of the survey for calendar year 2011:

Survey Results in Percentage



Selected Survey and Other Comments from Jan-Dec 2011

Great Service!

Can't thank you enough for your help at resolving a very difficult situation, and within 3 business days was absolutely amazing. I had struggled for 6 weeks to get the correct answers with no resolution even insight. The people in Congress need lessons from you and your office.

I was lost and had no idea who to turn to, where to go for advice. Kate made me feel like I could handle this difficult issue alone when lawyers were turning me down or simply not responding to my calls... when I felt terrified and so small. Her advice empowered me and encouraged me to think clearly.

As a citizen, African American Single Parent of 3 children. Always questioned who was there to protect the citizens. Always felt alone. One night I prayed to God to give me a clear mind and open my eyes to see whatever was written in documents. Bottom of page the Ombudsman Citizen Aide. Checked out website and read the annual reports. Many citizens as myself were or had gone through trials and tribulations. . . They were someone out there for us citizens. I am thankful to GOD of this company.

Adam speaks clearly & he provided me with the information I needed. He was very courteous & polite. Most of all he was eager to please and you just don't find that these days in the line of work he's in. He is staying on top of my case & doing everything in his power to help me. He listens & he gives good advice.

Having the class available here at the District Office was most beneficial due to homeowners' schedules. I would like to thank Kathryn for making herself available to suit everyone's needs.

Satarah Worthy was very helpful, excellent, support & follow up.

Ms. MacDonnell, everything appears to be cleared up and running smoothly. Thank you so very much for taking the time to research this issue and follow up on it.

Mrs. Carmen gave me all the help I needed with a good attitude. I want to thank her for her help and support she provided. Carmen I want to thank you for being so efficient and for giving me the help that I needed.

Very impressed

Kate: Thank you for reuniting my children with their sister. . . I cannot thank you enough for all of your help and support. You are our angel!!! You will forever be in our hearts.

My experience with Fernando (Adam) Rios was excellent; non-inhibited and attitude was not threatening in anyway.

Thanks to Joanne for the resources and a good conversation! I'll be in touch if I have any more questions.

For the first time in 16 months, someone took the time to really sit and explain the way the system works, what they can and cannot do, how I can help myself and gave me some great tips too! And I have to give all the credit to Arizona Ombudsman-Citizens' Aide. Many, many thanks! I finally feel like I know what is going on and have a plan on what steps to take.

Satarah was the only person of 4 or 5 community services that helped me. She also went above and beyond her duties by calling to remind me of an upcoming appeal hearing. Please keep her and give her a raise!

I will always keep your office in mind, if I experience any problems. If you are non-profit, let me know where I can send a check, I would be glad to help.

Carmen: Txxxxx called to thank the office. . .He said you saved his daughter's life. He wondered how he could donate to our office.

It is unusual to rate something straight through as "*excellent*", however this was certainly the case. I came with a complicated issue that I could not explain due to having aphasia, and Mr. Rios immediately accepted and took the information through e-mail. He responded immediately to my needs by informing the office about which I had concerns, that there was an inquiry pending. This alone assisted me from having more complicated problems. It was no longer than two business days when my situation was resolved by Mr. Rios.

My other options were legal and/or filing a Civil Rights complaint. The better solution was exactly what occurred, an intelligent voice speaking on my behalf and requesting remedy after discovering the facts of the case.

Everyone was very courteous and Kathryn was very patient and thorough in understanding and fleshing out my questions.

An Ombudsman, in my view, is ideally one who is not in the employ of the entity about which one is filing a complaint. You fill a very important role in that respect. So, not only did I find an impartial party, but one who acted immediately and preserved my legal rights. That is truly "*excellent*."

I am relieved and thankful as this was a terribly distressing event and it was resolved quickly and without rancor. Thank you infinitively.

Kate: Just got the title put back in my son's name what a big relief. Can't thank you enough, and thanks to Sylvia and Diana [from MVD] for their exceptional work and customer service.

Every time I email the Ombudsman's office, I ALWAYS get a quick response. Thank you.

I am genuinely astonished at the courtesy and kindness that I received.

We (I) depend on the assistance provided by the Ombudsman-Citizen's Aide when there is an issue that needs clarification or that may be in a "gray area," so I appreciate this office very much. My dealings with the present Aide have been very helpful and I am constantly learning more about the process.

Thank you so much for representing people like us when we can't get results on our own. Incredible!

I would just like to thank Kate and the others for thoroughly researching my concern! It sure feels good to know that there is someone to turn to when there is unreasonableness all around you . . . Your process gives me some assurance that there are reasonable people in State government that can make rationale decisions.

For Satarah and re: AZ Nursing Board. She helped me facilitate getting my fingerprint card sent to DPS for clearance for my certification for my CAN certificate.

Thank you so much for your assistance. I was so frustrated and upset when first calling. I really appreciate everything!

Excellent source of referral and information and very helpful.

Thank you Leighana. I tried for 3 months to get a reply from the Arizona Board of Education and even contacted the Governor's Office. You were the only people who managed to break through and get the information.

I appreciate your help. Thank you for all you do.

Carmen Salas took my call, recorded my concerns and forwarded them to the proper party. Thank you so much for your involvement. DCSE actually took responsibility for the error.

Very good service and took care of my situation quick.

The response was so quick that by the time we left the office and return home, the problem had been resolved. THANK YOU!!

It's good to know that you are there for me!!

Adam your help made all the difference in world! Excellent work. Don't know what I would have done without your help!!!

Ms. Joanne MacDonnell was terrific. She remembered that this false identity case was a repeat from a year ago. She responded quickly & with great results. Felt very good about her advice.

Fabulous service -- thank you!

How We Help People

We provide a unique service to citizens because we are an objective place where they can complain when they think their government has treated them unfairly. The first thing we do is listen to the person's complaint. For some people this is the first time they feel that anyone in government actually listened to them. We then respond in the most appropriate way.

We group responses onto three categories:

1. Coaching. Quite often, people come to us with problems they could handle themselves, if only they knew how. We try to help these folks by giving them the tools they need to go out and be their own advocate. Coaching includes:

- defining issues and rights,
- identifying options and interests,
- referring people to the right administrator,
- explaining agency policies and processes,
- identifying and researching information, and
- developing reasonable expectations.

Coaching is the starting point for our cases and may be enough to give citizens the information and confidence they need to address their problems on their own.

2. Informal Assistance. Sometimes coaching isn't enough and people need a helping hand. Most complaints are the result of miscommunication, a simple mistake, or a glitch that caused the normal administrative process to break down. We try to resolve these problems as quickly and informally as possible. We may call an agency on the citizen's behalf, facilitate a meeting between the parties, or coordinate an action between agencies. Assistance focuses on solving the problem, instead of assigning blame.

3. Investigation. Some complaints are more serious and don't lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. If, after an investigation we believe the complaint is justified, we work with the parties to try to reach an appropriate solution. Although we have no authority to compel an agency to follow our recommendations, most administrators are more than willing to resolve a legitimate problem once we bring it to their attention. If the complaint is not justified, we go back to the complainant and explain what we found and why we believe the agency acted appropriately. If necessary, we write a report of our findings and recommendations and send it to the agency, legislature, governor, public, and/or attorney general, as appropriate.

Sometimes the problem only impacts one person. In those instances, we can fix the problem for that individual and move on to other complaints. In other cases, however, there may be a fault in the system that caused this problem to happen. When we see a systemic problem, we make recommendations to the agency, or suggest one or more changes in statute so the problem is corrected and not repeated.

Case Summaries

We want to give you a sense of how our efforts translate into actual results. We documented 4,013 cases in 2011. The following case summaries are taken from the 1,902 cases we completed in the second half of this year. Our office has three areas of focus, so we will cite from each. The first area is related to cases of a general administrative nature involving complaints against state agencies. The second area focuses on CPS cases and the third on public access.

A. Complaints about administrative actions of state agencies.

1. The following example illustrates where we resolved a case that no one else was able to resolve internally.

1102387. DES - Child Support Enforcement

We received a call from a man complaining about DCSE. The man said that about 3 months ago he owed about \$300 in arrears, but DCSE now claims he owes \$3,000. He had requested an administrative review in his child support case because he cannot find where the tax intercepts for the past three years have been deducted. He said DCSE had not completed the review in a timely fashion. He would like the review of his case to be completed.

We contacted DCSE and went over these factors and asked them to complete the review of the file. DCSE did so. DCSE determined they had not fully credited the man's account for a payment. DCSE corrected their posting error. They recalculated the complainant's account and determined he was current on his child support payments and had fully paid off his arrears balance. DCSE requested their Income Wage Withholding Unit amend the account to only collect the current support amount due. DCSE then corrected their report to the credit agencies so the man's credit report was accurate. The complainant said he appreciated our intervention and he was happy with the outcome of the recalculation of his account.

2. The following examples highlight several cases where the resolution of the problem resulted in a financial savings to (or financial remedy for) a citizen.

100979, 1101134 & 1102705. ADOT- MVD & DES Child Support Enforcement

We received three very similar cases and assisted in an investigation conducted by two agencies. The complainants each purchased a vehicle and signed titles provided to them by the seller. The problem arose when the complainants tried to get license plates for the vehicles. The Motor Vehicles Division (MVD) refused, saying the vehicles could not be licensed, as the Arizona Division of Child Support Enforcement (DCSE) had liens against each car. The complainants had, coincidentally, each purchased their vehicles from the same seller.

We contacted the Arizona Division of Child Support Enforcement and learned the seller had thousands of dollars in child support arrearages. We explained this to the buyers and told them we would try to resolve the matter. Each complainant was not only appreciative of our efforts, but also sympathetic to the state's attempt to collect child support payments from the

seller. All the complainants agreed to cooperate with the investigation and offered information they had about the seller.

DCSE had difficulty tracking the seller's funds, because he dealt in cash and turned the cars over quickly throughout the state. Both agencies were determined to stop the seller from engaging in the illegal activity, but had to develop the legal arguments and evidence sufficient to successfully prosecute him. We informed the detective investigating the case that the buyers had information. The detective talked to the buyers, confirmed the pattern, and released the lien on each vehicle. He then turned the case over to the Department of Motor Vehicles so they could charge the man for selling cars without a dealer's license. DCSE completed the investigation quickly and facilitated the new vehicle registrations for the complainants. The complainants were grateful to us for our assistance and said they would continue to cooperate with the investigation as needed.

1101487. DES - Benefits and Medical Eligibility

A woman contacted us because she believed that DES used incorrect income figures and this resulted in them rejecting her application for AHCCCS coverage. We contacted DES and they re-calculated her income, but she was still over the legal income limit. We informed her that our review confirmed her case was properly calculated. She understood, but was very concerned because she was battling lung cancer and needed one more chemotherapy treatment and two follow up visits, both of which were beyond her means. We encouraged her to consider alternatives to paying for her last treatment and suggested she speak with her doctor. She did so and got back to us to let us know she worked out an agreement with her physician. The physician lowered the amount she owed, set up a payment plan and helped her find other funding sources. She thanked us for suggesting these options and said that it may have prolonged her life. She said she appreciated the assistance she received from our office.

1103968. DES - Child Support Enforcement

A divorced father was upset because the Department of Child Support Enforcement (DCSE) miscalculated the amount he owed in child support. When DCSE discovered their overcharge, they declined to help him recover the excess money they collected and told him that he would need to recover it from his ex-wife through the court system. He argued the error was the fault of DCSE and not him, so it was unfair to solely put the burden on him to get the situation fixed. He noted he would incur additional expense in order to pay court costs and fight for what was rightfully his money in the first place. The man wanted DCSE either to credit him the amount in future payments or seek repayment from his ex-wife.

We reviewed the information and contacted DCSE. We asked DCSE to confirm or refute the allegation. DCSE confirmed they erred in the matter and had declined to assist the man in recovering the money. However, DCSE said the overpayment amount was actually a lower amount than they had initially calculated (about \$500 instead of \$1500). We told DCSE that nonetheless, their error resulted in a financial loss for the man and they should not compound the error by making him spend more money to recover the funds. DCSE managers agreed. They contacted the judge directly and asked for an intervention from the court to help the man recover the overpayment to his ex-wife. The man later received compensation for the amount DCSE overcharged without having to spend his own money to recover it in court. The man was grateful for our assistance.

1102229. Public Safety Personnel Retirement System

A retirement plan beneficiary contacted the office with a complaint about the Public Safety Personnel Retirement System. Her father was a member of the Elected Officials Retirement Plan at the time of his death. Although she was the rightful beneficiary, benefits were erroneously paid to her father's ex-wife. The retirement system told her they must first recover the money from the ex-wife before she could be paid. She did not believe this was fair and was concerned because she could not close her father's estate.

We contacted the legal counsel for the Public Safety Personnel Retirement System and asked for a review. The legal counsel analyzed the situation and determined the original response from the retirement system was incorrect. Therefore, funds would be paid out to the beneficiary immediately and the retirement system would take steps to recover the money from the ex-wife. We confirmed written notice of the decision was sent to the beneficiary's attorney.

1102672. Department of Transportation-Motor Vehicle Division

A motorist complained the Department of Transportation - Motor Vehicle Division (MVD) mailed him a letter stating he owed \$10 to MVD. When the man contacted the MVD Accounting Department, the customer service representative could not find the source of the charge. He wanted more information before submitting payment. We contacted the Department of Transportation - Motor Vehicle Division. A representative from the director's office stated that the letter was mailed in error. The department actually owed the motorist \$10 for failing to give him correct change during a cashier transaction. We contacted the motorist and explained the error. We informed him that the department would be mailing him a revised letter and check for the balance owed.

3. The following examples highlight cases where the resolution of the problem resulted in financial savings to a small business.

11021133. Department of Health Services

A woman who manages a group home complained the Department of Health Services (DHS) left the business in limbo after citing infractions. She explained the Department of Health Services visited the home on May 27, 2011 and found it not in compliance with some laws. She said DHS informed the home manager she must correct the infractions quickly because DHS would return in 24-hours to re-inspect the home. DHS then failed to return for the re-inspection. The manager said she did not know whether their facility license was suspended or not. The manager had tried to get DHS to respond, but they had not. She asked us to review the situation.

We reviewed the matter and then contacted the Department of Health Services. DHS acknowledged they had not completed the case. They sent a letter with a plan of correction to the home manager.

We contacted the manager and informed her about the forthcoming letter and plan of correction. We told her to follow the instructions and call the worker on the letter once her corrections are done so her home would be re-inspected. We told her to contact us if the agency does not respond promptly. She thanked us and said she appreciated we got the matter back on track.

1101238 & 1101922.

AHCCCS

We received two complaints from business owners who were clients of the Healthcare Group of Arizona. AHCCCS has oversight over Healthcare Group of Arizona (HCG). In both cases, HCG terminated the business owners' employee insurance policies, claiming the businesses did not pay their premiums on time. The companies contested HCG's claims. Both complainants said they followed HCG's instructions to mail their payments to a lockbox in Los Angeles, California and both posted their payments in time.

In one instance, the business owner's bank wrote a letter to HCG with proof the payment arrived to the HCG lockbox prior to the due date. HCG responded that did not matter because they also warn clients on a billing coupon to allow 7-10 days for checks to be processed at that box. HCG argued that because the business owners did not follow the HCG's specified allowance for time for payments to move from the Los Angeles lockbox to HCG in Arizona, HCG was at liberty to drop the company from medical insurance coverage.

Our office sent a notice letter to HCG alleging that this is an unreasonable response since both business owners sent payments on time and no law required payment to be sent 10 days in advance of the official due date.

Upon receipt of our notice letter, an HCG attorney determined the initial decision was incorrect. He said a problem existed between the bank used by both policyholders and HCG, but this did not give HCG authority to cancel the policies under such circumstances. The agency reinstated both policies for both complainants. They also made an internal change to manually check deposits received by the lockbox on the last day of each month and to accept payments as "timely" when received on the last day of the month.

1101120. Department of Public Safety (Capitol Police Department)

An attorney representing a credit union contacted us because the credit union had a financial interest in a vehicle taken by Capitol Police Department (CPD) three years ago. CPD claimed they were not required to release the vehicle to the credit union because the vehicle was financed to a man under investigation for crimes. The man had been arrested and the vehicle was confiscated, but CPD never demonstrated the car was related to the criminal allegations. The vehicle was last known to be in the possession of CPD. CPD said they could not release the car without processing it and that it might not be subject to release.

CPD said the officer assigned the case worked the night shift, had limited supervision, was inexperienced in complex investigations and worked on the investigation alone. CPD also noted they were undergoing a transition. As of July 2011, they would be under the jurisdiction of the Department of Public Safety (DPS).

The interim CPD Chief of Police, on loan from DPS, contacted the officer who was assigned the case at our behest. The officer told the Chief that a previous supervisor told him not to turn the vehicle over to the credit union because of the "criminal investigation."

We asked the Chief to determine whether the agency seized the vehicle for forfeiture or evidence. The Chief said he would contact the Attorney General's Office (AGO). The Chief did not return our calls, but eventually he gave us contact information for some assistant attorney generals in the Criminal Division. We contacted those individuals and found they

knew nothing of the vehicle situation, because the CPD had not turned over any report to them. We learned that without a report from CPD, the AGO could not release the vehicle.

We called the Assistant Attorney General (AAG) who represented Capitol Police. She said there was nothing she could do because she only handled "administrative" matters, but this case involved a criminal investigation. We then called our point of contact at the Department of Public Safety, who was surprised to learn that CPD had held onto the vehicle for three years. He stated it was an excessive amount of time and highly unusual, whether or not it was involved in a criminal investigation. He explained that by standard procedure, CPD should have either released the vehicle or filed a report with the AGO to start forfeiture proceedings.

We sent the police chief a notice letter, making our investigation of this case official. Upon receipt of the notice letter, the Chief said he would set up a meeting to discuss the matter with our office, the various attorneys at the AGO involved in the matter and his staff. He notified us of the meeting, but then cancelled it. He later said they held the meeting without our office because the AAG for the Department of Public Safety and Criminal Division advised him the vehicle was involved in a criminal investigation and that anything pertaining to the investigation was "under a gag order by the judge." No one at either the AGO or the CPD responded to our requests to see the gag order or any warrant for the seizure of the vehicle. Eventually a different AAG in the Criminal Division looked into the matter for us and said the accused man was released and the original charges had been dropped, but the case was under review and new charges might be filed. However, he agreed with our DPS point of contact and opined that CPD should not have held the vehicle for so long unless it was formally taken as evidence or otherwise legally forfeited. Given what he understood about the vehicle, he said he would advise CPD to release the vehicle to the credit union.

We asked the AAG to confirm that those at Capital Police who mishandled this case were informed how to avoid such evidence-handling mistakes in the future and to let us know when the vehicle was released to the credit union so we could close this investigation.

We received a letter from a new Assistant Attorney General claiming attorney-client privilege as the reason they would not give our office any details beyond a general assurance that the matter between the credit union and CPD would be resolved. Because attorney-client privilege is one of the criteria in statute which may exempt an agency from Ombudsman review, we did not contest this decision. We informed the attorney for the credit union that the two agencies had at least agreed to release the vehicle and asked her to let us know when the credit union received the car. We told her she could also proceed directly to court with this information and ask a judge to order the vehicle released more quickly given the admissions the Capitol Police staff had not handled the credit union property correctly. After a few more months of communication and paperwork, the AGO released the vehicle from the possession of Capitol Police to the credit union. The credit union's attorney told our office she was grateful for our intervention because without it, they were not getting any results despite years of effort.

1102714. Attorney General

A court reporter complained that he submitted an invoice for work he did for the Attorney General's Office (AGO) in April and they still have not paid him months later. He had spoken with several individuals at the AGO, each of whom said either he should be paid soon or told

him he needs to submit a W-9. He said he fully complied with the instructions. He sent the W-9 twice, the second time via certified mail, and they still have not paid him. He complained to an operator and she told him to call our office.

We took the man's information, reviewed it and then called the Accounts Payable department of the AGO. We asked them to get the problem resolved. We learned that the Administrative Projects Manager was waiting for a W-9 from another office, but he had never received it. The manager then contacted the complainant directly; made sure the court reporter was properly entered in the state's procurement system as a vendor, and processed the court reporter's reimbursement request within a couple weeks.

1102932. Department of Revenue

The daughter of a farmer contacted us with a complaint about the Department of Revenue (DOR). Her father's claim for unclaimed property was denied for failure to submit enough evidence. She disagreed with the decision saying DOR continued to contest ownership of the unclaimed property, yet the family submitted title, tax and other records which should have sufficed because it legally established ownership of the property in question. She wanted assistance resolving the claim because she and other members of her family had tried to navigate the DOR claim system for over a year on their own with no luck.

We contacted the Unclaimed Property Administrator at DOR. He asked the family to provide affidavits and more evidence to support their claim. He reviewed these and then stated the claim was denied previously because the tax identification number provided by the farmer did not match the identification number in DOR's database. The DOR administrator stated he could not reveal what number was in the database. However, he agreed to re-open the case. By doing so, the administrator was able to link the tax identification number in the database with some of the farmer's other businesses and verify the tax number did in fact belong to the farmer and his family. The DOR manager approved the claim and notified the daughter that the farmer would be receiving a check within a few weeks. We confirmed the daughter was notified and told her to contact us if she required further assistance.

4. The following example illustrates where our intervention led to a change in statute, rule, or policy.

1102603. ADOT - Motor Vehicle Division

A motorist contacted our office with a complaint about the Department of Transportation, Motor Vehicle Division (MVD). MVD had interpreted laws in a way that resulted in the driver being assigned a restricted license. The motorist claimed MVD misapplied the law about restricted licenses. She claimed MVD was not authorized to place a restriction on her license according to A.R.S. §28-3473.B.

MVD claimed A.R.S. §28-3473 granted them authority to require a person, who is convicted of driving on a suspended license, to use a restricted license. We agreed that in most instances, the statute does authorize this. However, A.R.S. §28-3473.B. is an exception to A.R.S. §28-3473 when the suspension is for A.R.S. §28-1601 (failure to pay a civil penalty).

We asked our attorney at Legislative Council if they concurred with our interpretation. They did and wrote a legal memorandum explaining the rationale. We forwarded this to MVD managers and asked them to review the matter with their legal counsel. After a consultation

with their Assistant Attorney General, MVD agreed to revise their interpretation of statutes in this subject matter. MVD then lifted the restriction from the complainant's license.

5. The following example illustrates where our intervention led to a change in an agency's procedure or practice.

1102434. State Board of Behavioral Health Examiners

An applicant contacted the office with a complaint about the Arizona Board of Behavioral Health Examiners (Board). She had been a licensed associate counselor (LAC) since 2008. In 2010, she let her license lapse while applying for a higher level counseling license because she did not want to maintain two licenses. She thought she would be approved, but the Board rejected her application for the higher license. The lady then re-applied for the LAC license she had previously held. The Board then denied her application for that license, saying she had failed to meet curriculum requirements. The applicant believed the Board's decision was unfair and inconsistent with its previous finding because this same curriculum had been approved by the Board during her initial licensure and the law had not changed.

We interviewed the Board's Executive Director. The Director stated that it was not prudent for the applicant to let her license expire. Once expired, an application is reviewed as if it is being submitted for the first time. She felt that the applicant's initial licensure was a gift from the previous board members because her counseling curriculum was not accredited by the Counsel on Rehabilitation Education (CORE) or the Counsel for Accreditation of Counseling and Related Educational Programs (CACREP) or substantially similar. Graduates of accredited counseling programs have a relatively easy time getting licensed, while graduates of non-accredited programs are reviewed on a case-by-case basis. She recognized that the situation was unfortunate, but the Board had to consider whether the coursework met criteria. She agreed that there is a subjective element to the decision-making because board/committee members are appointed every three years. Although the Board tries to be consistent and consider past decisions, those decisions are not binding.

We verified that the applicant's curriculum was not accredited by CORE or CACREP and would be subject to an evaluation process. We then researched the issue of whether an administrative agency could be bound by its previous decision. We consulted with Legislative Council. We found that, in a number of instances, the courts have barred an administrative agency, when acting in a quasi-judicial capacity, from reconsidering its prior final decision absent new facts. We could not find any new facts that would warrant a departure from the Board's prior decision. There had been no changes to the LAC curriculum requirements. The applicant's license was also in good standing during the entire time it was active. We notified the agency of our decision to initiate a formal investigation and provided them with our research. After receiving that, the Board's Counseling Credentialing Committee re-assessed their previous decision and voted to accept the applicant's curriculum and issue the license. Board staff also discussed hiring credentialing experts to prevent future inconsistencies.

6. The following examples illustrate where our intervention revealed a field practice that was not in accordance with the agency's stated policy/procedure.

1102415. Corporation Commission

A woman complained about the Arizona Corporation Commission (ACC) Corporations Division. She paid to have four Limited Liability Companies (LLCs) expedited on 06/22/11,

but she has not had any kind of response in a week. She went to the ACC and they tried to give her a screen print of the LLCs displayed on the system. She also did not like the way she was treated. She wanted stamped copies and the ACC staff would not provide them. She would like for someone to review her case and check why the filings were not expedited.

We contacted the Corporation Commission Corporations Division. Their director researched the matter and confirmed the woman paid to file four LLCs "expedited." She said the articles were received on 06/22/11, approved on 06/28/11 and they were processed "expedited." She noted regular filings take months, while expedited filings typically take a week or less to process.

The Corporations Division Director said the complainant did not pay for certified copies or certificates of good standing. The ACC said the counter person should have asked for assistance from his superior as to what the woman wanted because there seemed to be a language barrier. The Corporations Director said they would contact the complainant and send her certified copies of the articles for no charge. The complainant was happy at the resolution.

1103159. Department of Revenue

A taxpayer contacted the office with a complaint about the Department of Revenue (DOR). Her checking account was debited by DOR for over \$2,000 for her ex-husband's tax liability. The tax liability was incurred the same year the couple was divorced. The lady explained she had it written in her divorce decree, that she would not be responsible for any of her ex-spouses liabilities. When she explained the situation to DOR, the agency refused to reconsider its decision. She then asked our office to intervene and ask the matter be subject to higher review.

We contacted DOR and asked their problem resolution office to review the situation. A tax agent then reviewed the divorce decree and determined the lady was partially correct. DOR said the decree noted the taxpayer was not liable for debts incurred once the divorce was finalized. Since the couple was divorced mid-year, DOR staff refunded about 1/2 of the money.

1103759 DES - Employment and Rehabilitation

A veteran said that on September 26, 2011 he was laid off from work in Page, AZ while working for an LLC. The afternoon of September 26, 2011, he filed online for Department of Economic Security (DES) unemployment benefits. In mid-October 2011, he still hadn't received any unemployment benefits. He contacted the DES Unemployment Office (UI). He was told the wages he earned while working for a military hospital from May 2010 to April 2011 were not reported to DES.

The man said he faxed and mailed his W-2 Form from 2010 to the DES Unemployment Office on several occasions since mid-October 2011. Eight weeks after he filed for unemployment benefits, DES UI had still not verified his wages. The complainant asked for our intervention because he had been unable to resolve the matter with DES. The complainant said this issue may be the failure of the DES Unemployment Office to contact the proper office of his former employer for wage verification or the former employer not responding in an adequate manner to DES UI.

We gave the complainant the contact information for the federal ombudsman to troubleshoot the lack of the response from the federal office and we contacted the Arizona agency and asked them to re-evaluate the case. The Arizona agency expedited a reevaluation of the matter. They found the missing information. They issued the man the benefits he qualified for under UI laws.

7. The following example illustrates where our intervention resulted in better treatment of state employees or higher morale.

1100567, 1100874 DES - Employment and Rehabilitation

We received a call from a state employee who was relieved of her position with the Department of Economic Security's Unemployment Insurance Unit. When she reported to work one day, her desk was empty and her personal possessions were in a box. The employee claimed she had not been given any letter of charges noting deficiencies and had not been the subject of any discipline. She said her supervisor informed her that she was terminated from her position, effective immediately. Two days later the complainant received a letter from her former supervisor stating that the supervisor "accepted the complainant's resignation." The woman said this was a mistake of fact, because she had not resigned. We suggested to the woman that she could file a complaint with the state personnel board and told her we would alert the Arizona Department of Administration (ADOA).

We contacted an ADOA Human Resources, who then followed up with the human resources representative for DES. They discovered the DES supervisor erred in a number of respects and the complainant was not terminated in accordance with Arizona law. They explained that in recent years the DES unit was unable to keep up with demand and hired many workers who were elevated to midlevel management positions, without a solid understanding of human resources policies and procedures. They said the mistake would be rectified by offering the complainant her old job back. The DES human resources administrator then offered the complainant her former position back and provided her with retroactive pay.

After the worker returned to her position, she contacted us again, complaining that her former supervisor was retaliating against her. She alleged the supervisor gave her insurmountable workloads without the training necessary to accomplish the tasks.

Again, we contacted the ADOA administrator and DES Human Resources representative, who worked together to resolve the situation for the employee and the unit in which she was employed. They said that because of so many conflicts in the unit, they were working with higher managers to try to prevent the recurrence of problems such as the one this complainant experienced. They asked the accused manager to move the woman to a different department within the unit, which the manager agreed to do. The human resource managers then provided conflict resolution coaching and reviewed human resources policies with the DES managers.

The woman thanked our office for the assistance we provided her. She had no further problems in the new department. The ADOA and DES Human Resources Administrators also thanked us for bringing the matter to their attention so that they could help the unit manage conflicts and institute better personnel practices at DES in the hopes of averting personnel crises and avoidable costs in the future.

B. Ombudsman Office intervention in CPS cases.

The Assistant Ombudsman for Child Protective Services (CPS) helps individuals experiencing problems with the state agency dedicated to protecting children. The Assistant Ombudsman for CPS handles the bulk of the CPS cases as it is her exclusive task, but the other assistant ombudsmen also help with CPS cases as well as cases involving other agencies.

Parents, grandparents, and other relatives of the child seek help from our office when they believe CPS has treated them unfairly. Other sources of complaints include foster/adoptive parents, community service providers and members of the state legislature.

We provide help ranging from simple coaching and informal assistance, to the opening of an investigation. The majority of the coaching and assistance inquiries we receive involve clarification of CPS recommended services, explanation of the CPS and dependency processes, facilitation of communication by the case worker and legal counsel, and explanation about visitation or placement issues. These cases are easily rectified as we can facilitate effective communication between families and CPS and help mend communication breakdowns.

Similarly, we contact CPS to gather their perspective on the caller's complaint. Typically, a phone call or e-mail message to CPS staff can resolve frequently received complaints such as caseworker and office assignment problems, need for copies of case plans, failure to receive notification of staff meetings, or requests for Foster Care Review Board (FCRB) or court hearing dates. Case managers, supervisors or upper CPS management offer clarity to events, laws or policies and procedures. We foster clear channels of communication between this office and the various points of contact within Child Protective Services.

In contrast, some of the complaints we receive require an in-depth review of the case and direct contact with the caseworker or agency representative. These are often complaints where clients feel that the agency violated their rights or failed to provide adequate services. With these types of complaints, our office may initiate full-file reviews, request documents and other supporting data or meet with CPS staff. Additionally, we review case correspondence, therapeutic reports and the CPS CHILDS database as sources yielding an abundance of information to help facilitate the resolution of disputes. About one fourth of our total caseload (approximately 1000 of 4000+) is devoted to CPS cases.

Here are some examples where our intervention helped resolve concerns with CPS:

1100933. DES - Child Protective Services

A woman contacted our office because she learned that the father of her children had another child who was in CPS custody. Her sons wanted to continue to have contact with their half-sister, so the woman volunteered to be the foster placement. CPS was not considering it and instead placed the child with a non-relative foster family. CPS would not communicate with the woman.

We contacted CPS. At first, their response was that it would not be necessary to get the children together because the young girl was less than two and “she would eventually forget her older brothers.” They also said the girl was happy in her current placement. We noted the girl was not with family, yet Federal law and policies at DES favored qualifying family placements over unrelated foster family or group homes. Placing with approved extended family tends to be less traumatic for children and is much less costly to the State of Arizona.

We asked CPS why they were not considering the woman given that CPS records made no mention of any problem with her and the little girl could be reunited with her half-brothers. CPS managers re-examined the situation and realized their staff had confused the woman who called us with another relative, with whom they would not consider placing the girl. CPS then agreed to arrange a visit between the siblings.

The visit between the toddler, her siblings and the mother of the boys went very well. The mother reported her sons were now less confused and anxious about being separated from their little sister. CPS managers transferred the case to a new caseworker, who immediately requested a home study and “best interest” evaluation. The home study recommended the agency place the girl with the complainant. The woman said she was going to let CPS know she would like to volunteer to become a permanent placement for the child.

1101689. DES - Child Protective Services

A woman from out-of-state contacted our office with a complaint about CPS. Her two children were in a therapeutic group home in Pinal County which was being investigated by CPS and law enforcement. Law enforcement discovered the group home operators had been suspended previously and were unlicensed when they investigated recent allegations the home’s operators were abusing children. All the children residing in the home were removed by CPS and placed in safe homes.

The complainant-mother had numerous issues. She did not know where DES moved her children, and was concerned about their well-being and psychiatric care. She noted CPS did not keep her apprised of upcoming hearings, case managers were difficult to reach and CPS was otherwise not communicating with her.

We contacted CPS and learned this case involved a dozen children and two very shoddy group homes, run by a family. CPS said this was one of the more complex cases because it involved so many children and two renegade, unlicensed operators. Once the illegal situation was discovered, CPS promptly moved in and placed the children in approved temporary care until the hearing. We got word to the complainant.

Subsequently, the court ordered all the children returned to their parents. We contacted the woman, to close the case, as she was returning to her home state with her children. She was grateful for our call, as critical medication for her children was not in the possession of her children and had not been given to her by the temporary caregivers. We looked up the phone number of the children’s doctor in Arizona and provided it to the mother so she could request a prescription before the doctor’s office closed and also notified CPS. Two days later, CPS responded that our intervention helped expedite getting the important medication for the children.

1101276. DES - Child Protective Services

A woman called us because she wanted to take custody of her granddaughter, but was told by a CPS caseworker she could not do so because she lived in a different county than that of her daughter. The case manager told the grandmother that they were not willing to move the case from the county where the child was removed from her mother, because it involved too much administrative work. CPS instead placed the baby with the caller's 20 year-old daughter. The young aunt had a full-time job, was attending school and said she was overwhelmed and ill-equipped to care for the baby.

We contacted CPS and reviewed the situation with the case manager, supervisor and other administrators. Upon review, they agreed the current placement was not a long-term solution and the grandmother was best situated to be the placement. CPS staff agreed to work with the mother and moved the child to the county where the grandmother lived. The grandmother thanked us for our assistance.

1103750. DES - Child Protective Services

A mother complained about her assigned CPS specialist's unwillingness to increase parent-child contact. The mother further alleged the CPS caseworker had failed to provide the team with a copy of the case plan.

We reviewed the electronic case record documentation, applicable laws and CPS policy. We found that CPS was not in compliance with its policies surrounding case planning. We got in touch with CPS managers and explained our concerns and those of the complainant. CPS staff agreed to hold a case plan staffing, finalize the case plan, and provide the team with a copy of the plan. In addition, CPS staff agreed to review the parent's progress in January to determine if additional parent-child contact would be appropriate. We reported the plans to the mother and she was satisfied with the resolution.

1103957. DES - Children and Family Services

A kinship provider contacted the office with a complaint about the Department of Economic Security - Division of Children, Youth and Families (DCYF). She was a California resident and agreed to take custody of her stepdaughter (an Arizona resident) while her husband was incarcerated. The placement was coordinated through the Arizona and California Interstate Compact for the Placement of Children (ICPC) offices. As a kinship provider, she believed that she was entitled to monthly reimbursements to cover expenses, but DCYF was only authorizing a small clothing and personal allowance because her home was not licensed. She did not believe this was fair because kinship homes are not licensed in California.

We reviewed California social service laws and federal ICPC regulations. We verified that kinship homes are exempt from foster home licensure in California and that under the ICPC, children placed out-of-state are afforded the same protections and services that they would receive in their home state. We discussed our concerns with the DCYF Assistant Program Manager. DCYF reviewed the case and determined that she was eligible for reimbursement. The case was forwarded to the Attorney General's Office to establish a court order. We notified the provider that she would begin receiving kinship reimbursements.

3. Ombudsman Office intervention relating to Public Access concerns

OUTREACH AND EDUCATION

Educational Materials

We continue to receive requests for copies of our open meeting law and public records law booklets. They are also available on our website. We are working to release an updated version of our booklets in paper form. In addition, I share and help develop training materials for public bodies.

Trainings

There is a huge demand for training throughout the State. During 2011, I provided 15 training sessions. In an effort to streamline training and reduce expenses, I have successfully worked with several counties to coordinate centralized trainings; reaching out to the various local entities: county departments, towns, cities, local boards, commissions, and committees, school districts, charter schools, fire districts, and all special districts. I am also exploring the possibility of webcasts.

Website

I continue to update our website with publications, training opportunities, and developments in the open meeting and public records law: new case law, legislation, and Attorney General Opinions.

INQUIRIES AND INVESTIGATIONS

In 2011, our office received 655 calls regarding matters related to public access. Of those calls, 381 were public record inquires and 274 were open meeting inquiries. Table 1 provides a breakdown of the number of inquires received from the public, the media, and government agencies. Table 2 provides the number of inquiries received about state agencies, county agencies, city or town agencies, school districts, and other local jurisdictions.

Table 1

	Public Inquiries	Media Inquiries	Government Agency Inquiries
Number of inquires	382	35	238

Table 2

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquires	135	81	211	89	140

Here are some examples where our intervention helped resolve concerns with public record and open meeting cases:

1103305. Sierra Vista School District

A parent of a Sierra Vista School District student requested assistance getting public records related to her son's education. She had an upcoming due process hearing where she needed the records to make an argument. We initially contacted the school to discuss the fees for

records. The school's policy has questionable language which states that Open Meeting materials would cost \$.10 per page and other documentation would cost \$.35 per page. We discussed that the school could only charge a reasonable fee for copying expenses. The school agreed and told me that they were not charging for anything additional. We recommended that they make a uniform fee to avoid confusion. Secondly, the requestor stated that school staff told her that they would call her to make an appointment for inspection. However, discussions with the school district personnel revealed that they were waiting for the requestor to contact them to schedule a time to inspect the records. We clarified with requestor and the school district personnel allowed her to inspect the records the following day.

1103395. St Johns

The city clerk of St. Johns requested assistance on releasing a 911 phone call made by a minor child. It is typically the city's practice to redact identifying information of minor children. However, the clerk requested assistance on properly protecting the identifying information for an audio recording. We sent the clerk caselaw discussing a 911 phone call of the minor child where the public body prevailed in withholding the audio where a transcript of the call was provided to the requestor. We suggested that the clerk consider having the recording transcribed so that it could be redacted.

1103512. Rancho Jardinas Water District

A resident of Rancho Jardinas Irrigation District complained that the District President discussed an employee matter that was not listed on the agenda and polled the members of the public body while in executive session. This District recently completed an Attorney General Open Meeting Law Enforcement Team (OMLET) investigation and the recommended training. In light of their recent violation, trainings and numerous reports that the District President has made comments indicating that he is not required to follow Open Meeting Law, we discussed with the agency contact person that we would issue a warning and future cases would result in a referral to OMLET for an investigation. We sent the District a warning letter and recommended that the District President attend another Open Meeting Law training.

1103622. Veterinary Medical Examining Board

A complainant in a Veterinary Board case requested a copy of the audio of an executive session. The complainant was interviewed in executive session along with other witnesses in the course of an investigation. We reviewed the Board's statutes on confidentiality and spoke to their Attorney General about the content of the executive session and concluded that the Board rightfully denied the request. We discussed the outcome with the complainant and explained that the Board would be violating the Open Meeting Law by disclosing material in executive session.

1103681. Bowie School District

A resident of Bowie School District requested audio of a meeting and the principal denied the request stating that she could inspect the audio but they did not have the capability to copy the audio. We discussed the public records requirements with the principal and he learned how to copy the audio to fulfill the public records request.

CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	1	0	0	1
Acupuncture, Board of Examiners of	0	1	0	1
Adams Traditional Academy	1	0	0	1
Administration, Department of	14	14	1	29
Agriculture, Department of	0	1	0	1
AHCCCS	33	61	6	100
Apache County	14	8	0	22
Appraisal, Arizona Board of	0	1	1	2
Arizona City Sanitary District	2	0	0	2
Arizona Commission for the Deaf & Hard of Hearing	2	0	0	2
Arizona Senior Academy	1	0	0	1
Arizona State Hospital	1	1	0	2
ASU -Arizona State University	8	0	0	8
Athletic Training, Board of	0	0	1	1
Attorney General, Office of	27	8	1	36
Auditor General	0	3	0	3
AZ Peace Officer Standards & Training Board	3	2	0	5
AZ Prosecuting Attrny Adv Council -APAAC	1	1	0	2
Barbers, Arizona Board of	0	1	0	1
Behavioral Health Examiners, State Board of	5	13	8	26
Benson	1	0	0	1
Bisbee	6	0	0	6
Bisbee Unified School District	1	0	0	1
Bluewater Improvement Department	1	0	0	1
Bouse School District	0	2	0	2
Bowie School District	0	0	1	1
Bowie Water District	1	1	0	2
Boxing Commission	2	0	0	2
Buckskin Fire Department	6	0	0	6
Bullhead City	3	1	1	5
Carpe Diem Collegiate High School	1	0	0	1
Cartwright	0	1	0	1
Central Arizona Assn of Governments	1	0	0	1
Central Yavapai Fire District	1	0	0	1
Central Yavapai Metropolitan Planning Organization	1	0	0	1
Chandler	0	1	0	1
Chandler Heights Citrus Irrigation District	0	1	0	1
Charter Schools, Arizona State Board of	3	1	0	4
Chino Valley	2	0	0	2
Chiropractic Examiners, State Board of	0	2	0	2
Chloride Water Improvement District	10	0	0	10
CI Waggoner Elementary School	1	0	0	1
City of Maricopa	2	0	0	2
Cochise County	4	2	1	7
Commerce, Department of	2	1	0	3
Compensation Fund	1	0	1	2
Congress School District	1	1	0	2

Cornville School District	1	0	0	1
Corporation Commission	11	8	3	22
Corrections, Department of	17	7	1	25
Daisy Mountain Fire District	2	0	0	2
Deer Valley Unified School District	0	2	0	2
Dental Examiners, Board of	7	6	2	15
Department of Economic Security	10	4	0	14
DES - Aging & Community Services	103	8	1	112
DES - Benefits and Medical Eligibility	54	487	38	579
DES - Child Protective Services	230	680	89	999
DES - Child Support Enforcement	11	76	11	98
DES - Children and Family Services	5	6	1	12
DES - Developmental Disabilities	6	14	0	20
DES - Employment and Rehabilitation	18	96	13	127
DES - Other	4	14	5	23
Desert Marigold School	5	1	0	6
Developmental Disabilities Council	1	0	0	1
Dewey	14	3	0	17
Douglas	0	1	0	1
Duncan School District	1	0	0	1
Education, Department of	8	4	0	12
Elfrida Elementary School District #12	2	0	0	2
Eloy	1	0	0	1
Elton Fire District	1	0	0	1
Emergency & Military Affairs, Department of	0	1	0	1
Enscription Sanitary District	1	1	0	2
Environmental Quality, Department of	3	2	0	5
Equalization, State Board of	1	0	0	1
Executive Clemency, Board of	1	0	0	1
Financial Institutions, Arizona Department of	7	1	0	8
Fingerprinting, Board of	3	1	0	4
Fire Building and Life Safety, Department of	2	2	0	4
Flagstaff	3	0	0	3
Florence	1	0	0	1
Game and Fish, Department of	3	5	1	9
Gila County	6	0	1	7
Gilbert Public Schools	2	0	0	2
Glendale	2	1	1	4
Glendale Union High School District	1	0	0	1
Goodyear	3	0	0	3
Governor, Office of	15	1	0	16
Governor's Council on Blindness and Visual Impairm	1	0	0	1
Governor's Council on Developmental Disabilities	1	0	0	1
Governor's Council on Spinal and Head Injuries	1	0	0	1
Health Services, Department of	40	14	5	59
Historical Society, Arizona	2	0	0	2
Housing, Department of	2	1	1	4
Industrial Commission	17	9	3	29
Insurance, Department of	17	12	0	29
Jerome	3	0	0	3
Jess Schwartz Academy	1	0	0	1
Judicial Conduct, Commission on	8	0	0	8

Kaibab West Fire District	2	1	0	3
Kingman School District	1	0	0	1
La Paz County	0	2	0	2
Lake Havasu City	1	0	0	1
Lake Havasu Unified School District	0	3	1	4
Land, Department of	1	1	0	2
Legislature	30	5	0	35
Library, Archive & Records Dept.	6	3	0	9
Liquor Licenses and Control, Department of	2	0	0	2
Littleton Elementary School District	0	1	0	1
Lottery	0	1	0	1
Mammoth	2	0	0	2
Manufactured Housing, Office of	0	2	0	2
Maricopa	1	0	0	1
Maricopa County	5	3	0	8
Massage Therapy, State Board of	1	4	0	5
Mayer Fire District	14	1	0	15
McNeal Elementary School	0	0	3	3
Medical Board, Arizona	11	5	4	20
Mesa	4	0	0	4
Mesa School District	3	0	0	3
Mingus Mountain Academy	0	1	0	1
Mohave Valley School District	1	0	0	1
Mojave Community College	1	0	0	1
Mojave County	9	2	0	11
Morenci Unified School District	1	0	0	1
Nadaburg School District	1	0	0	1
Navajo County	1	1	0	2
Nogales	1	0	0	1
North Cochise Community Hospital	2	0	0	2
North Star Charter School	2	0	0	2
Nursing, State Board of	3	9	2	14
Ombudsman	93	13	1	107
Oro Valley	1	1	0	2
Osteopathic Examiners, Board of	1	0	1	2
Other - Government	192	28	1	221
Other - Private	190	15	0	205
Palominas Fire District	17	3	1	21
Paradise Valley	3	0	0	3
Paradise Valley School District	1	0	0	1
Parker	2	1	0	3
Peoria Unified School District	3	0	0	3
Pest Management, Office of	0	0	1	1
Phoenix	6	2	1	9
Physical Therapy Examiners, Board of	1	0	0	1
Pima County	6	3	0	9
Pima County Small Business Commission	1	0	0	1
Pinal County	4	0	0	4
Pinetop	5	0	0	5
Pioneers Home	1	0	0	1
Podiatry Examiners, State Board of	1	0	0	1
Prescott	6	4	0	10

Prescott Valley	1	0	0	1
Private Post-Secondary Education, Board for	1	2	0	3
Psychologist Examiners, State Board of	1	0	0	1
Public Safety Personnel Retirement System	2	1	0	3
Public Safety, Department of	4	5	3	12
Quartzsite	8	2	4	14
Racing, Department of	14	3	1	18
Radiation Regulatory Agency	2	2	0	4
Rancho Jardinias Water District	0	0	1	1
Real Estate, Department of	7	8	3	18
Regents, Arizona Board of	1	0	0	1
Registrar of Contractors	10	36	3	49
Respiratory Care Examiners, Board of	0	0	1	1
Retirement System, Arizona State	4	6	1	11
Revenue, Department of	9	35	8	52
Riverside School District	1	0	0	1
Sahuarita	1	0	0	1
Saint David Fire District	0	0	1	1
Salome Elementary	0	1	0	1
San Tan Irrigation District	3	0	0	3
Santa Cruz County	1	0	0	1
Santa Cruz Regional School District	2	0	0	2
School Facilities Board	1	0	0	1
Secretary of State, Office of	7	1	0	8
Sedona	1	0	0	1
Sedona Fire District	1	0	1	2
Sedona Red Rock High School	1	0	0	1
Show Low	1	0	0	1
Sierra Oaks School	2	0	0	2
Sierra Vista	5	0	0	5
Sierra Vista School District	0	1	0	1
Sonoita Elgin Fire District	1	0	0	1
Sonoran and Paragon Public Schools	2	0	0	2
SRP -Salt River Project	2	0	0	2
St Johns	2	0	0	2
Star Valley	3	0	0	3
Sun City West Fire District	1	0	0	1
Sunburst Farms Irrigation District	7	1	1	9
Sunsites-Pearce Fire District	3	0	0	3
Superior	2	1	0	3
Superior Court	4	0	0	4
Supreme Court	2	1	0	3
Taylor	1	0	0	1
Technical Registration, Board of	2	4	0	6
Telesis Center for Learning, Inc	1	0	0	1
Tempe	3	1	0	4
Tempe Prep Academy	0	1	0	1
Tombstone	1	1	0	2
Tombstone Unified School District	1	0	0	1
Transportation, Department of	6	5	1	12
Transportation-Motor Vehicle Division	26	73	12	111
Tucson	9	1	0	10

Tucson Unified School District	2	3	0	5
University of Arizona	6	1	0	7
unknown	17	0	0	17
unknown charter school	4	0	0	4
unknown city	17	0	0	17
Unknown Domestic Water Improvement District	1	0	0	1
unknown fire district	8	1	0	9
Unknown Irrigation District	1	0	0	1
unknown local jurisdiction	5	0	0	5
unknown school district	16	1	0	17
Unknown state agency	42	0	0	42
Unknown Water District	2	0	0	2
Upper San Pedro Partnership	1	1	0	2
Various Charter Schools	1	0	0	1
Verde Valley Fire District	1	0	0	1
Veterans' Services, Department of	1	2	1	4
Veterinary Medical Examining Board	3	5	3	11
Vickey A. Romero Charter School	0	0	1	1
Weights and Measures, Department of	4	2	0	6
Yucca Fire District	2	2	1	5
Yuma City	42	11	2	55
Yuma County	4	3	1	8
TOTAL NUMBER OF CONTACTS	1813	1936	264	4013

Reflecting cases received January 1 through December 31, 2011.

Total Requests for Help

Coaching	Assistance	Investigation	Total
1813	1936	264	4013

Requests for Investigation

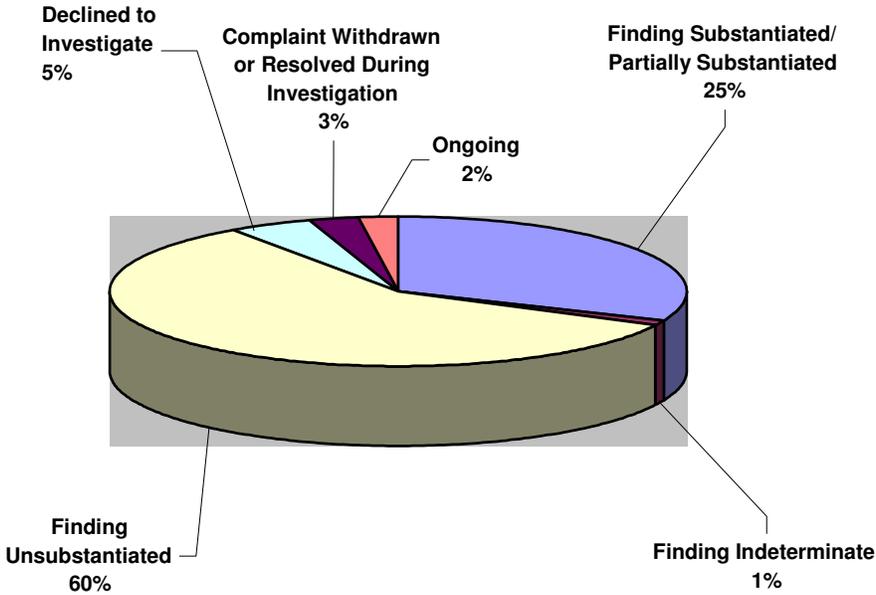
Declined*	13
Complaint withdrawn or resolved during investigation	7
Investigation completed	239
Ongoing	5
TOTAL REQUESTS FOR INVESTIGATION	264

* The Ombudsman-Citizens' Aide has the statutory authority to decline to investigate a complaint if there is another adequate remedy available; the complaint relates to a matter that is outside the duties of the ombudsman-citizens aide; the complaint relates to an administrative act that the complainant has had knowledge of for an unreasonable time period; the complainant does not have a sufficient personal interest in the subject matter of the complaint; the complaint is trivial or made in bad faith; or the resources of the office of ombudsman-citizens aide are insufficient to adequately investigate the complaint.

Investigative Findings

SUPPORTED/PARTIALLY SUPPORTED		83
Requires further consideration by agency	27	
Other action by agency required	20	
Referred to the legislature for further action	0	
Action was arbitrary or capricious	1	
Action was abuse of discretion	1	
Administrative act requires modification/cancellation	0	
Action was not according to law	12	
Reasons for administrative act required	0	
Statute or Rule requires amendment	0	
Insufficient or no grounds for administrative act	1	
INDETERMINATE		3
NOT SUPPORTED		153
TOTAL COMPLETED INVESTIGATIONS		239

Results of Investigations



- Finding Substantiated/Partially Substantiated
 - Finding Indeterminate
 - Finding Unsubstantiated
 - Declined to Investigate
 - Complaint Withdrawn or Resolved During Investigation
 - Ongoing
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About the Ombudsman and Staff

Joanne C. MacDonnell - Acting Ombudsman, as of the July 1, 2011 retirement of former ombudsman, Patrick M. Shannahan. Joanne joined the office as Deputy Ombudsman in 2005 after serving nearly eight years as the Arizona Corporation Commission Director of Corporations. Joanne was an active member of the International Association of Commercial Administrators and a director of its Business Sections Committee. Joanne has experience in management, human resources, problem resolution, investigations, customer service, strategic planning and process analysis. Joanne has Bachelor of Science degrees in Business Administration and in Real Estate from the University of Arizona. She is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR) and completed mediation training through South Mountain Community College. She has additional training including the Executive Course, Project & Investment Justification Training, various risk management, procurement and ethics courses through Arizona Government University (AZGU); the Leadership Module through Rio Salado College and AZGU; and ombudsman and advanced investigator training prescribed by the US Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, serving as a Board Member and in leadership roles on the Outreach, Children and Family and Conference Committees. She is also a member of the Association for Conflict Resolution (ACR), qualified in the "Practitioner" category. Joanne serves on the Citizen Review Panel of CPS matters and Arizona Court Improvement Advisory Panel. Prior to working in government, Joanne worked in the private sector at FCC Investors, Inc, serving on the Board of Directors and as an accountant; with her husband in his law practice; and in real estate as a licensed Realtor associate and real estate appraiser.

Kate Otting, Acting Deputy Ombudsman. Kate is the former Director of Conflict Resolution Programs for the Arizona Attorney General. She founded Interaction Management Associates and has led seminars on mediation, negotiation and conflict management for businesses and public agencies throughout the U.S. She has mediated employment, housing discrimination, family, ADA, EEOC, US Postal Service and public policy cases. She received her initial mediation training in 1994 through the Iowa Peace Institute, an agency created by the Iowa legislature. She later became the agency's Director of Conflict Resolution and was featured for her work with school mediation programs in a PBS documentary. She previously served as Vice President for International Services with the International Center for Community Journalism, introducing former Soviet journalists to free press concepts. She holds a master's degree in international management, with a concentration on alternative dispute resolution. She is fluent in French and has worked in Africa, Asia and Europe. She is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR).

Kathryn Marquoit, Assistant Ombudsman for Public Access. Kathryn joined the office in 2011, after managing the Phoenix branch of Genex Services, Inc. At Genex, Kathryn worked primarily in a program that provided Social Security Disability representation to disabled clients nationally. Prior to her work litigating before the Social Security Administration, Kathryn served as legal staff for the Governor's Regulatory Review Council during Governor Janet Napolitano's and Governor Jan Brewer's administrations. She has bachelor's degree from Syracuse University, a law degree from Villanova Law School and is licensed to practice law in Arizona.

Carmen Salas, Assistant Ombudsman. Carmen joined the Ombudsman's office in 2005. She previously worked at the Arizona Corporation Commission for nine years. For three of those years she was the Supervisor in the Corporations Division's Annual Reports Section. For the last two years she was the Management Analyst for the division. Carmen has experience in customer service, process

analysis and problem resolution. She received her Bachelor of Science degree in Business Management from the University of Phoenix. She has completed additional training including ethics and various risk management courses through Arizona Government University. She has also completed the Leadership Module through AZGU. Carmen is fluent in Spanish.

Satarah Worthy, Assistant Ombudsman. Satarah joined the office in 2011, after working at the Arizona Department of Economic Security for nearly four years. As a Licensing Specialist, Satarah licensed, monitored and investigated residential group care facilities, adoption agencies and child placing agencies throughout the state. She also served as a Contract Administrator where she was responsible for the administration and management of child care provider contracts. Prior to her work at DES, Satarah investigated allegations of abuse and neglect in mental health/mental retardation facilities for the State of Texas and served as a law clerk at the Ohio Department of Rehabilitation and Correction. Satarah has experience in policy analysis, investigations, program monitoring and compliance auditing. She has a bachelor's degree in Journalism and Political Science from The Ohio State University and a law degree from Capital University Law School.

Fernando "Adam" Rios, Temporary Assistant Ombudsman. Adam joined the office in 2011 and worked with us until March 2012. He began as an intern and then promoted into a temporary assistant ombudsman position. Adam graduated at the top of his class from Lamson College with an associate degree and certificate as a paralegal. He has also completed mediation training. Adam specialized in CPS cases.