

Arizona Ombudsman-Citizens' Aide
3737 North 7th Street, Suite 209, Phoenix, Arizona 85014
Tel 602.277.7292 | 800.872.2879
Fax 602.277.7312
www.azoca.gov



ANNUAL REPORT

JANUARY-DECEMBER, 2014

Submitted by Arizona Ombudsman-Citizens' Aide, Dennis Wells
June 15, 2015

TABLE OF CONTENTS

Aiding Citizens _____	2
How We Help _____	2
Customer Satisfaction _____	3
We Welcome Feedback _____	4
Compelling Cases _____	7
General Complaints About State Agencies _____	7
Ombudsman Intervention in DCS Cases _____	13
Ombudsman Intervention in Public Access Cases _____	21
Our Cases – Statistics of Note _____	25
Overall Case Statistics _____	25
Investigations _____	26
Contacts By Agency _____	27
About the Ombudsman and Staff _____	33
Exhibit _____	36

OPTIMIZING OUR STATE GOVERNMENT

OUR MISSION

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 recommending a fair and appropriate remedy.

OUR ROLE

The Arizona Ombudsman-Citizens' Aide is an independent agency of the Arizona Legislature that was established to make government more responsive to Arizona citizens. It is the office that Arizona citizens can turn to when they feel they have been treated unfairly by a state administrator, agency, department, board or commission. The services of the Ombudsman are free and confidential.

The office is given its authority by Arizona Revised Statute sections 41-1371 through 41-1383 and operates under Arizona Administrative Code title 2 chapter 16.

Aiding Citizens

HOW WE HELP

The Arizona Ombudsman-Citizens' Aide office provides a unique service because we offer objectivity to citizens who complain when they think their state government has treated them unfairly. The first thing our experienced investigators do is listen to the person's complaint. For some people this is the first time they feel that anyone in government actually heard them. Then we determine the nature of the dispute and respond in the most appropriate way to resolve the issue.

We group responses into three categories:

Coaching

Many residents are able to resolve their own concerns when they are aware of the services available. We help these residents by educating them on the options available to them based on their specific complaint. Coaching includes defining issues and rights, identifying options, referring people to the appropriate employee or department, redirecting citizens to services outside our jurisdiction (non-profits, federal agencies, etc.), explaining agency policies, researching information, offering conflict management strategies, and developing reasonable expectations.

Informal Assistance

Sometimes coaching is not enough and residents need our office to communicate with government agencies directly. Most complaints are the result of a miscommunication or a simple mistake. In these circumstances, we contact the appropriate agency on the citizen's behalf, facilitate communication between the parties, or coordinate an action between agencies. Our investigators are working on a continual basis to foster relationships with agency personnel in every state agency to enable efficient resolution of complaints prior to escalation.

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Investigation

Complaints that are more serious do not always lend themselves to informal techniques and may warrant investigations. In those cases, we work with the constituents and agency personnel to ensure that the agency is complying with the law and offering optimal public service. Although we have no authority to compel an agency to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring it to their attention. If the allegations are unsupported, we explain our findings to complainants. If necessary, we write investigative reports of our findings and recommendations, sent to the agencies investigated, legislature, governor, and the complainants.

CUSTOMER SATISFACTION

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.

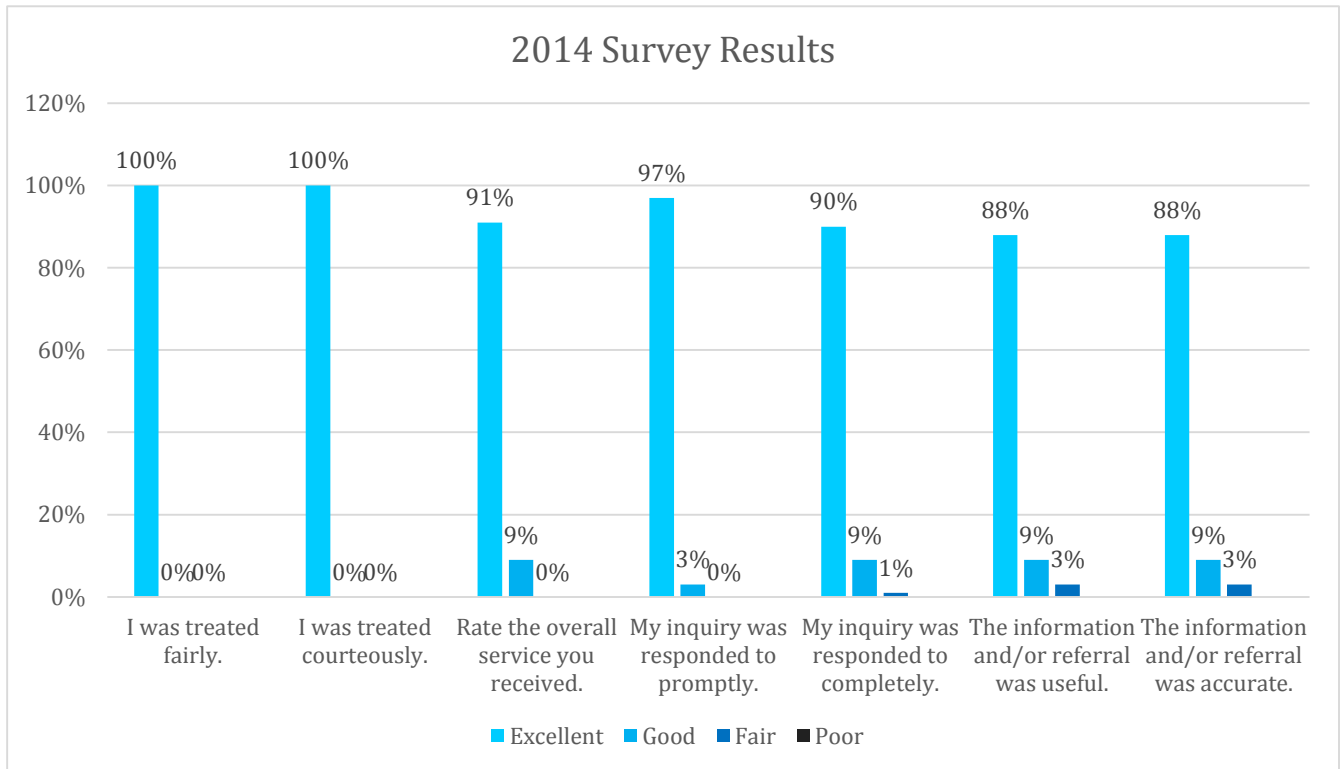
These standards are:

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

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WE WELCOME FEEDBACK

The chart and comments on the following pages summarize the results of the survey for the calendar year 2014. The chart summarizes the results of the survey for 2014.



THE FOLLOWING COMMENTS ARE FROM CITIZENS WHO USED OUR SERVICES IN 2014:

“I did not know government could be so efficient . . . But this was State not Federal!”

“Thanks again for helping me so promptly! It is nice to know that you all care & are willing to help the Arizona residents when they have a problem.”

“Jennifer was extremely helpful when I could not get through to anyone at the unemployment office. Their phone system is a disaster. Jennifer got someone to call me back within hours, even though she thought I might have to wait until Monday for a response.”

“Sarah steered me in the right direction, and was very polite!!!”

100% of our survey respondents said we treated them courteously and fairly.

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"With all the AZ Offices that I have called, Danee was the only person who seemed to care about my situation. Hats off to Danee."

"You guys seriously rock. Thank-You."

"Joanne is amazing! She was courteous, respectful, and compassionate. She truly cares. She gave me excellent resources, she was direct with me and I really appreciated her inputs."

"I had the pleasure of connecting with Sarah regarding my DCS Placement Denial. Sarah was absolutely amazing; she was very patient, understanding and a pleasure to speak with."

"She made me feel as if my feelings and fears were real. I didn't get her name, but I would be proud to be her friend. I will call her again; she was so kind to me."

"Jennifer is a complete professional. I can't even imagine that better service exists."

"Thank you for your advocacy!"

"So thankful to have seen the newspaper article and very thankful to know that Arizona has such competent and caring representatives."

"I wish to thank all involved. A BIG Thank You."

"Jennifer was amazing & stayed on top of my issue that I was having with the MVD. Everything is in the process of getting resolved and I couldn't have gotten this done without the help of your office!"

"I thank you for helping me & my 13-year-old son. You took so much worry away. Thanks."

"After waiting 16 months for a license review by the AZ Nursing board . . . without the help of the Ombudsman's office, [I] would still be waiting and unable to seek employment as a CNA."

"I would like to thank Jennifer for her prompt response to my inquiry. I was unable to receive any response from the DES - Unemployment Office going through the usual channels. I had been trying unsuccessfully for 4 weeks. Jennifer contacted a member of the Client Advocate Office on my behalf, and I received a response from them directly."

"Sarah did an excellent job in a courteous and professional manner. She resolved a problem we have had with AZ DOT ongoing since 1990, in a matter of days. We have referred your services to the DUI treatment counselor so she can assist 2 other families having similar issues with AZDOT!"

"Thank you again for your service to us and Arizona residents. I am so impressed."

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“Was able to gain closure to an open CPS (DCS) case stemming from 6 months prior. With staff assistance, I was able to obtain the documentation needed.”

“It is difficult to live without any income for a month. The DES UI system discontinued all of their lines, but one. There is not one person an unemployed person can speak with directly. The number available to unemployed persons is 877-600-2722. You then follow broadcast prompts, enter your SSN + personal ID. Once you have completed that process, you are placed on hold and inevitably told every time you call, "I am sorry. We are experiencing a high volume of calls. Please try you call again later." The line then goes dead. I experienced this for 4 weeks. Thank you, Jennifer, for your assistance [resolving this].

“Aften went above and beyond, helping me find info i needed quickly and when so many other approaches had failed.”

“Our case was a perfect example of how the Ombudsman Program helps individual citizens. Jennifer came up with a suggestion that helped us get over a hurdle that had us scrambling for six weeks prior to that resolution. The idea to use car insurance history to prove that a car was taken off the road could help other AZ residents avoid having to pay a \$500 fee for a vehicle that was never abandoned (as was our situation). The ADOT Abandoned Vehicle unit could add this method of documentation to the advice they give to people in the same situation.”

“Mr. Garone was very understanding, kind & pleasant.”

“I asked Citizens' Aide for help in contacting Centers for Medicare & Medicaid Services. I was promptly given name and e-mail of the person most qualified to solve my problem. I consider it a small miracle.”

“Jennifer was extremely helpful, encouraging and professional. She went out of her way to explore all options and advise me regarding my claim and appeal. I was impressed with the advice and follow-up.”

“Nothing but the highest praise for your organization. You found out where I was to direct my Open Records Request to the AZDOT in regard to UHAUL in two days after I repeatedly called AZDOT for two weeks. Thanks Bunches.”

“If the AZBBHE had even 1% of the professionalism, customer service and caring that Joanne had, I would not be in the middle of the horrific nightmare I am in today. So helpful and thank god there is a government department like this. The only one I feel is helpful, punctual, there to serve. Such a relief!!”

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COMPELLING CASES

The following case summaries are examples taken from the 5,242 cases we handled in 2014.

GENERAL COMPLAINTS ABOUT STATE AGENCIES

Did we resolve a case that no one else was able to resolve internally?

Our Three Focus Areas

Our office has three focus areas, and we cite examples from each:

1. General complaints about state agencies;
2. Department of Child Safety (DCS) cases and
3. Public access cases.

Under the general case summaries, we also highlight ways in which the resolutions reached **added value** to our state government.

1403104. DHS – Department of Health Services

A woman complained about the treatment she received at a local hospital. The woman was not convinced the Department of Health Services (DHS) was investigating the problems she encountered. She thought it important that DHS check the facility.

We reviewed the matter and brought the concern to DHS. DHS agreed to take a closer look. They performed a review and found that certain deficiencies did exist at the facility. DHS interviewed staff, examined records and reviewed policies.

DHS substantiated three of the four complaints filed by the complainant and had the hospital take corrective action. The hospital complied and offered a plan of correction to avoid a citation. We informed the complainant of the resolution.

Did our intervention lead to a change in an agency's procedure or practice/ correct a systemic problem?

1403630. Arizona Game and Fish Department

A business owner complained the Arizona Game and Fish Department had faulty procurement procedures. She claimed this caused her company to lose a printing bid to a company that did not provide the product described in the RFP. We reviewed the RFP, the list of product deviations and the other evidence. We spoke to staff at Game and Fish and at Arizona Department of Administration Procurement. Our investigation confirmed that the vendor producing the product did not correctly follow product specifications. State procurement rules call for awarded bids go to the lowest responsive responsible bidder that agrees to adhere to the bid specifications. The winning company had the lowest bid, but they substituted less quality materials to complete the order.

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Game and Fish agreed the printing contractor did not abide by the deal. They tightened bidding and delivery procedures. Game and Fish did not pay the company that produced the faulty product the full contract price due to the deviations from the stated specifications.

Did our intervention reveal a field practice that was not in accordance with the agency's stated policy/procedure, statutes or case law?

1403264. DES – Benefits and Medical Eligibility

A woman contacted our office wanting assistance dealing with the Department of Economic Security-Benefits. She said that she is assisting her mother in receiving benefits from DES. Due to her mother's illness, she cannot go into a DES office to be fingerprinted. When the woman talked to DES, they informed her that they would send someone to her mother's house to get her fingerprints. The woman said DES did not send anyone out and this has caused her mother to have her nutritional assistance canceled. The woman asked us to review the case and help her.

We contacted DES and reviewed the file. DES then agreed to send someone to the woman's house to have her fingerprinted. DES reported that when they process the fingerprints, they would process her case.

We contacted the woman and she confirmed that DES came out to her mother's house and took her fingerprints. She later reported that her mother's application has been approved.

1403712. AHCCCS

An Arizona Health Cost Care Containment System (AHCCCS) recipient complained about receiving conflicting information regarding his coverage. The recipient had renewed AHCCCS and was told his application was completed. Because the recipient had a heart rate in the danger level, he was referred to a heart specialist by his family physician. The heart specialist told him he had no coverage in force, yet AHCCCS had told him his application was approved. He asked us for help clearing up the matter.

We contacted an AHCCCS Client Advocate. They said the application was completed and approved, with an effective date on the first day of the following month. We explained the applicant's heart condition. AHCCCS agreed this qualified the man for expedited coverage, which would be available immediately. We followed up with the recipient and he confirmed that at our behest, AHCCCS updated their records to enable him to get the heart care he needed.

1403764. DES – Employment and Rehabilitation

A taxpayer said she received an authentic looking letter from the Arizona Department of Economic Security (DES.) It asked for back payments to the State of Arizona for stimulus money paid for \$25 per week, while she received unemployment insurance (UI) benefits dating back to 2010. The taxpayer confirmed that she had received UI benefits fitting that description, but could not believe she would

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owe any payment for benefits received while fully unemployed. She also had further doubts about the authenticity of the letter, since the DES letter required payment to be remitted to an out-of-state address.

We contacted the DES UI Client Advocate to review the matter. The Client Advocate then admitted the agency erred. The agency corrected their records so that their system now reflected only a fraction of the previously billed amount covering only four payments, and not an entire year of payments. Regarding the out-of-state address on the letter, the agency said it is correct. The address is the bank headquarters utilized by DES to process payments.

1404363. MVD – ADOT Transportation – Motor Vehicle Division

An attorney stated his client received a DUI and complied with the interlock device requirement. He said that when she went to reinstate her driver license back from the MVD, she was denied. The attorney stated his client was informed she was not able to get her licenses reinstated due to it being suspended. The attorney claimed they had an administrative hearing and the judge stated that the client did comply and her licenses should be reinstated. The attorney stated the MVD is refusing to reinstate his client's driver's license.

We reviewed the information provided and contacted MVD. A Driver Services Supervisor for MVD confirmed the problem and said she would correct the error. She then updated the client's record to void the indefinite suspension. This made the client's driving privileges valid again. The supervisor said she would be happy to explain the correction to the attorney. We contacted the attorney and told him the client's license was reinstated and her driving privileges were valid again. We also provided the attorney's office with the contact information for the supervisor.

1404415. DES – Benefits and Medical Eligibility and AHCCCS

A grandfather needed to have his grandchild seen by the pediatric doctor. The mother of the child was a minor herself. The grandson needed a medical review in order to return to his day care facility. In addition, the infant required prescription formula. Without the doctor appointment, the baby's formula benefit could not be renewed. The doctor's office told the grandfather his grandchild did not have AHCCCS coverage. The DES –Benefits and Medical Eligibility division determines AHCCCS eligibility, so the grandfather contacted them. However, DES told the grandfather to talk to AHCCCS. AHCCCS then told him to work it out with DES. He asked for assistance because neither agency took ownership of the problem.

We reviewed the situation, then contacted DES and asked for emergency review. DES admitted their requirements for coverage had been met. We next contacted AHCCCS. AHCCCS informed us they had introduced a new computer system and that it appeared the system had a simultaneous "open and close" notation on the child's account. AHCCCS said they would correct the problem on their end. The

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following day, AHCCCS corrected the medical coverage notations in the computer system and moved all household members into active status.

We contacted the grandfather who expressed his gratitude for the assistance provided.

Did our intervention result in better service to citizens?

1403784. DES – Division of Developmental Disabilities (DDD)

A woman complained that her son was not receiving the services he is legally entitled to receive from the Division of Developmental Disabilities (DDD). The complainant believed that the therapist DDD hired preferred to work with patients below the age of 18. Her son is 30 years old, but still needs the therapy he was receiving at a younger age.

We examined the complainant's information and contacted the agency. Upon investigating the allegations, we discovered that the complainant's concern also revolved around her proximity to the needed services. We made DDD aware of this factor. The agency went the extra mile to find an appropriate therapist who would provide the therapy for the complainant's son within a reasonable distance from the complainant's residence. The mother was happy an enthusiastic therapist closer to her home was assigned to provide therapy to her son.

Did our intervention result in financial savings or correct a financial problem for a citizen?

1403740. Arizona State Retirement System

A woman and her father contacted our office about problems they are having with the Arizona State Retirement System (ASRS). The father informed us that we had his permission to talk to his daughter regarding his ASRS issues. The woman informed us that she had filed an application for her father to get his retirement started back in May 2014. After five months, she called and ASRS informed her that a beneficiary form was missing from the application. She stated that the form was provided in the original submission and ASRS had received it as of 08/20/2014. She claimed that ASRS reviewed and approved the document as of 08/29/14. She said that she has called various times to inquire about the status of the application and was told that it is being processed and that someone will call them back, but nobody from ASRS calls or returns their calls.

We contacted ASRS and reviewed the file with them. They informed us that the delay is because the father had two primary beneficiaries on his ASRS account prior to his retirement. One beneficiary was 99% and the other was 1%. ASRS said that when the man applied for his retirement, he did not update any of his beneficiary information. ASRS said that the man elected a retirement annuity option called the Joint and Survivor 50% option, which reduces his benefit for life, but allows 50% of his benefit to continue to *one* primary beneficiary. However, because the man did not update his beneficiary information to only note one primary beneficiary, ASRS could not process his retirement

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request until they received clarification regarding the beneficiary because they must reduce the member's pension based on his age and the age of his primary beneficiary. ASRS said that they sent an e-mail to the man, on June 2, 2014, to the e-mail address he had provided. However, the man and his daughter did not contact ASRS until August 15, 2014. On August 20, 2014, ASRS received the clarification form about the man's sole primary beneficiary. ASRS processed the documentation, but said the member's benefits would not start until the middle of October.

We told ASRS that the man was not happy about the delay and had the retiree send in a hardship request explaining how his previous contacts with ASRS staff mislead him. ASRS listened to tapes of the referenced calls and agreed that an employee did mislead the family in the period as to when benefits would start. ASRS said they would use the phone call to ensure proper training. ASRS agreed to submit a payment to the man's financial institution on September 18, 2014. The family was happy ASRS corrected the problems and that ASRS agreed to send the payment quicker.

1404358. MVD – ADOT Transportation – Motor Vehicle Division

A citizen car owner stated he was in a motor vehicle accident four years ago and he is now having issues with the Motor Vehicle Department (MVD) about it. The citizen stated that after the accident, a tow truck was called and his vehicle was towed. The vehicle was totaled by the accident. When the car owner went to pick up his personal belongings from his car, the tow company asked him to sign over his title, which he did.

The citizen said that three years ago the tow company contacted him because they lost the title he signed. The tow company needed the title signed over to them, so they could dispose of the car, by crushing it. The citizen stated the tow company obtained a title from the MVD and crushed the vehicle. The citizen stated the MVD is now charging him for an abandoned vehicle fee, though his vehicle was never abandoned.

We reviewed the information and contacted MVD. MVD informed us the citizen would need to provide them with some form of documentation to support his claim. The MVD stated it is the responsibility of the person who is selling the vehicle to inform MVD they have sold the car (or in this case, signed over a vehicles title to another person or business).

We informed the citizen of this document request and suggested he obtain some information from his insurance company or from the tow company to show his side of the story.

The citizen complied and obtained a letter from his insurance company stating his car had been totaled in the accident. MVD accepted the letter, the fine was removed from his record and his license was reset. The citizen thanked us for our help in resolving this problem.

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1404175.

MVD – ADOT Transportation – Motor Vehicle Division

A citizen currently residing out-of-state received a letter from the Arizona Motor Vehicle Division (MVD) stating he had to show proof of Arizona insurance or they would cancel his registration. He was not in Arizona, and had insurance in Nevada. The deadline was the next business day and he was not sure what to do. He thought his insurance for Nevada should be enough. He had not been able to remedy the problem directly with MVD.

We checked with the MVD agency and they provided us the citation stating the department cannot accept out-of-state insurance. They said if he is not driving on Arizona roads, he could de-insure his vehicle here, which will keep the registration up. Otherwise, he will have to transfer his policy to an Arizona policy.

We relayed this information to the complainant. He said he was familiar with de-insuring and would likely do this since he would not be on Arizona roads in the short term. He thanked us for getting with MVD to determine a course of action.

1404438.

DES – Medical Benefits and Eligibility – AHCCCS

A citizen stated she felt like she was getting the run-around from the Arizona Health Care Cost Containment System (AHCCCS), regarding whether they would pay a medical bill incurred on 3/14/13. The citizen stated that the Ombudsman-Citizens' Aide Office had previously helped her with a bill AHCCCS was responsible for, but she still had two larger bills the agency had not paid. The citizen stated she has tried multiple times to communicate with the DES client Advocacy Office for AHCCCS with no success. The citizen said the medical providers are threatening to take her to collection if the bills are not paid in full.

Originally, the Office of Client Advocacy sent a letter on 6/5/14 to both of the providers asking them to stop billing the citizen. The Office of Client Advocacy also suggested the citizen wait another month to see if she received another past due notice from the provider. DES told the woman to contact them again if she received such a notice. The citizen contacted AHCCCS upon receiving another past due notice, but AHCCCS still had not resolved the issue.

We contacted AHCCCS and reviewed the situation with the agency. The Office of Client Advocacy then contacted the unit responsible for the problem. The agency paid both outstanding bills in full and verified there are no additional problems.

We informed the citizen that AHCCCS had fixed their error. We also informed the citizen she could contact us back if she had any further questions or concerns.

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OMBUDSMAN INTERVENTION IN DCS CASES

The Ombudsman Office looks into complaints people have against the Department of Child Safety (DCS). Parents, grandparents, and other relatives of the child seek help from our office when they believe DCS has treated them unfairly. Other sources of complaints include foster parents, adoptive parents, community service providers and members of the state legislature.

The majority of the coaching and assistance inquiries we receive involve clarification of DCS recommended services, explanation of the DCS and dependency processes, facilitation of communication by the case worker and legal counsel, and explanations about visitation or placement issues.

We contact DCS to gather agency administrators' perspectives on assistance and investigation complaints. Typically, a phone call or e-mail message to DCS staff can resolve frequently received complaints such as caseworker assignment problems, copies of case plans, failure to receive notification of staff meetings, requests for Foster Care Review Board (FCRB), or court hearing dates. Case managers, supervisors or upper DCS management offer clarity to events, laws or policies and procedures. We facilitate clear communication between families, our office and the various points of contact within the Department of Child Safety.

Our Department of Child Safety cases were almost 37% of our total caseload.

Additionally, 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 residents feel that the agency violated their rights or failed to provide adequate services. With these complaints, our office may initiate full-file reviews, request documents and other supporting data or meet with DCS staff. We review case correspondence, therapeutic reports and the DCS CHILDS database as sources of information to help facilitate the resolution of disputes.

Many of the complaints that we address are fairly isolated or case specific. However, for some issues, we identify patterns among multiple complaints that indicate systemic issues or deficiencies regarding DCS actions. In these situations, resolving one particular complaint is not enough. Instead, we identify the recurring issues and bring them to the attention of DCS management for systemic resolution.

NEW FEATURES IN OUR CASE MANAGEMENT SYSTEM AND WEBSITE

In 2014, we expanded the capabilities of our case management system. We added a new DCS tab that captured data relating to source of complaints, type of complaint and region where the complaint

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originated. It also stored the DCS CHILDS number in a searchable field. We also added a DCS tab to our website, see Exhibit 1.

OMBUDSMAN DCS CASE LOG 2014 KEY CATEGORIES

The following chart shows who and where some of our DCS calls come from as well as the type of complaints.

DCS Complainant Information Chart – January 1, 2014 – December 31, 2014	
DCS Complainant Source Relationship	
Parent	1105
Kin	287
Service Provider	14
Other	45
DCYF Region	
Central	282
Southwestern	219
Northern	52
Pima	76
Southeastern	26
Type of Complaint	
Problems with Communication	558
Placement Problems	273
Unfair Removal	226
Inconsistent Visitation	157
Lack of Service	103
Inadequate Efforts Towards Case Goal	58
Other	117

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OMBUDSMAN INTERVENTION IN DCS CASES

Below are some examples where our intervention helped resolve concerns with DCS.

Did we resolve a case that no one else was able to resolve internally?

1403650. DCS – Department of Child Safety

A foster father was upset that after being placement for a Navajo child for an entire year, DCS finally found a tribal placement and quickly decided to move the child out of his home after only a week of transition visits. The foster father thought the agency acted too fast. In addition, the foster father felt that DCS should still be looking at him as the adoptive placement.

We spoke with the foster father about the Indian Child Welfare Act, which stipulates that DCS must make all efforts to place a Native American child with a Native American placement. We explained the removal process and the foster father said there was not a court order yet. We checked to see if DCS requested that the judge change the placement before they removed the child.

The agency explained that the quick transition was due to the child's young age. With very young children, the agency said it often moves more quickly as long as there are no extenuating circumstances inhibiting the child's ability to bond with the new placement. However, the agency admitted that the request for change of physical custody had not been formally requested yet, and had the worker file the appropriate paperwork. They put the removal on hold until the judge decided on the request. They explained they would notify the foster father about the upcoming hearing at which time he would be able to share his opinion with the judge.

We let the foster father know that the agency was acting within the law and his only hope for delay of transition or adoption was with the judge. He said he understood and would try to make his best argument to the judge. He said he would call us to update us on the outcome and thanked us for all the support and assistance. He later called us back to say the judge decided the ICWA compliant placement would be allowed to adopt, but he had provided more time for the transition in order for the child to become more familiar with her new home.

1404743. DCS – Department of Child Safety

A mother stated the father of her children lives in the same house as her and their children. The father has other children with another mother who is currently involved in a DCS case. The mother stated DCS opened a case against her, to force the father of her children to move out of their home. The mother also stated DCS required a safety monitor in place for the children to have visitation with their father. This case has been open for a couple of months;

OPTIMIZING OUR STATE GOVERNMENT

the mother has no concerns about the father. She would like the father to move back into their home and have the safety plan lifted. The mother said DCS was not appropriately working the case or communicating with the family.

We reviewed the case information and asked DCS to do likewise. DCS stated they are not opposed to the father returning to his home and being in the presence of his children. DCS still wanted the father to attend parenting classes. DCS said the specialist would follow up with both of the parents on the importance of the services being completed. DCS stated both parents would be notified of this information.

We followed up with the mother who stated DCS called her and the father and informed them he could move home. The mother thanked us for looking into the case. We informed the mother that if she had any further concerns or questions she could contact us.

1405057. DCS – Department of Child Safety

A grandmother asked how she could get overnight visitation with her granddaughter. She and her husband planned to travel to their winter home in Arizona and visit the granddaughter. Department of Child Safety (DCS) placed the child with the father, but the grandparents wanted to take the granddaughter to their home for an overnight or weekend visit. The DCS case manager had told the grandmother she would be unable to get approval to have their granddaughter at their home.

DCS has to approve all temporary visits when children are dependents of the state. We asked DCS managers to examine the situation and explain why the grandparents were not getting the courtesy of an evaluation regarding their fitness to have their grandchild visit overnight. We asked DCS to explain what process the grandparents would need to complete in order to be considered for overnight or weekend visitation. DCS agreed to examine the grandparents.

The grandmother informed us that the DCS case manager had contacted her a few days later. The grandmother said DCS explained why they had originally denied the grandparents. The grandmother was happy to report that the case manager had completed assessment checks and had arranged for a walk through home inspection. DCS then approved the upcoming holiday weekend visitation and the family anticipated future visitations. The grandmother was happy we succeeded in getting DCS to evaluate them and thought it would be good for the child's well-being.

OPTIMIZING OUR STATE GOVERNMENT

Did we discover a cover-up of the truth or other ethical lapse?

1404738. DCS – Department of Child Safety

A mother complained about DCS providing inaccurate information to the courts. The mother had an open family court matter in which the presiding judge in the case entered a minute entry saying the judge relied on false information about positive drug tests from DCS to render a decision that adversely affected the mother. The mother asked if something could be done to correct the wrong.

We contacted DCS Crisis Management and asked them to look into the situation. They did so and stated that the judge, outside of court, contacted their case manager, but the case manager did not provide the information contained in the court minutes on which the judge based the ruling. The case manager said she never claimed the mother had any bad drug tests. Further, the case manager said she had a witness to the conversation who corroborated that the judge was the one who erred.

Because it appeared the judge in the case was wrong on the facts and that she possibly relied on ex parte information to make a ruling, we referred the matter to the presiding judge of the Maricopa County Superior Court for further review. The judge referred the matter to the Commission on Judicial Conduct.

We informed the mother about the Ombudsman notifying the presiding judge. She expressed her gratitude for our efforts.

Have individual cases caused us to identify any trends?

1404781. DCS – Department of Child Safety

A mother stated she had a previous case with DCS, and it was closed as unsubstantiated. The mother stated DCS contacted her again and informed her there was another report against her and the agency would need to do another investigation into those concerns. The mother stated the caseworker (CM) came to her home and interviewed her children and informed her the case be closed as unsubstantiated.

The mother stated after a long period of time she was contacted by DCS and informed the original caseworker who came to her home and interviewed her children was no longer employed with DCS and the agency would need to repeat the investigation again. The mother stated DCS should have better records because redoing the investigation was traumatizing and an inefficient use of state resources. She said it was not her fault the caseworker failed to adequately document the situation and was no longer employed at DCS.

OPTIMIZING OUR STATE GOVERNMENT

DCS informed us they need to complete the investigation again because the previous worker did not document anything. DCS stated the agency is required to have everything documented prior to closing a case. DCS stated the Department does not have a policy regarding "re-investigating" a case when a Child Safety Specialist does not appropriately document information in the case file, prior to leaving his/her position. The agency said the Department, "strives to complete investigations in a timely manner and not having to complete a reinvestigation to a report." The department also stated, "By law, DCS must investigate all reports to ensure child safety, which is why the parent was told the case must be reinvestigated by a new Specialist. DCS also stated the family continues to have their rights outlined in Chapter 2: Section 3 Interviews."

Because we have seen similar cases, we recommended that DCS management develop policies to prevent these systemic problems. It is part of our larger compilation of issues we have identified with DCS.

Have we identified patterns of statutory noncompliance that indicate a systemic issue?

1402624. DCS – Department of Child Safety

A grandfather stated that DCS decided to deny him as a placement. We asked whether DCS sent him a denial letter or notified him of his appeal rights. He said that DCS did not do so. He also mentioned that he was interested in visitation with his grandchild, but DCS told him it did not have enough people to provide visitation for him.

We checked in to CHILDS and saw that DCS did have concerns about the grandfather's ability to be placement, but none of them were safety concerns. We did not see any documentation about a denial letter. We contacted DCS, and the agency confirmed that the previous case team did not send him a denial letter.

DCS said it would meet with the grandfather and send him a denial letter. DCS also shared further concerns that we did not find in the CHILDS system that ruled the grandfather out for placement and unsupervised visitation.

We contacted the grandfather and notified him he would soon be getting a denial letter. He stated he spoke with the new caseworker who set up a meeting with the grandfather to discuss why he was not chosen as a placement. He asked if he could update us on the outcome of the meeting. We told him he could. He thanked us for our assistance.

Although we closed this case, we have since identified additional cases in which DCS does not provide formal denial letters to prospective placements as required by law. We have brought

OPTIMIZING OUR STATE GOVERNMENT

this systemic issue to DCS management's attention as a part of a larger compilation of issues and troubling trends that we have identified with DCS.

1405242. DCS – Department of Child Safety

A mother contacted us regarding an open Department of Child Safety (DCS) case involving her teenage daughter. The mother said that the DCS involvement began because her 17-year-old daughter intentionally overdosed on her medication.

The mother said that the daughter had a history of overdosing on medication and cutting herself to the point where she would have to go to the hospital. The mother said that, because of the daughter's latest overdose, DCS began investigating in July of 2014. The mother said the investigator eventually told her that the report against her would be unsubstantiated.

The mother said she received an email from DCS in September of 2014 stating that the agency was closing her case. However, the mother contacted us in October of 2014 and said DCS had not closed her case.

We contacted DCS in late October of 2014 to find out about the status of her matter. It took some prodding to get an answer. DCS told us the following in November of 2014, "The allegations are unsubstantiated. The case will be closed as soon as notes are entered and a clinical staffing with the supervisor has been completed."

About a week later, we followed up with DCS to see if they closed the case. DCS said that it was still open, and there was no time frame on when the agency would close it.

We followed up with DCS again in December of 2014. The case had still not been closed. We followed up again in mid-January of 2015. DCS explained that the case had been closed on January 13, 2015, and a closing letter had been sent to the mother.

We contacted the mother. She said that her daughter had been murdered in December of 2014. The mother said that she had not yet received a closing letter from DCS. We contacted DCS again, and DCS agreed to mail the mother another closing letter.

We have subsequently had several cases in which DCS failed to provide closing letters to parents, including follow up by this same mother. A month after DCS staff represented it would get the mother a closing letter; she still had not received the letter. We have brought this systemic issue to DCS management's attention as a part of a larger compilation of issues we have identified with DCS. Management has said they will study the situation and then work with us to correct the systemic problems.

OPTIMIZING OUR STATE GOVERNMENT

Did our intervention lead to a change in an agency's procedure or practice/ correct a systemic problem?

1404458. DCS – Department of Child Safety

A mother contacted us regarding her confusion about an ongoing Department of Child Safety (DCS) investigation.

The mother said that a DCS specialist interviewed her and her husband via telephone about their niece who lives in Washington. There had been a report made against the husband to DCS regarding the niece.

The mother said that she and her husband later received by mail a "Notice of Duty to Inform" indicating that DCS had opened an investigation for "neglect."

She faxed the Notice to our office. It contained various outdated information, such as references to "CPS" and the contact information for a defunct Mediation Program at the Attorney General's office. Additionally, the Notice contained no contact information for DCS or the employee who interviewed them and prepared the Notice. The Notice, however, did include the phone number to our office.

Our office developed a list of findings about the outdated notice and made suggestions to DCS as to how the Notice of Duty to Inform should be restructured to correct the problems. We informed DCS. DCS said that they would address the problem. A few days later, DCS sent us a revised Notice of Duty to Inform template that corrected the inaccurate and outdated information. DCS distributed the new form to all employees and instructed them to discard the old version of the form.

Did our intervention result in financial savings or correct a financial problem for a citizen?

1404979. DCS – Department of Child Safety

A foster care provider asked for help with getting a payment for emergency clothing allowance from the Department of Child Safety (DCS.)

We reviewed the information and then contacted DCS. DCS performed a review and concurred that the child's caretaker had not been given the clothing allowance she was entitled to receive. DCS informed its payments department about the problem situation.

The foster care provider contacted our office to confirm she had received the clothing allowance payment from DCS. She thanked the Ombudsman for our assistance with getting the payment confirmation.

OPTIMIZING OUR STATE GOVERNMENT

OMBUDSMAN INTERVENTION IN PUBLIC ACCESS CASES

Outreach and Education

Educational Materials

We released updated Ombudsman Booklets on Public Records Law and Open Meeting Law on our website and in hard copy. To date, over 600 newly updated public access booklets have been distributed to elected officials, public employees, advocacy groups and members of the public. In addition, our office shares and helps to develop training materials for public bodies. We updated our website with publications, training opportunities, and developments in the open meeting and public records law: new case law, legislation, and Attorney General Opinions.

In response to several complaints, we requested an Attorney General Opinion to clarify the amount that agencies may charge to inspect records. The existing law in this area is limited and we frequently received complaints from residents and the media about inconsistent policies by various public agencies. We also found in our trainings that many public employees had different interpretations of what was required by law. The Attorney General's Office responded with a detailed and informative opinion No. I13-12 Charging Copying Fees under Arizona's Public Records Law. The opinion has been widely praised by the public and the media as providing clear, uniform guidance to public agencies.

Trainings

There is a large demand for training throughout the State. During the 2014, our public access attorney, Kathryn Marquoit, provided live training sessions for the Governor's Council on Aging, the State Land Department, the City of Tempe, the Town of Quartzsite, and the Arizona State Schools for the Deaf and Blind. In an effort to streamline training and reduce expenses, our public access attorney has 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. Additionally, for the first time, we posted Public Records Law and Open Meeting Law video trainings on our website to target individuals in more rural areas and remote municipalities of the state. In 2014, over 100 residents viewed these training videos.

In addition to trainings discussing the public access requirements generally, we developed and presented customized trainings to address specific needs of public officials upon request. One of these trainings included a detailed discussion of the Open Meeting Law requirements of subcommittees with the Central Arizona Project.

OPTIMIZING OUR STATE GOVERNMENT

Inquiries and Investigations

In the 2014, our office received 667 calls regarding matters related to public access. Of those calls, 480 were public record inquires and 187 were open meeting inquiries. Table 1 provides a breakdown of the number of inquiries 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	463	33	171

Table 2					
	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquires	251	116	133	83	84

Public Access Case Examples

Did we resolve a case that no one else was able to resolve internally?

1403909. Mesa Police Department

A resident complained that the police report that she received from Mesa Police Department was fully redacted. We reviewed the record and discussed it with the Mesa Records Clerk. The record is a CAD report. The police were contacted by Magellan for an "agency assist" under ARS 36-524. For this type of police action, the only record is in the CAD system and no police report is generated. The material in the CAD system is MVD records and NCIS information. This material is confidential by statute. We discussed the findings with the resident.

Did we provide an alternative avenue to a more expensive dispute resolution mechanism?

1403219. Mescal J-6 Fire District

A resident complained that a fire district did not properly post their budget consistent with the Open Meeting Law and ARS 48-805.2. We discussed the posting violation with the fire district and they agreed to ratify the vote at the next regularly scheduled meeting. We referred them to the County Attorney's office for the complaint related to ARS 48-805.2. The County failed to ratify the vote. We conducted a full investigation and issued a report.

OPTIMIZING OUR STATE GOVERNMENT

1403096. Deer Valley Unified School District

The clerk of a school district met with us to discuss their response to a voluminous request. The clerk told us that a parent requested all emails for all employees for two years. The district estimated that this would include approximate 900,000 emails and extensive staff time to produce the records. We discussed that there are several ways to respond to this type of request. The first is that the public body should work with the requestor to narrow her request. This generally includes providing search terms, limiting the time period and/or limiting the number of employees involved. We encouraged the clerk to provide any information that would assist the requestor in narrowing her request including organizational charts for the relevant period and an explanation of the school's process for handling the incident so the requestor has knowledge of who would have the relevant materials.

We also discussed that it is possible to deny the request as vague and burdensome. However, we strongly discourage taking this approach due to the risk of liability involved. The alternative is to begin processing the request for the 900,000 emails. An agency is required to promptly furnish public records to the requestor. "Promptly" is not defined by statute. The courts have held that defining promptness depends on what is reasonable under the circumstances. The relevant factors to consider are the agency's resources, the nature of the request, the content of the records and the location of the records. The following is the relevant case law in Arizona:

Public records law does not require that public records be furnished within a specific number of days after receipt of the request; rather, in the context of statute providing that access to a public record is deemed denied if a custodian fails to promptly respond to a request, the word "prompt" means quick to act, or requires production of the requested records without delay. *Lake v. City of Phoenix* (App. Div.1 2009) 220 Ariz. 472, 207 P.3d 725, review granted in part, vacated in part 222 Ariz. 547, 218 P.3d 1004.

Under the public records statute, the public official from whom records have been requested has the burden of establishing that its responses to the requests were prompt given the circumstances surrounding each request. *Phoenix New Times, L.L.C. v. Arpaio* (App. Div.1 2008) 217 Ariz. 533, 177 P.3d 275, review denied.

While processing the request, it is important to keep documentation regarding the staff time, type of records, location of records, content of the records, number of public records requests received per month and any other resources that contribute to the delay of production. It is important to keep of a record of a good faith effort to disclose the records quickly in compliance with the Public Records Law. The district may ask the requestor if they would like to review the records as they become available or to wait until the request is complete.

OPTIMIZING OUR STATE GOVERNMENT

We also discussed the use of redaction software. The clerk stated that the district has redaction software but it does not catch all of the material that is confidential. Therefore, all of the records must be reviewed after the redaction software has performed the redactions. We discussed that releasing records that are confidential by state law, federal law or a recognized privilege could carry statutory penalties. There is case law which states that release of confidential material in good faith compliance with the public records law grants qualified immunity to the public entity. It is unclear whether this extends to material that is confidential by statute. The district should consult with their agency's legal counsel to determine the best course for redactions. Peoria Unified School District is currently engaged in public records litigation in the lower courts. It may be helpful to review the lower court judge's ruling to determine how the district's situation may be viewed.

In 98.32% of the time, we responded within 2 days.

Our intervention identified a problem with a statute, rule, or policy.

1403479. DHS – Department of Health Services

A reporter requested assistance with a public records request for the Department of Health Services (DHS) database information. The database originated from a federal agency that contracted to employ state employees for part of their program. DHS has comingled the federally contracted records with purely state agency records and was limited in what they could produce pursuant to the Arizona Public Records Law. We researched the cases that may be applicable and were unable to find any material that would compel DHS to release the records. The reporter contacted the publication's legal counsel. Since the reporter has engaged their attorney, we are declining to continue with the case.

1403842. DHS – Department of Health Services

A reporter requested assistance with a public records request for health facility complaints. The Department of Health Services denied the request based on the language in ARS 36-404. We discussed the statutory interpretation with their Assistant Attorney General. They explained that many components of the complaint would lead the reader to determine the identity of the complainant, which causes them to withhold the complaint in its entirety. They also state that the difference in the wording in (A)(3) "source information" and (B) "source name" indicate that the legislative intent is for broad interpretation.

1404184. Unknown state agency

A resident requested clarification on whether an independent contractor could be discussed in executive session. We discussed that the personnel provision does not apply to independent contractors but the agency could get legal advice about the contractor's contract in executive session.

OPTIMIZING OUR STATE GOVERNMENT

Did our intervention lead to a change in an agency's procedure or practice/ correct a systemic problem?

1404319. Scottsdale

A resident complained that the city of Scottsdale is not posting meetings between city employees and the McDowell Sonoran Conservancy. The members of the McDowell Sonoran Preserve Commission, a standing committee for the city, were attending these meetings. We discussed the meeting and could not find a violation. However, we contacted the city and asked them to consider posting a courtesy notice to avoid an appearance of impropriety. Did our intervention result in better service to citizens?

1403124. Mojave County

Staff at Mohave County requested clarification on how to respond to a public records request for applications and resumes for the Sheriff position. We discussed the applicable case which states that the names and resumes of persons in the final candidate pool for appointment to presidency of a state university were subject to disclosure because the final candidates knew they were being considered for the position, had expressed desire for it and the public had legitimate interest in names of persons being seriously considered for an important position. *Arizona Bd. of Regents v. Phoenix Newspapers, Inc.* (1991) 167 Ariz. 254, 806 P.2d 348. Since the Sheriff's office is a high profile position within the community, we suggested release of appropriately redacted final candidate applications and resumes.

Our Cases – Statistics of Note

OVERALL CASE STATISTICS

As explained on page 2 of this report, we respond to citizens' complaints in three ways: coaching, informal assistance or investigation. In summary, we had 5242 citizens contact us with a problem for year 2014. In 98.32% of the time, we responded within 2 days. We handled or solved 97.20% of the cases in 3 months. We made 291 recommendations to agencies. Of those, 288 were accepted. Thus, the percentage of recommendations accepted by agencies was 98.97 %. Below is a numeric summary of cases for 2014. The caseload totaled 5,242 for this report.

OPTIMIZING OUR STATE GOVERNMENT

INVESTIGATIONS

We managed our 226 investigations in 2014 as highlighted in the following tables.

Declined*	13
Complaint withdrawn or resolved during investigation	4
Investigations completed	200
Ongoing	9
TOTAL INVESTIGATIONS	226

* A.R.S. § 41-1377(C) gives the Ombudsman-Citizens' Aide the statutory authority to decline to investigate a complaint.

SUPPORTED/PARTIALLY SUPPORTED		56
Requires further consideration by agency	24	
Other action by agency required	16	
Referred to the legislature for further action	0	
Action was arbitrary or capricious	0	
Action was abuse of discretion	0	
Administrative act requires modification/cancellation	4	
Action was not according to law	12	
Reasons for administrative act required	0	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	2	
INDETERMINATE		28
NOT SUPPORTED		116
TOTAL COMPLETED INVESTIGATIONS		200

OPTIMIZING OUR STATE GOVERNMENT

CONTACTS BY AGENCY

Between January 1 and December 31, 2014, our office handled cases involving 221 agencies. The following table shows the distribution of our contacts by agency. Cases involving Child Protective Services comprised 36.7% of our total for 2014.

CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	3	2	0	5
Administration, Department of	11	6	2	19
Administrative Hearings, Office of	1	1	0	2
Agriculture, Department of	2	0	0	2
AHCCCS	36	58	3	97
Apache County	14	3	5	22
Apache County Attorney's Office	1	0	0	1
Apache County Planning and Zoning Board	0	0	1	1
Apache Junction	0	1	0	1
Appraisal, Arizona Board of	2	3	3	8
Arizona Association of Counties	1	0	0	1
Arizona Behavioral Health Planning Council	1	0	0	1
Arizona City Sanitary District	1	0	0	1
Arizona Power Authority	3	0	0	3
Arizona State Hospital	3	1	0	4
Arizona State University Police Department	1	0	0	1
ASU -Arizona State University	6	0	0	6
Attorney General, Office of	46	10	3	59
Auditor General	2	1	0	3
Avondale	1	0	1	2
Avondale Elementary School District	1	0	0	1
AZ Peace Officer Standards & Training Board	2	0	0	2
Ball Charter Schools	3	0	0	3
Barbers, Arizona Board of	1	0	0	1
Behavioral Health Examiners, State Board of	10	11	9	30
Benson	1	0	0	1
Bisbee	1	0	0	1
Black Canyon Fire District	1	0	0	1
Buckeye	2	0	0	2
Buckskin Fire Department	4	1	0	5
Cartwright	2	0	0	2
Casa Grande	1	0	0	1
Central Arizona Project	2	0	0	2
Chandler	1	0	0	1
Chandler Police Department	2	0	0	2

OPTIMIZING OUR STATE GOVERNMENT

Charter Schools, Arizona State Board of	1	1	0	2
Chinle Unified School District	0	0	1	1
Chino Valley	2	0	0	2
Chloride Water Improvement District	4	0	0	4
Clarkdale	2	0	0	2
Cochise County	16	3	1	20
Coconino County	1	0	0	1
Commission of Judicial Conduct	5	0	0	5
Community College, State Board of	1	0	0	1
Concho Fire District	3	0	0	3
Corporation Commission	13	3	4	20
Corrections, Department of	30	2	1	33
Cosmetology, Board of	0	3	1	4
Council of Developmental Disabilities	1	1	0	2
DCS - Department of Child Safety	1268	549	89	1906
DCS - Office of Licensing Certification Regulation	15	3	1	19
DCS - Other	8	2	0	10
Deaf and Blind, Arizona School for the	1	0	0	1
Deer Valley Unified School District	9	2	4	15
Dental Examiners, Board of	17	3	0	20
Department of Economic Security	6	2	3	11
DES - Aging & Community Services	225	7	1	233
DES - Benefits and Medical Eligibility	78	309	3	390
DES - Child Support Service	31	78	6	115
DES - Developmental Disabilities	9	7	1	17
DES - Employment and Rehabilitation	30	80	6	116
DES - Other	16	12	0	28
DES- Adult Protective Services	10	8	0	18
Desert Marigold School	14	0	1	15
Developmental Disabilities Council	1	0	1	2
Dewey-Humboldt	4	0	0	4
Eagar	1	0	0	1
Education, Department of	8	2	1	11
El Mirage	1	0	0	1
Emergency & Military Affairs, Department of	1	1	0	2
Environmental Quality, Department of	5	0	0	5
Executive Clemency, Board of	0	1	0	1
Financial Institutions, Arizona Department of	11	0	0	11
Fingerprinting, Board of	1	1	0	2
Fire Building and Life Safety, Department of	11	1	0	12
First Things First	0	1	1	2

OPTIMIZING OUR STATE GOVERNMENT

Flagstaff	1	0	0	1
Funeral Directors & Embalmers, State Board of	9	1	0	10
Game and Fish, Department of	7	3	4	14
Geological Survey, Arizona	0	1	0	1
Gila County	1	0	0	1
Gilbert	1	0	0	1
Gilbert Public Schools	2	0	0	2
Glendale	4	1	1	6
Golden Valley Fire District	13	2	3	18
Goodyear	1	0	0	1
Governor, Office of	14	2	0	16
Governor's Council on Blindness and Visual Impairment	1	0	0	1
Graham County	1	0	0	1
Green Valley	0	1	0	1
GRRC	1	0	0	1
Harquahala Valley Fire District	4	0	0	4
Health Services, Department of	45	10	4	59
Health Services, Vital Records Office	6	1	0	7
Higley School District	1	0	0	1
Historical Society, Arizona	0	1	0	1
Homeopathic Board of	2	0	0	2
Housing, Department of	10	2	0	12
Indian Affairs, Arizona Commission of	1	0	0	1
Industrial Commission	31	12	1	44
Insurance, Department of	23	4	1	28
Jerome	1	0	0	1
Joint Legislative Budget Committee	1	0	0	1
Judicial Conduct, Commission on	11	0	0	11
Kyrene Unified School District	1	0	0	1
Land, Department of	2	3	0	5
Legislature	27	1	1	29
Library, Archive & Records Dept.	3	0	0	3
Liquor Licenses and Control, Department of	5	2	0	7
Littleton Elementary School District	1	0	0	1
Lottery	3	1	1	5
Marana	1	0	0	1
Maricopa	8	0	0	8
Maricopa County Attorney	1	0	0	1
Maricopa County Clerk	1	0	0	1
Maricopa County Community Colleges	4	1	0	5
Maricopa County Constables	1	0	1	2

OPTIMIZING OUR STATE GOVERNMENT

Maricopa County Elections	1	0	0	1
Maricopa County Medical Examiner	1	0	0	1
Maricopa County Sheriff	7	0	1	8
Maricopa County Superior Court	3	0	0	3
Massage Therapy, State Board of	1	2	0	3
Mayer Fire District	1	1	0	2
Mayer Water District	4	0	1	5
Medical Board, Arizona	38	14	6	58
Mesa	3	0	1	4
Mescal J-6 Fire District	0	0	1	1
Miami	2	0	2	4
Miami School District	1	0	0	1
Mine Inspector	1	0	0	1
Mohave Board of Supervisors	1	0	0	1
Mojave	4	0	0	4
Navajo	1	0	0	1
Nogales Unified School District	1	0	0	1
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	2	0	0	2
Nursing, State Board of	15	21	4	40
Nutriso Fire District	2	0	0	2
Ombudsman	97	5	0	102
Optometry, State Board of	1	1	0	2
Oro Valley	1	0	0	1
Other - Government	291	6	3	300
Other - Private	374	12	0	386
Other-federal	56	3	0	59
Paradise Valley	1	0	0	1
Parks, Department of	1	0	0	1
Patagonia	1	0	0	1
Payson	1	0	0	1
Peoria	2	0	1	3
Personnel Board	1	0	0	1
Pest Management, Office of	0	1	0	1
Pharmacy, Board	3	1	1	5
Phoenix	5	1	0	6
Phoenix Police Department	1	0	1	2
Physical Therapy Examiners, Board of	1	1	0	2
Physician Assistants, AZ Regulatory Board of	1	2	0	3
Pima	3	0	2	5
Pima County Clerk	0	0	1	1
Pima County Sheriff's office	4	0	0	4
Pinal	3	0	2	5

OPTIMIZING OUR STATE GOVERNMENT

Pinal County Attorney's Office	1	0	0	1
Pinal County Sheriff's Office	1	0	0	1
Podiatry Examiners, State Board of	1	5	0	6
Prescott	0	1	0	1
Prescott Valley	1	0	0	1
Private Post-Secondary Education, Board for	1	0	0	1
Public Safety Personnel Retirement System	1	1	1	3
Public Safety, Department of	5	2	3	10
Quartzite City Clerk	1	0	0	1
Quartzsite	6	0	0	6
Racing, Department of	4	2	0	6
Radiation Regulatory Agency	3	0	0	3
Real Estate, Department of	9	6	1	16
Registrar of Contractors	9	17	6	32
Retirement System, Arizona State	3	2	1	6
Revenue, Department of	14	19	1	34
Rio Rico Fire District	1	0	0	1
Riverside School District	0	0	1	1
Roosevelt School District	0	0	1	1
School Facilities Board	0	1	0	1
Scottsdale	1	0	0	1
Scottsdale Police Department	1	0	0	1
Scottsdale Unified School District	1	0	0	1
Secretary of State, Office of	5	2	0	7
Sedona	2	1	0	3
Sheriff's Posse Road Improvement District	1	0	0	1
Sierra Vista	2	0	1	3
State Court	1	0	0	1
Sunburst Farms Irrigation District	10	0	0	10
Superior Court	9	0	0	9
Supreme Court	2	0	0	2
Surprise	3	0	0	3
Technical Registration, Board of	1	4	3	8
Tempe	3	0	0	3
Tombstone Unified School District	1	0	0	1
Transportation, Department of	4	9	2	15
Transportation-Motor Vehicle Division	17	27	8	52
Tucson	3	1	1	5
Tucson Police Department	3	0	0	3
Tucson Unified School District	1	0	0	1
University of Arizona	2	1	0	3
unknown	16	0	0	16
unknown charter school	11	1	0	12

OPTIMIZING OUR STATE GOVERNMENT

unknown city	16	1	1	18
Unknown Community College	1	0	0	1
unknown fire district	11	1	0	12
unknown school district	13	4	0	17
Unknown state agency	77	4	2	83
Upper San Pedro Partnership	1	0	0	1
Various	1	0	0	1
Various Charter Schools	2	0	0	2
Various Cities/Towns	0	0	1	1
Various school districts	1	1	0	2
Veterans Home	0	1	0	1
Veterans' Services, Department of	7	3	0	10
Veterinary Medical Examining Board	4	3	1	8
Water Resources, Department of	3	1	0	4
Weights and Measures, Department of	28	6	3	37
Yavapai County	2	0	0	2
Yuma City	18	1	4	23
Yuma County	8	0	2	10
Yuma Police Department	1	2	0	3
TOTAL NUMBER OF CONTACTS	3571	1430	241	5242

WHO WE ARE

About the Ombudsman and Staff

Dennis Wells - Ombudsman-Citizens' Aide.

Dennis became Ombudsman Citizens Aide on July 2, 2012 following confirmation by the Legislature and Governor in early 2012. Dennis holds a Masters Degree in Public Administration from Northern Arizona University and a Bachelor of Science in Geology. His educational background also includes a fellowship at Harvard regarding studies in State and Local Government. He has ombudsman training prescribed by the U.S. Ombudsman Association (USOA) and is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). He has public and private sector experience. In the public sector, Dennis was an elected supervisor and chairman of the Coconino County Board of Supervisors, State Land Commissioner for Arizona, a member of the Arizona State Parks Board and served as City Manager for Williams, Arizona. Dennis' public service also includes serving on the Board of Directors, Foundation for Flagstaff Medical Center and as a board member of the Arizona City and County Managers Association. In the private sector, Dennis began his career working in the family business, The Williams Grand Canyon News, which has been continuously published by the Wells' family for 100 years. Following graduation from Northern Arizona University, Dennis worked for private firms in oil exploration and drilling in Texas, Louisiana and overseas (Africa and the Middle East).

Joanne MacDonnell - Deputy Ombudsman.

Joanne joined the office as Deputy Ombudsman in 2005 after serving nearly eight years as the Arizona Corporation Commission Director of Corporations. Prior to working in government, Joanne worked in the private sector at FCC Investors, Inc. (dba: Valley Seed Company), serving on the Board of Directors and as an accountant. She also worked in real estate as a licensed Realtor associate and real estate appraiser. Joanne has Bachelor of Science degrees in Business Administration and Real Estate from the University of Arizona, 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; the Leadership Module through Rio Salado College and AZGU; and ombudsman training prescribed by the U.S. Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, serving as a Board Member and led the Children and Family Committee for two years. She is also a member of the Association for Conflict Resolution, qualified in the "Practitioner" category. She is a member of the DCS Citizen Review Panel Committee, the Arizona Court Improvement Committee and the Court Parent Representation Committee. She is a judge for the Central Arizona BBB Business Ethics Award.

WHO WE ARE

Sarah Bruce - Assistant Ombudsman.

Sarah officially joined the Ombudsman office in 2013, after serving as an intern and contractual employee with the office. She previously interned with the Gila River Indian Community Employment and Training Department, where she worked with pre-teens and teens as a Workforce Investment Act Youth Counselor. Prior to that, she worked as a Quality Assurance Supervisor for Western Wats, a national tele-survey company. Educationally, she has received her Bachelor of Art degree in History from Arizona State University.

Since starting with the office, Sarah has completed ombudsman training prescribed by the United States Ombudsman Association (USOA). The Council on Licensure, Enforcement and Regulation (CLEAR) has certified her as an administrative investigator after she completed the National Certified Investigator Basic Training. She also has clearance for investigatory purposes into the Department of Child Safety Children's Information Library & Data Source (CHILDS) Program after completing training with the Child Welfare Training Institution and Department of Economic Security. She is also a former associate member of the National Indian Child Welfare Association.

Danee Garone – Investigator/Writer.

Danee joined the Ombudsman's office in 2014. He completed United States Ombudsman Association new ombudsman training in 2014. Prior to joining the Ombudsman's office, Danee completed a legal internship with the Arizona House of Representatives. Additionally, he completed a legal externship with the United States District Court for the District of Arizona and interned for the United States Small Business Administration. He has a Juris Doctor degree from the Sandra Day O'Connor School of Law at Arizona State University and is a licensed attorney. Additionally, he graduated from Arizona State University summa cum laude with a Bachelor of Arts degree in journalism from the Walter Cronkite School of Journalism and Mass Communication and a Bachelor of Arts degree in political science.

Aimee Hamilton – Assistant Intake Ombudsman.

Aimee joined the Ombudsman office in 2014. She received her Bachelor of Arts degree in 2000 from Adams State College in Alamosa, Colorado. Before joining the Ombudsman office, Aimee worked for 3 1/2 years in Vancouver, Washington as a case manager for homeless individuals and families on transitional housing. Prior to that, she worked for the Jobs Program with MAXIMUS in the Phoenix area assisting families who received state cash assistance. She also has extensive experience in customer service in the non-profit, financial and mortgage industries.

Kathryn Marquoit - Assistant Ombudsman for Public Access.

Kathryn is an attorney who 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

WHO WE ARE

Security Disability legal representation to disabled clients nationally. Prior to her work litigating before the Social Security Administration, Kathryn served as member of the legal staff for the Governor's Regulatory Review Council (GRRC) 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.

Keith Meyer – Senior Investigator/Writer Ombudsman.

Keith joined the Office of the Ombudsman in 2014 and brings with him 20 years of public experience in Arizona State and County governments. He served in director's offices at the Arizona Department of Corrections, Arizona State Department of Agriculture, the Arizona State Land Department, and Arizona State University. In Maricopa County government, he worked at the County Attorney's Office coordinating restitution issues with citizen victims of crime. Other public service includes volunteering on several homeowner association boards. He has completed ombudsman training prescribed by the United States Ombudsman Association (USOA). Keith earned a Master's degree in Public Administration and a Bachelor of Science degree in Agribusiness, with a minor in Sociology, from Arizona State University.

Jennifer Olonan - Assistant Ombudsman.

Jennifer began working for the Ombudsman office in 2014. She has completed ombudsman training prescribed by the United States Ombudsman Association (USOA). She previously worked in the medical field as a team lead and manager, where she obtained extensive clinical experience. She has received a Bachelor's of Science degree in Health Science (Healthcare Policy) from Arizona State University. She is currently pursuing a Master's of Public Administration with an Emphasis in Government and Policy, from Grand Canyon University. She has completed training with the Child Welfare Training Institution and Department of Economic Security to obtain clearance for the Children's Information Library & Data Source (CHILDS). Jennifer is proficient in American Sign Language.

Carmen Salas - Assistant Ombudsman.

Carmen joined the Ombudsman's office in 2005. She previously worked at the Arizona Corporation Commission for nine years as a management analyst and supervisor. 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 completed the Leadership Module through AZGU, is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR), has ombudsman training prescribed by the U.S. Ombudsman Association (USOA) and has completed mediation training. She has also completed training with the Child Welfare Training Institution and Department of Economic Security to obtain clearance for the Children's Information Library & Data Source (CHILDS). Carmen is fluent in Spanish.

EXHIBIT

EXHIBIT 1

Arizona Ombudsman – Child Safety (DCS)

<http://www.azoca.gov/child-safety-dcs/>

Arizona Ombudsman
CITIZENS' AIDE

Arizona State Legislature

[Home](#) [About](#) [Resources](#) [Make a Complaint](#) [Open Meeting & Public Records Law](#) [Child Safety \(DCS\)](#)

Child Safety (DCS)

Search ...

The Department of Child Safety (DCS) and the Ombudsman Office

Various statutes in Arizona Revised Statutes Titles 8 and 41 require the Department of Child Safety to work with the Ombudsman-Citizens' Aide Office. When DCS takes a child, the Temporary Custody Notice or Notice of Duty to Inform is distributed and it informs families that ombudsman services are available to the parents, guardians, and others involved in child safety cases.

If you become involved with DCS, we highly recommend you seek to understand their mission and the laws that guide them at your first opportunity. The quickest way to find complete and accurate information about DCS is to visit their web site at azdes.gov/landing.aspx?id=9485. Public libraries have Internet connections if you do not have direct access. Time spent acquainting yourself with DCS is very advisable. Knowledge of the system can provide guidance and inform you of your rights.

Should a dispute with DCS arise, families and other involved parties should attempt to work with the agency first. If you are unable to resolve the concern internally with DCS, then you may contact the Ombudsman Office. The Ombudsman Office is independent and not in the chain of command of DCS. The Ombudsman Office can review DCS files and administrative actions to determine whether they are fair and according to law. The Ombudsman Office cannot review orders by judges or action/inaction by attorneys because they do not have jurisdiction over either. DCS dependency cases are heard in county juvenile courts (Superior Court). The Arizona Supreme Court has a helpful web site regarding general dependency information. It is at azcourts.gov/improve/Resources.aspx. Maricopa County has a good description of court and dependency processes. It is found at maricopa.gov/opa/depccp.aspx.

If you have a dispute with DCS, follow the following steps:

Step 1: Attempt to Resolve Disputes with the DCS Case Manager

Resolve a Complaint or Disagreement with Department of Child Safety (DCS) via their internal processes:

Disagreements sometimes arise during the course of Department of Child Safety (DCS) interventions. The department has ways to address these disagreements and wants you to know about them. If parties develop concerns about a DCS case, they should first attempt to address their issues and complaints directly with their Department of Child Safety (DCS) case manager. We recommend initial contact be by phone and that you are self-controlled in your remarks. We further recommend you do not leave an excessive number of voice messages. One or two should work. If there is no response in a couple of days, then we recommend changing to written communication via email or letter. Keep a copy of your correspondence.

- > [How to File Complaint](#)
- > [Complaint Form](#)
- > [Frequently Asked Questions about DCS](#)
- > [Department of Child Safety Official Website](#)

**Arizona Ombudsman
Citizens' Aide** 3737 N. 7th Street,
Suite 209 Phoenix AZ 85014
(602) 277-7292

(800) 872-2879 (Arizona outside
Phoenix metro area)

Fax: (602) 277-7312

[HOW TO FILE A COMPLAINT](#)

[COMPLAINT FORM](#)

[MORE CONTACT INFO](#)

EXHIBIT

If step 1 fails, proceed to step 2.

Step 2: Elevate concern to DCS Supervisor

If their attempt to resolve their concerns with the case manager fails, then they may proceed to DCS supervisors or management. Follow a similar course of action in attempting to speak to the case manager's supervisor.

If step 2, fails, proceed to step 3.

Step 3: DCS also has a Family Advocate Office, a grievance process and a Foster Parent/Adoptive Liaison to assist the public with complaints.

Department of Child Safety (DCS) Family Advocate (1-877-527-0765 or 602-364-0777) receives and responds to complaints made by persons who have an open or closed Department of Child Safety (DCS) case, as well as their family members or interested parties. An affected individual may express dissatisfaction about services, actions or lack of actions or manner of treatment by the Department of Child Safety staff. The Family Advocate will mail, upon request, a Client Grievance form to the complainant. The Family Advocate will provide directions/clarification on filling out the form. Once the grievance form is submitted, the Family Advocate then reviews the matter, assigns the grievance to the appropriate management staff and to meet with the individual and attempt to resolve the complaint.

For callers seeking information about other state agencies, Family Court and child custody cases, the Family Advocate will attempt to provide telephone numbers to the appropriate service or agency. The Family Advocate cannot answer questions or provide specific information about other agency's programs. The Family Advocate is available Monday-Friday 8 a.m. to 5 p.m. at 1-877-527-0765 or 602-364-0777.

- The Family Advocate does not provide legal advice.
- The Family Advocate does not reveal confidential case information.

Client Complaints (Grievances)

A complaint (or grievance) is another way for individuals to express dissatisfaction about services, actions (or lack of actions) or manner of treatment by the Department of Child Safety staff. Issues currently being heard in court or previously decided in court may not be grieved. The DCS grievance goal is to address disagreements at the lowest possible level among the people most familiar with the situation. All DCS grievances are received and reviewed by the Family Advocate to ensure they are complete, contain issues eligible for the grievance process, and assigned to the appropriate management staff for response. A level one grievance may be downloaded off the DCS web site or obtained from any DCS office. A complainant should submit an original signed and dated level one grievance to the address listed on the form to ensure proper receipt and tracking. It can be found at azdes.gov/landing.aspx?id=9681. The Assistant Program Manager responsible for the office in which the case is being managed is required to contact the individual and offer a face to face meeting to discuss the grievance. If one is not satisfied with the outcome of the Level 1 response, they may choose to elevate the problem to the Level 2 grievance process. They would submit the original signed and dated Level 2 grievance within 30 days of receipt of the Level 1 response to the address on the form. They will be contacted by the Family Advocate and offered a meeting with Regional Program Management. If the complainant objects to the second response, they may submit an original signed and dated Level 3 grievance to the address on the form and their grievance will be reviewed by upper management for final determination.

There are certain subjects that the Client Grievance Process does NOT deal with:

EXHIBIT

Arizona Ombudsman – Child Safety (DCS)

<http://www.azoca.gov/child-safety-dcs>

- Challenges to findings of a DEPARTMENT OF CHILD SAFETY (DCS) Investigation
- Mediation outcomes
- Issues previously grieved with no new circumstances
- Court orders and/or information provided to the court
- Results of an evaluation (psychological, psychiatric, substance abuse)
- Removal of children from a parent, guardian or custodian
- Denial of revocation of a license or certification
- Issues of contract providers if Procurement Code applies

If the complaint has to do with one of the issues listed above, a person should NOT start the Client Grievance Process. Contact the Family Advocacy Office at 1-877-527-0765 or 602-364-0777 if you need additional guidance.

Foster Care and Adoptive Family Liaison

The Resource Family Liaison provides program-specific information to interested parties regarding foster care. If individuals have concerns or issues pertaining to foster parent licensure, adoption certification, home recruitment, or other matters related to foster care, the Resource Family Liaison may help. For more information, please contact Resource Family Advocate, 1789 W. Jefferson Ave., SC 940A, Phoenix, Arizona 85007, (602) 542-0210, FAX (602) 542-3330.

Step 4: A complainant may gather the material they accumulated in steps 1-3 and file a complaint with the Ombudsman Office.

Please see "To Make a Complaint" for how to contact the Ombudsman Office. To file a complaint electronically, use our complaint form.

CITIZENS' AIDE

3737 N. 7th Street, Suite 209
Phoenix AZ 85014

Phone: **(602) 277-7292**

*Toll Free: **(800) 872-2879**

* Does not work in the Phoenix metro area.

Fax: **(602) 277-7312**

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