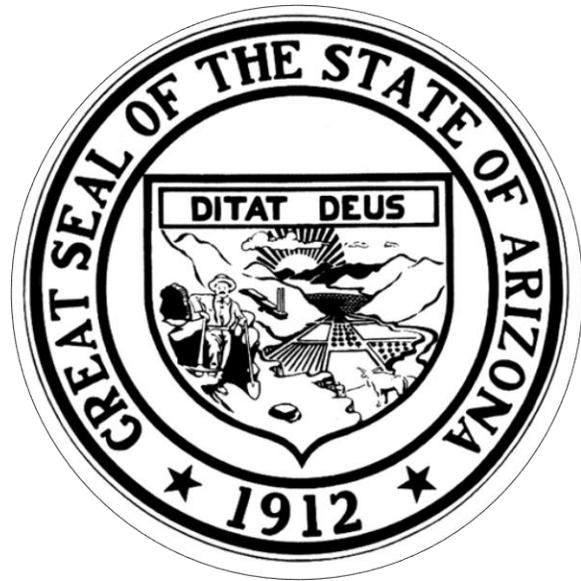


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# SEMIANNUAL REPORT

JANUARY-JUNE, 2014

Submitted by Arizona Ombudsman-Citizens' Aide, Dennis Wells  
December 22, 2014

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# 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

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personnel in every state agency to enable efficient resolution of complaints prior to escalation.

## **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

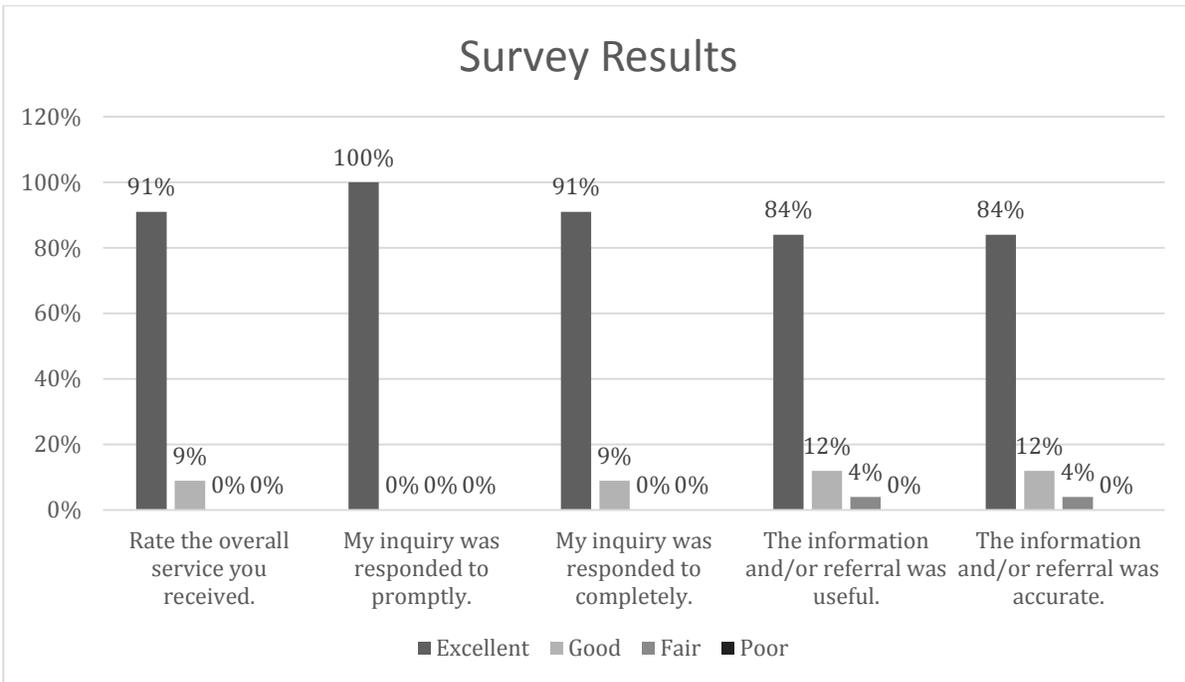
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing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

The following chart and comments summarize the results of the survey for first half of the calendar year 2014.

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## WE WELCOME FEEDBACK

The following comments are from citizens who used our services between January 1 and June 30, 2014:

“I didn't expect to receive a telephone call about my inquiry, and not the following day. Outstanding response, clear and helpful communication.”

“Sarah at the office answered my call so politely and professionally and she was courteous and prompt about getting back with me.”

“I am stunned at how quickly my issue was resolved by Carmen. Thank you! Thank you! THANK YOU!”

“My inquiry was handled promptly, courteously, and quickly. I was very impressed with the service I received. Thank You.”

“Jennifer was prompt, courteous and very professional. Thank you so much for having a team member like her!!!!”

“Dennis Wells discussed my issues with patience and courtesy, then provided materials to provide documentation for future reference. I'm most appreciative.”

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

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"I am absolutely thrilled with the assistance I received from Jennifer Olonan. After struggling with an issue with the DES for two months, and STILL not being able to resolve it, I spoke with her on a Monday, and the issue was resolved COMPLETELY before Friday. The human contact was invaluable, and the speed and efficiency with which she dispatched my problem was close to miraculous. I cannot fully express my appreciation."

"Sarah did an excellent job, of helping me get the information I needed."

"Jennifer is the best. She solved problems I have had in a single day. You should promote this woman to teach others how to be courteous and resolve problems and not cause them."

"Some" of us, are a little older, and without easy access to a computer- So to connect with a human being (helpful too!) in real time is refreshing!"

"Joanne, Thank you, thank you for the time you took with me today. You are wonderful."

"Very polite, helpful and made me feel hopeful about my situation."

"I rarely fill out a survey with all the highest or all of the lowest ratings because there is usually room for improvement and while some interaction are unpleasant there is hardly a time that warrants a "1" rating. With this said, your office is impeccable at what you do.

This is the second encounter I have had the pleasure to deal with your office. First, let me say that one of the hardest things to do when you are having an issue with an agency is getting to someone that can understand your issue and intelligently informing you of the next step. I was able to tell Jennifer, in about five minutes, what the situation was, and after her asking a handful of questions she was able to provide an answer as to how she could assist. Brilliant! If it were only that easy when dealing with other departments and places of business. Jennifer was able to email the correct person and that person called my wife back today and movement began where there had been none for a few weeks. Just that made us satisfied with your service, but it didn't end there. Jennifer called my wife back this afternoon to see if the agency had followed up with us. Great follow-up!!"

"Thanks for the speedy help! This helped me keep my job!"

"Very professional, knowledgeable, and courteous."

"Was able to get the issue resolved once and for all clearly completely. Received the exact service from the office of Ombudsman I was looking for. Great service to our community."

"It took me 14 months with no response on my own. I stumbled across this information for this office, & in less than 4 months had opened up lines of communication directly with new case worker, and have had my issues resolved . Jennifer was wonderful. I would have never made it this far without her help!"

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## Compelling Cases

The following case summaries are examples taken from the 2,769 cases we handled in the first half of 2014.

### GENERAL COMPLAINTS ABOUT STATE AGENCIES

**Cases where our intervention revealed a field practice that was not in accordance with the agency's stated policy/procedure, statutes or case law.**

### 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.

#### **1400278. DES – Division of Child Support Services**

A concerned citizen called regarding her child support being taken out once per year for \$25. She states she is on AHCCCS and the Division of Child Support Services (DCSS) is not allowed to do this. She said she contacted DCSS three times in writing, once was a certified letter. She stated she has had a hard time communicating with DCSS regarding this issue.

We contacted DCSS and reviewed the problem with the agency. DCSS agreed to perform an administrative review of the account. DCSS informed us they concurred with our analysis. They had made an error. They concluded the citizen was entitled to a refund of \$75.

We informed the citizen, and they thanked us for our work.

#### **1401811. DES - Employment and Rehabilitation**

A woman contacted our office regarding an issue she was having with the Department of Economic Security/Employment and Rehabilitation (DES/UI). She was having an issue receiving her payments from DES/UI. She had filed her weekly reports for about a month and had not received any benefits. The system keeps telling her there was an issue with her case.

We contacted DES/UI and they informed us the complainant had filed an additional claim on 4/1/2014. DES/UI sent the employer information to the incorrect employer when the woman filed the additional claim. The agency corrected the problem on 4/16/2014. DES/UI sent the Notice to Employer to the correct last employer on 4/17/2014. DES/UI told the complainant that the employer has 10 working days to respond to the notice.

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We contacted the woman and she informed us that she had talked to a DES/UI representative. She said they admitted the mistake and they are in the process of correcting the error. She was happy we helped get DES/UI to fix the problem.

## **1402226. DES - Unemployment**

We received information from Constituent Services in the House. The complainant businessperson alleged DES Unemployment (UI) erred with their handling of his company's claim obligations. He sent a lengthy fax to illustrate. The records explained his complaint and also provided documentary evidence relevant to the case. We reviewed the material. We also reviewed DES Unemployment (UI) law in Arizona Revised Statutes Title 23, Chapter 4; the DES website and the DES UI handbook.

The complainant alleged he respond timely to UI regarding UI claims on four employees; however, he claimed UI failed to give his company its legal right to appeal the UI benefits. He offered four examples.

We contacted UI and asked them to research the matters and provide us with information to explain their side of events. UI found that one employee in the group had her social security number stolen. That escalated the situation because the illegit person (the one using the person's SS #) filed at DES for the UI. The true holder of the social security number said she never worked for the company. It took a while for DES to ferret out that it was a fraud case caused by an ID thief. UI said they would strike that case and credit the company account in July. UI admitted their staff failed to handle these three matters correctly. They issued credits back to the three accounts.

UI contacted the complainant and explained they would credit him back for the cases where they had charged his account. UI also responded to us and explained what they did to correct the matter. We asked UI to explain why the system did not work on the four cases. A UI manager explained, "In early 2013, UI experienced several rounds of layoffs. This caused a delay in some cases of responses to notices. UI has been able to rehire a few staff and realign job duties to be able to promptly respond to these types of notices. Additionally, a recent change in the law, House Bill 2173, has significantly reduced the volume of notices that both the employers and the Administration have to deal with on cases where no benefits are due. This will allow the Administration to keep up with the current volume of notices."

We know from our experience with UI, they were hit hard by budget and resulting staff cuts. The Federal government pays much of UI operations and those Federal Funds were dramatically curtailed when the complainant experienced much of this trouble. In turn, UI had to make due with severe staff cuts at. DES warned the public and elected officials in 2013. Thus, the UI admission, while bad, was understandable. The agency cannot negate the inconvenience the complainant experienced because of the agency's past errors, but the agency did admit their fault, credit his account and eliminate the burden of requiring the complainant go through a hearing.

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## **Cases that we resolved that no one else was able to resolve internally.**

### **1400622. DES – Unemployment**

A concerned man contacted us regarding his having a hard time communicating with Unemployment (UI) about his benefits. The citizen stated he was incarcerated during the time UI claimed he was collecting his benefits. He now has liens against him because UI claims he owes money for the over payments. The citizen admits he owes some of the overpayment, however he does not owe the entire amount UI is stating he owes.

He contacted UI and informed them someone had stolen his identity and was collecting his UI while he was incarcerated. The citizen was incarcerated from July 2007 to November 2011. He states UI did not look into his case when he notified them of this issue.

We reviewed the case and contacted UI. UI stated to us this issue of over payment is coming from 2012, not when he was not incarcerated. We asked UI if this over payment could have taken place or been part of, some of the funds while he was incarcerated. They could not answer the question. They stated this claim was sent to the Office of Special Investigations (OSI) in 2010 by the Division of Child Support Services. They are not provided with the results of an investigation.

We reached out to OSI. They acknowledged receiving the case, but they did not look into this issue. They will now look into the citizen's case since they believe he was incarcerated during the time they issued benefits. OSI said they will be looking into the citizen bank statements and that process could take a few months. OSI suggested the citizen should file his appeal with UI regarding this issue.

We informed the complainant. He then agreed to file an appeal and he said he is very happy UI and OSI are looking into his case.

## **Cases where our intervention resulted in better service to citizens.**

### **1402066. Arizona Department of Transportation - Motor Vehicle Department**

A citizen needed her driver's license (DL) to be turned into a state identification (ID) card, before getting a divorce and changing her name. The woman stated she is home bound because she cannot afford transportation and she is also wheelchair bound. She stated she contacted the Motor Vehicle Department (MVD) and informed them of not being able to come into her local MVD. MVD informed her she would need to fill out paper work and send in \$12 to the MVD to process her application, which she did. MVD informed her they would need a picture of her. Since she could not come in, they would either have no picture on the ID or use her old picture of her.

The director of MVD contacted citizen and informed her they cannot issue her an ID without taking a new picture. She informed the director she cannot leave her wheelchair. In order to get her wheelchair to the MVD, she would need to pay \$1,000 to take an ambulance. Citizen stated only one

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ambulance company has a lift strong enough to lift her wheelchair with her in it. She is currently on HUD housing and cannot afford to pay \$1,000 to go to the MVD.

We contacted the MVD. They informed us they will need to take her picture in order to issue her a state ID. MVD stated that since she is changing her name, she would also need a new signature. They cannot get a signature without the picture; they are saved as one file. MVD informed us the only way something like this can be done, is if the citizen is active military and is unable to come into the office. They noted this is in their statute.

We contacted the Governor's Office for Equal Opportunity, who stated they would look into this issue for us. The Office for Equal Opportunity stated they could not find any law that required the state of Arizona to provide a service to disabled citizens within the MVD. The Office for Equal Opportunity stated they contacted the Department of Justice and Labor and they do not state this type of service accommodation needs to be made for anyone including the disabled.

Despite this, MVD reconsidered and agreed to go to the woman's home. Citizen contacted us back to confirm to us that MVD would be coming to her home to take her picture for her new ID card.

## **1400133. DES - Benefits and Medical Eligibility**

A father stated the Social Security Administration assured him that his son would get AHCCCS. However, he later received a letter from AHCCCS saying his son was denied by AHCCCS. He tried to contact AHCCCS, but could not reach anyone who could explain what was going on.

We contacted AHCCCS and they explained that the son was approved for SSI-MAO, which is AHCCCS coverage for people receiving Social Security. Because he was approved for SSI-MAO AHCCCS, he was sent a denial for normal AHCCCS. The father thanked us for clearing this up for him.

## **1402001. DES – Benefits and Medical Eligibility**

A man complained about DES. DES told the man that he needed an interview, but the man could not get through to DES on the phone. He would like to get an interview and would like the status of the case. He said that he could not go to the local office to have the interview because he is a caregiver to his disabled wife and is not able to leave her alone at this time.

We contacted DES and explained the situation. They contacted the man and arranged a telephone interview because he is a caretaker of his disabled wife.

We contacted the man to verify DES took care of his situation. He informed us that DES conducted the telephone interview as requested. He appreciated our assistance.

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## Cases where our intervention resulted in financial savings for a citizen.

### **1401179. Corporation Commission**

A woman complained about the Corporation Commission (ACC). She said they mishandled the disbursement of funds resulting from a judgment on a bad investment. She claimed the ACC mistakenly issued a "satisfaction of judgment" concerning the company that was liquidated to pay back the investors who funded the now defunct business. The guilty parties had not fully paid off the debt, but claimed they had done so. The complainant said the workers at the ACC said they had no way to correct the problem created by the ACC's error.

We contacted the ACC about the complainant's situation and reviewed the matter with them. Upon investigating, ACC management confirmed that a "satisfaction of judgment" had been issued prematurely by mistake. The managers said they would have their legal department work with the Attorney General's Office to correct the error. The ACC then completed and filed the necessary affidavits to annul the "satisfaction of judgment." Correcting the error will result in a more complete judgment amount as originally directed by the court. Thus, the investors may receive a larger portion of their original investment back.

### **1400525. DES - Unemployment**

A husband and wife (claimant) are worried about an appeal they have with unemployment (UI). Claimant stated they have submitted documents proving opposite to what they are being told by UI. Claimant stated their documents will show FedEx sent in their UB 110 late. Claimant stated they believe if FedEx sent in their response in late then they should not have to pay back the UI they received. Claimant also stated they feel as if they should receive their state tax money back, which was taken from them last year for the overpayment.

We contacted UI with the claimants' concerns. UI responded by stating the claimant provided the wrong address for his employer. The wrong address caused the letter to the employer to be late, as UI had to resend the letter to the correct address and give them enough time to reply. UI made the decision to write-off the remaining balance of the claimants' overpayment. The claimants will not receive a refund of the funds that were taken from the tax return last year.

We notified the couple of this information. They thanked us.

### **1401768. DES - Benefits and Medical Eligibility**

A benefits recipient put in a change report to DES regarding her food stamp benefits in March. When DES made the changes to the benefits recipient, the changes were going to be made in May. The recipient wanted to know why the benefits were going to change in May instead of April.

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We contacted DES and reviewed the problem with them. They researched the account and made the necessary corrections to the benefits recipients account and the changes will now be in April instead of May.

## **Case where our intervention led to a positive change in agency practice**

### **1400464. Board of Behavioral Health Examiners**

A complainant, who had been sanctioned by the Board of Behavioral Health Examiners (BBHE), said she objected to the agency's posting of certain details of her case because she thought the posting went too far and violated her privacy rights.

We reviewed the information posted online and noted it might be in conflict with privacy provisions in ARS §32-3282(C). We then checked with the Board director and she checked with their Assistant Attorney General (AAG). The AAG said she did not believe anything was improper regarding that summary as it accurately captured the basis of the Board's decision to deny licensure. In addition, the Board's process for creating online summaries is the same for all applicants, thus it is consistent. The long summary for the licensee reflects the amount of information obtained during the investigation and considered by the Board during its review of this matter. That said, in the interest of resolving any concerns, the Board agreed to shorten the summary with a revision that still accurately reflects the basis for the Board's decision to deny.

### **1400220. Board of Behavioral Health Examiners**

A licensee applicant with the Board of Behavior Health Examiners (BBHE) said that the Board did not portray his decision to not take a test correctly. They posted the information in such a way that it appeared he failed the exam instead of not taking it. Subsequent to that, the licensee applicant notified the board about his concern and after some resistance, the board agreed to change the entry online; however, he was still listed with the group who failed the exam. The online document was worded, "Social Work -- failed to take and/or pass the required exam (5)", and it lists several individuals, including the applicant. There was no way to differentiate who failed the exam and who simply did not take it. The man said the Board staff had not corrected or clarify their web site when he asked for them to do so.

We researched the matter and then contacted the Board. We explained the initial entry had the licensee included with individuals who had failed the exam and did not make clear he decided to not take the exam. We asked the agency to look into this. We noted that if the allegation is true, then we saw three possible courses of action. One, they could correct and remove his and like people who never took the exam from the list of failed. Two, they could clarify he never took the exam and is listed in that so it is clear he did not take exam. Three, they could offer a legal citation to justify keeping him as currently listed online.

Initially, the Board staff and their Assistant Attorney General saw the matter as "changing the record." They said the old minutes could not be deleted. We stated we never suggested that, but the Board could show a correction in new minutes, footnote the old and correct the web site display. We also noted this was a systemic problem because the Board's original wording lumps those who decide not

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to take the test appear on the same sheet as those who failed the test without an adequate explanation. That is not fair.

The Board staff consulted again with their attorney and agreed to modify its standard denial language so that it was made more clear.

We informed the complainant.

## OMBUDSMAN INTERVENTION IN DCS CASES

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

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. These cases are easily rectified as we facilitate effective communication between families and DCS.

Similarly, we contact DCS to gather agency administrators' perspectives on 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.

More DCS cases are coming to us. Our DCS caseload is now 37% of our total caseload. In 2010, it was only 15% 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 types of complaints, our office may initiate full-file reviews, request

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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.

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

<b>DCS Complainant Information Chart – January 1, 2014 – June 30, 2014</b>	
<b>DCS Complainant Source Relationship</b>	
Parent	605
Kin	183
Service Provider	8
Other	29
<b>DCYF Region</b>	
Central	169
Southwestern	135
Southeastern	16
Northern	31
Pima	45
<b>Type of Complaint</b>	
Unfair Removal	131
Lack of Service	54
Inconsistent Visitation	81
Problems with Communication	348
Placement Problems	147
Inadequate Efforts Towards Case Plan Goal	40
Other	153

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

## **Cases where our intervention revealed a field practice that was not in accordance with the agency's stated policy/procedure, statutes or case law.**

### **1401886. DES – Department of Child Safety**

A high school social worker complained against the Department of Child Safety (DCS). The social worker stated he has had three different caseworkers (CM) come into the school and asked him to pull out three different students from their classrooms this morning. He believes this is detrimental to the children's education. The social worker stated the CM behaved heavy handed, upsetting the children and high school officials. The social worker also said the workers gave no warning, thus the school was not able to point the workers to a less disruptive time. The social worker asserted the kids were in important activities (testing and classes), yet the workers refused to wait or make other accommodations. It was the schools understanding, none of the DCS cases were new and none were criminal matters. The school was led to believe the children were not in imminent harm and the meetings were for monthly safety checks.

Our office identified the Division of Child Safety and Family Services - Policy & Procedure Manual, Chapter 2: Section 3, Conducting Interviews: "If an interview for a child needs to be conducted at school, the DCS Specialist shall be respectful to the school's rules, schedule, testing, and the child's educational needs. The interview should be coordinated with school staff and not students. The DCS Specialist shall provide copies of his/her identification and a copy of the Request for Interview at School. They will ask to interview the child privately. If the child requests that a teacher or other school staff member be present for the interview, explain to the teacher the limitations regarding DCS confidentiality. Limit the amount of time a child misses classroom instruction. Do not share any additional details of the case with school staff unless needed to determine the child's safety. Collect additional information if needed by requesting school records and interviewing school personnel by using the Request of Education Records (CPS-1048)."

We contacted DCS with the social worker's concerns. DCS followed up with all staff and supervisors identified in this situation. In addition, DCS met with all Assistant Program Managers to talk to their staff about avoiding, if all possible, seeing children during school hours unless it is an emergency or for the purposes of conducting an investigation. DCS stated they will continue to work with staff and remind them they should be respectful of school's schedule and rules and whenever possible, by avoiding any disruption of a child's education. In a situation when staff needs to make contact with a child during school hours, staff should contact the school to arrange an appointment.

DCS asked to set up a meeting with the school district to go over their concerns. We sent a letter to the social worker and the school district with this information.

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## Cases that we resolved that no one else was able to resolve internally.

### 1400830. DES - Department of Child Safety

After the Department of Child Safety (DCS) took custody of three children, the children's aunt and uncle asked to be considered as placement. DCS turned the couple away due to both having a past criminal history with drugs a number of years prior to the DCS case. Since the drug arrests, both the aunt and the uncle had become bar certified attorneys with a stable lifestyle.

The couple disagreed with DCS. They petitioned the court and the dependency judge agreed to send the two teenagers to live with the aunt and uncle. The third child was younger and stayed in foster care. The aunt and uncle said the judge's plan was to place him there as well over time, and recommended transitional visits. The visits had progressed to weekends and holidays, but after a verbal altercation between the aunt and uncle and the foster family, DCS stopped all visits for the child with his aunt, uncle, and siblings. Months went by, and no visits were set up. The couple continued to press for adoption, but DCS told them they were not going to be recommended for adoption. The aunt and uncle felt that DCS was biased against them, and did not understand why they were not being recommended.

We looked in the system and confirmed that DCS told the aunt and uncle DCS did not plan to recommend them. They noted concerns about their drug history, despite the judge already recommending transitional visits and granting placement for two of the three children. They also worried about the family's financial stability and supervision. We saw that DCS had independent professionals weigh in by doing a home study of the aunt and uncle to determine if their income, criminal histories, parenting style, and home life would be a good match for the child. DCS also had a psychologist perform a best interest assessment, where he spoke with the child, the aunt and uncle, and the foster parents as well as reviewed documents to determine if adoption by the aunt and uncle was in the child's best interest. We did not see the results of these assessments and asked DCS for the physical documents.

We reviewed the study and found that it recommended the aunt and uncle with no qualms. This, despite knowing their criminal background, drug history, financial qualifications, and work schedules. We found that the best interest assessment also stated that adoption by the aunt and the uncle was in the best interest of the child. The psychologist did make one caveat, based on the information he was provided about the argument with the foster family, he recommended the aunt and uncle do a psychological evaluation. He recommended DCS continue with visitation with the aunt, uncle and siblings until the family is totally counted out. He recommended finding an alternate placement plan if the psychological evaluations came back negative.

We asked DCS to explain their stance on the case with the opinions of the professionals and the prior actions by the judge. They explained that they were setting up visitation again for the child, aunt, uncle, and siblings under supervision. We asked why they would need to be supervised since the judge already approved both the aunt and the uncle to be alone with the child. We did not hear back from DCS about their stance on the case or the supervision.

The aunt and uncle contacted us and stated that the visitation was changed to unsupervised and more were being planned. They also stated that DCS contacted them and explained the contents of the

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home study and best interest assessment. They said DCS only wanted a psychological evaluation from the aunt. Because she had recently finished one in order to obtain her bar certification, they agreed to take that evaluation. The aunt and uncle were very happy that things were moving forward and planned to work with the agency to adopt their nephew.

## **1401824. DES – Department of Child Safety**

A mother contacted us regarding a complaint against the Department of Child Safety (DCS) and her caseworker (CM). The mother is having a hard time communicating with her CM. She states her children were removed from her custody a year ago for allegations of drug use. She states she has been participating and completing her classes.

Recently the mother had a supervised visit with her children and she believes the visit went well. She states she contacts her children on a regular basis via phone at the foster parent's residence. She contacted her son last Saturday and no one would return her call or answer the phone. A few days later her CM came to her home and informed her an allegation of abuse came in regarding her son having a black eye after her supervised visits. Mother states visits were halted while an investigation took place.

The mother's visitation was halted for one month even though the mother's parent aid (PA) gave a statement verifying the child had no marks at the end of her visit with mother. DCS stated they were still conducting an investigation and had continued to halt mother's visits. DCS was concerned the kids were possibly being coached about what to say by their mother.

We contacted DCS regarding why the mother's visits were stopped. The parent aide who was present at the visits verified the child is in her line of sight the entire time and had no marks at the end of the visits. We also asked where the foster mother got the story about the child's black eye.

DCS responded and cleared the mother from the case. The mother's missed visits will be made up in the coming weeks. Since the false allegation came from the foster mother, biological mother's attorney will be filing a change of physical custody motion to move the children from the current foster family to the relative placement. The children's grandmother (MGM), who previously cared for the children, will be asked to be the new placement. Once the motion is filed, DCS will respond to the motion. The foster mother was not confronted by the investigator, but her licensing agency was contacted last week and they will be addressing the concerns with the foster family.

We contacted the mother and she informed us her attorney would be filing a motion with the courts to have her children placed with the MGM.

The mother also informed us she was not being contacted about her son's health care appointments. We suggested having mother email her CM and asking for the date of her son's upcoming surgery. The mother copied us on the email she sent.

The mother contacted us and stated her son's surgery was scheduled for 7:00 am this morning. The

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mother states she arrived for the surgery and was told by the medical staff that the CM, did not send over the signed documents and the surgery needed to be canceled. DCS states the initial surgery consents were signed and sent over on May 16th.

We contacted DCS regarding the missing documentation. DCS responded that the facility consents were not sent to the assigned CM until this morning and the CM was unaware that they would be coming as the department already completed the initial consents. The CM spoke with the foster mother this morning regarding the mix up and the surgery and gave her the new date of the surgery.

We contacted mother to see if she needed anything more from our office. We informed mother she should contact us back if she had any further questions. Mother did not return our call.

## **1400176. DES – Department of Child Safety**

A father contacted us wanting to file a complaint against the Department of Child Safety (DCS). He said that DCS has his family confused with another family. The father said that the allegations were for his brother's family and not his family and he does not want his name associated in that case.

We contacted DCS and they informed us that this is certainly a strange circumstance. The APM has been in contact with the worker and the supervisor and reviewed the case. They indicated that the complainant is correct. They are in the process of getting the situation corrected. The Hotline report is being reviewed as it came in and they are making a determination as to where the confusion around the reporting may have occurred. Following that step, the corrective action will be taken and the complainant will be notified.

We contacted the man and informed him of our findings. He said that he would contact us if he does not receive a phone call from DCS.

## **1401089. DES – Department of Child Safety**

A Utah Child Protective Services (CPS) supervisor could not reach anyone within the Arizona Department of Child Safety (DCS) to notify the agency of a hearing set for the next business day. He said an Arizona child ran away to her grandparents in Utah. He tried to let Arizona DCS know about the situation earlier in the week and attempted to find out if there was a pick-up order for the child. Eventually, he called local law enforcement in Utah and that agency determined there was a pick-up order, so they could place the child in detention and set the hearing for the following day. He said he attempted calling AZ DCS throughout the day, starting with the hotline, but no one returned his calls.

He said he eventually spoke with a clerical worker, who told him the caseworker was busy and that their policy was she had 24 hours to call him back. He said he explained to the worker that this was an urgent interstate matter, but she refused to pass the message along. He eventually reached another worker in a different region in AZ who managed to pass his message to someone in DCS who put notes in the file of the family. We could see those notes in CHILDS, but they did not include details about the hearing.

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We contacted AZ DCS with those details, asked for confirmation that the caseworker or her supervisor received the information, and that she returned the call to the Utah CPS supervisor. Within a few minutes, we received word that the caseworker did receive the information about the hearing and called the Utah CPS supervisor. We contacted the Utah CPS Supervisor who confirmed he received a call from Arizona DCS. He thanked us for our quick follow-through.

## **1401484. DES – Department of Child Safety**

A father called the DCS hotline and reported to them that the mother of his child was slapping the child in the face and the child was afraid of the mother. The hotline told them they would do the paperwork, but they were not sure if they would be able to do anything. He was not sure if they took the call as a report or not.

We looked into the case and found that the call was taken as a 'hotline communication,' rather than a report. This determination is used when a call does not rise to the level of a report. We contacted DCS and asked them to review the determination to see if further actions needs to be taken and also asked them to notify the father if a report was taken or not.

DCS reviewed the call and found that the interviewer missed some lines of questioning that may have provided additional information on whether to take a report or not. Management called the father back and spoke to him further. After speaking with him they decided to take a report. DCS notified him of the determination.

We called the father and left a message with his household to call us back in order to close out the complaint.

## **Cases where we discovered a cover-up of the truth or other ethical lapse**

### **1402278. DES – Department of Child Safety**

A citizen stated he was concerned with the Department of Child Safety (DCS) employing a caseworker (CM) who he alleged engaged in questionable activities with a party to a DCS case. Citizen states the CM in question is using her credentials to engage in these activities. Citizen made DCS aware of this information, but did not receive a call back. Citizen is concerned DCS is not taking his concern seriously.

We contacted DCS with the information and reviewed the matter with them. DCS was able to confirm they did an employee background check prior to hiring on the worker. DCS stated the worker's previous employer did not reveal any prior information that would have alarmed DCS into not hiring her.

In response to our inquiry, an internal affairs investigation was conducted. DCS confirmed the misdeeds and then took appropriate disciplinary action. DCS informed us how they handled the case.

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## 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 300 newly updated public access booklets have been distributed to elected officials, public employees, advocacy groups and members of the public. In addition, I share and help develop training materials for public bodies. 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.

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 huge demand for training throughout the State. During the first half of 2014, I provided four live 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. We posted a link on our website to Public Records Law and Open Meeting Law video trainings offered by our office and the League of Arizona Cities and Towns.

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.

#### ***Inquiries and Investigations***

In the first half of 2014, our office received 349 calls regarding matters related to public access. Of those calls, 243 were public record inquires and 106 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.

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	Public Inquiries	Media Inquiries	Government Agency Inquiries
<b>Number of inquires</b>	237	14	98

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
<b>Number of inquires</b>	118	59	75	52	45

## Public Access Case Examples

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

#### **1400027. Golden Valley Fire District**

A board member requested assistance with a public records request. We contacted the fire district and talked to them about the request. The fire district stated it was explained to her that several issues consistently cause delays in the board member's records requests including her preferences in mailing which takes a few days before her letters arrive in the office, and limitations experienced when the requestor addresses her envelopes containing these requests specifically to the Chief, rather than some other identifying criteria on the envelope to advise staff that the contents are not confidential, or privy to the Chief only, so office staff is authorized to open the envelopes. There are numerous dates when the Chief is out of the office for a few consecutive days and the staff does not open his mail without his consent. We forwarded the requests to the district and records were promptly produced.

#### **1400214. Quartzsite**

A city had a malfunction of the audio of its council meeting. The clerk contacted our office to discuss whether they could post only the draft minutes on the website. We discussed that ARS 38-431.01. Meetings shall be open to the public (E) requires a public body of a city or town with a population of more than two thousand five hundred persons shall: 1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either: (a) A statement describing the legal actions taken by the public body of the city or town during the meeting. (b) Any recording of the meeting. As long as the draft minutes satisfy the description of the statement describing legal actions, city may post draft minutes only.

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

### **1400548. AHCCCS**

A reporter contacted our office to discuss a recent argument with AHCCCS. She requested prescription medication information for children in foster care. AHCCCS agreed to produce it with the children's names redacted and replaced with identifiers. However, the information is entered in several locations and AHCCCS would not ensure that each child's name had the same identifier. Therefore, you would not be able to tell how many children you were reviewing documents for. AHCCCS offered to accommodate the request at a charge of \$175 per hour. We discussed that the public records law does not address this type of scenario. AHCCCS is required to redact the confidential information. However, any requests to use identifiers or make the record usable for a specific purpose is beyond the public records law requirements. Therefore, AHCCCS is not restricted to the fee schedule in the public records law.

### **1400874. Apache County**

A resident complained that the Apache County Board of Supervisors has removed the call to the public from the agenda. We discussed that a public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body or may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. Putting a call to the public on the agenda is at the board's discretion.

## **Did our intervention settle a relatively inexpensive dispute that was causing a negative ripple effect on the organization?**

### **1402625. Miami**

A resident complained that the Town of Miami was not producing records related to HURF expenditures. We contacted the Town and learned that they did not keep records of the expenditures in the detail and format that the resident was requesting. The Town also experienced turnover in the finance officer and town manager position. The turnover caused

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some variation in the documentation. The Town told our office that they produced all of the documentation to the resident that was produced to the auditors. During the course of the investigation, the Town completed the audit and a draft was produced to the resident. The audit contained the information that the resident was seeking. The Town agreed to fulfill the resident's request for bank statements from 2010 to the present.

## **Did our intervention identify a problem with or lead to a change in statute, rule, or policy?**

### **1401798. Public Safety Personnel Retirement System**

A reporter from the Arizona Republic complained that PSPRS was not responding to his request for personnel records concerning four employees. The response that he received was that the records that he was requesting were performance management documents and not disciplinary in nature. We reviewed the applicable statutes and rules related to the grounds for denial. R2-5A-105(D)(1)(b) states that "Records that are reasonably necessary or appropriate to maintain an accurate knowledge of the employee's disciplinary actions" means the correspondence listed in subsection (D)(1)(a) and includes an official notice of charges of misconduct as applicable to covered employees, the final disciplinary letter, and any responses related to complaints, grievances or appeals upholding, amending, or overturning the discipline. R2-5A-105(D)(1)(a) states that "Disciplinary actions" means letters of reprimand, suspension, demotion or dismissal. These rules were made by exempt rulemaking to implement A.R.S. 38-128(A) which states that public body shall maintain all records that are reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions, including the employee responses to all disciplinary actions, involving public officers or employees of the public body. The records shall be open to inspection and copying pursuant to this article, unless inspection or disclosure of the records or information in the records is contrary to law.

The existing statutes and rule do not provide a definition of a letter of reprimand. Therefore, it is possible for an agency to label criticism of an employee's performance as something other than a letter of reprimand to avoid disclosure. This is supported by the language in R2-5A-801 which gives a list of records that a supervisor may consider when imposing discipline. These records include prior corrective action, repeated nature of violations and past work record. We discussed with the reporter that the argument for withholding the record is consistent with the agency's rules.

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

**1400253. Unknown charter school**

A member of a charter school board requested direction on how to handle email communications between a board member and a non-board member prior to the meeting. The board member was copying the quorum on the communications. We discussed that the Open Meeting implications would depend on the content of the email. We recommended that he put the item on the agenda and include all communications in the board packet to avoid proposing legal action or engaging in a discussion by sharing facts.

**1402563. Tempe**

Staff for the city contacted our office for guidance on voting to adjourn an executive session. We discussed that there are no cases on point describing the differences between a procedural vote and a vote that would better fit the definition of taking legal action. Therefore, I am not willing to say that a vote to adjourn the executive session is allowable or prohibited. A good argument can be made that it is not the type of voting that A.R.S. 38-431.01(D) was intended to prohibit. However, the plain language of the law indicates no voting can happen in executive session. The cautious approach is to have chair of the body adjourn the executive session alone.

**1400327. Cochise County**

A resident requested clarification on whether an agency could only provide paper documents if they had to redact material in the electronic documents. We discussed that it is reasonable for agencies to only provide paper records if they are not capable electronic redaction. They are still required to disclose a printout of the metadata upon request. The agency can't withhold electronic records simply because they are commingled with confidential information. However, if they rightfully withhold information, they can provide the records in paper and still be in compliance with the public records law.

**Did our intervention result in better service to citizens?**

**1402375. Apache County**

A resident of Apache County contacted our office to complain that the County would not let him inspect his public records at 7am this morning. We contacted the County and were told

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that the resident could come in to inspect the records at any time. However, the clerk had a staff meeting this morning and was not available. We discussed with the resident that the right to inspect documents is not unqualified. Records may not be inspected at such times and in such manner as to disrupt public business. See Ariz. Att'y Gen. Ops. I80-097, 78-234, 70-1; A.R.S. § 39-121.01(D)(1) .

## **1401178. Deer Valley Unified School District**

A citizen requested a copy of a manual, a public record (PR) from a school district on March 14, 2014 to be downloaded to her electronic storage device (USB). The Deer Valley Unified School District (DVSD) charged her a copy fee of \$.50 per page for a total of \$250, which she paid. She wanted to know if it is legal for the DVSD to charge her for copies when she did not receive any paper documents.

After investigating mothers public record request we found the DVSD did not comply with A.R.S. § 39-121.01 and Attorney General Opinion number I13-012 (R13-018), by charging a fee which was inappropriate and unreasonable for the circumstances. Ariz. Att'y Gen. Op. I86-090. If an agency must make a copy of a public record due to, for example, necessary redaction but the requester only wants to inspect the record, the agency may not charge a copying fee. Ariz. Att'y Gen. Op. I13-012. Further, if the requester makes copies of public records using his or her own personal device, the agency may not charge a copying fee.

After speaking with the DVSD attorney, she stated she would be suggesting to the DVSD they refund citizens fee of \$250.

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## Our Cases - Numeric Results

### OVERALL CASE STATISTICS

As explained on page 1 of this report, we respond to citizens' complaints in three ways: coaching, informal assistance or investigation. Below is a numeric summary of cases for the first half of 2014. The caseload totaled 2,769 for this report – over a 10% increase over the same time period in 2013.

Our caseload increased by over 10% in the first half of 2014, as compared to the same period in 2013. DCS cases comprised 37% of our total caseload.

**Table 3 - Total Requests for Help – January 1-June 30, 2014**

Coaching	Assistance	Investigation	TOTAL CASES
1,888	769	112	2,769

### INVESTIGATIONS

We managed our 112 investigations in the first half of the year as highlighted in the following tables.

**Table 4 - Investigations – January 1-June 30, 2014**

Declined*	5
Complaint withdrawn or resolved during investigation	1
Investigations completed	96
Ongoing	4
<b>TOTAL INVESTIGATIONS</b>	<b>106</b>

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

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<b>Investigative Findings – January 1-June 30, 2014</b>		
<b>SUPPORTED/PARTIALLY SUPPORTED</b>		<b>32</b>
Requires further consideration by agency	12	
Other action by agency required	5	
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	3	
Action was not according to law	9	
Reasons for administrative act required	0	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	2	
<b>INDETERMINATE</b>		<b>10</b>
<b>NOT SUPPORTED</b>		<b>54</b>
<b>TOTAL COMPLETED INVESTIGATIONS</b>		<b>96</b>

## CONTACTS BY AGENCY

Between January 1 and June 30, 2014 our office handled cases involving 170 agencies. The following table shows the distribution of our contacts by agency. Cases involving Child Protective Services comprised 36% of our total for the first half of 2014.

<b>Agency</b>	<b>Coaching</b>	<b>Assistance</b>	<b>Investigation</b>	<b>Total</b>
Accountancy Board	1	1	0	2
Administration, Department of	4	3	2	9
Agriculture, Department of	2	0	0	2
AHCCCS	19	37	2	58
Apache County	8	1	2	11
Apache County Attorney's Office	1	0	0	1
Apache Junction	0	1	0	1
Appraisal, Arizona Board of	1	0	2	3
Arizona Behavioral Health Planning Council	1	0	0	1
Arizona Power Authority	3	0	0	3
Arizona State Hospital	2	0	0	2
Arizona State University Police Department	1	0	0	1
ASU -Arizona State University	2	0	0	2
Attorney General, Office of	35	7	3	45
Auditor General	1	1	0	2
Avondale	1	0	1	2

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AZ Peace Officer Standards & Training Board	1	0	0	1
Ball Charter Schools	1	0	0	1
Behavioral Health Examiners, State Board of	5	8	6	19
Benson	1	0	0	1
Bisbee	1	0	0	1
Buckeye	1	0	0	1
Central Arizona Project	2	0	0	2
Chandler Police Department	2	0	0	2
Charter Schools, Arizona State Board of	0	1	0	1
Chloride Water Improvement District	3	0	0	3
Cochise County	8	3	0	11
Commission of Judicial Conduct	1	0	0	1
Concho Fire District	3	0	0	3
Corporation Commission	6	2	3	11
Corrections, Department of	12	1	1	14
Council of Developmental Disabilities	1	0	0	1
DCS - Department of Child Safety	672	283	43	998
DCS - Office of Licensing Certification Regulation	7	0	1	8
DCS - Other	3	2	0	5
Deaf and Blind, Arizona School for the	1	0	0	1
Deer Valley Unified School District	7	0	2	9
Dental Examiners, Board of	6	3	0	9
Department of Economic Security	5	1	2	8
DES - Aging & Community Services	128	2	0	130
DES - Benefits and Medical Eligibility	44	170	3	217
DES - Child Support Service	21	51	3	75
DES - Developmental Disabilities	5	6	0	11
DES - Employment and Rehabilitation	14	47	3	64
DES - Other	6	6	0	12
DES - Adult Protective Services	5	3	0	8
Desert Marigold School	14	0	1	15
Developmental Disabilities Council	1	0	0	1
Dewey-Humboldt	4	0	0	4
Education, Department of	6	1	0	7
Environmental Quality, Department of	1	0	0	1
Executive Clemency, Board of	0	1	0	1
Financial Institutions, Arizona Department of	3	0	0	3
Fingerprinting, Board of	1	0	0	1
Fire Building and Life Safety, Department of	6	1	0	7
First Things First	0	1	0	1

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Game and Fish, Department of	3	1	0	4
Geological Survey, Arizona	0	1	0	1
Gilbert Public Schools	1	0	0	1
Glendale	1	1	0	2
Golden Valley Fire District	7	2	2	11
Governor, Office of	6	1	0	7
Governor's Council on Blindness and Visual Impairment	1	0	0	1
Green Valley	0	1	0	1
GRRC	1	0	0	1
Harquahala Valley Fire District	1	0	0	1
Health Services, Department of	25	6	2	33
Health Services, Vital Records Office	4	0	0	4
Historical Society, Arizona	0	1	0	1
Homeland Security, Department of	1	0	0	1
Homeopathic Board of	2	0	0	2
Housing, Department of	1	1	0	2
Industrial Commission	11	6	1	18
Insurance, Department of	11	2	0	13
Joint Legislative Budget Committee	1	0	0	1
Judicial Conduct, Commission on	10	0	0	10
Kyrene Unified School District	1	0	0	1
Legislature	14	0	0	14
Library, Archive & Records Dept.	2	0	0	2
Liquor Licenses and Control, Department of	2	0	0	2
Littleton Elementary School District	1	0	0	1
Lottery	1	1	0	2
Maricopa	6	0	0	6
Maricopa County Attorney	1	0	0	1
Maricopa County Clerk	1	0	0	1
Maricopa County Community Colleges	3	1	0	4
Maricopa County Constables	1	0	0	1
Maricopa County Sheriff	4	0	0	4
Maricopa County Superior Court	3	0	0	3
Massage Therapy, State Board of	1	1	0	2
Mayer Fire District	1	0	0	1
Mayer Water District	1	0	0	1
Medical Board, Arizona	23	9	3	35
Mesa	3	0	0	3
Miami	0	0	2	2
Miami School District	1	0	0	1

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Mine Inspector	1	0	0	1
Mohave Board of Supervisors	1	0	0	1
Mojave	3	0	0	3
Navajo	1	0	0	1
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	1	0	0	1
Nursing, State Board of	6	9	2	17
Nutrioso Fire District	1	0	0	1
Ombudsman	53	2	0	55
Optometry, State Board of	0	1	0	1
Oro Valley	1	0	0	1
Other - Government	146	3	0	149
Other - Private	198	1	0	199
Other - Federal	20	0	0	20
Patagonia	1	0	0	1
Peoria	2	0	0	2
Pest Management, Office of	0	1	0	1
Pharmacy, Board	1	1	0	2
Phoenix	3	1	0	4
Phoenix Police Department	1	0	0	1
Physical Therapy Examiners, Board of	1	1	0	2
Physician Assistants, AZ Regulatory Board of	1	1	0	2
Pima	1	0	0	1
Pima County Sheriff's Office	1	0	0	1
Pinal	1	0	1	2
Pinal County Attorney's Office	1	0	0	1
Pinal County Sheriff's Office	1	0	0	1
Podiatry Examiners, State Board of	0	4	0	4
Prescott	0	1	0	1
Public Safety Personnel Retirement System	1	1	1	3
Public Safety, Department of	3	1	1	5
Quartzsite	6	0	0	6
Racing, Department of	4	0	0	4
Radiation Regulatory Agency	1	0	0	1
Real Estate, Department of	6	2	1	9
Registrar of Contractors	6	10	1	17
Retirement System, Arizona State	1	0	0	1
Revenue, Department of	7	10	0	17
Rio Rico Fire District	1	0	0	1
School Facilities Board	0	1	0	1
Scottsdale Police Department	1	0	0	1

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Secretary of State, Office of	2	1	0	3
Sedona	1	0	0	1
Sheriff's Posse Road Improvement District	1	0	0	1
State Court	1	0	0	1
Sunburst Farms Irrigation District	8	0	0	8
Superior Court	6	0	0	6
Supreme Court	2	0	0	2
Surprise	3	0	0	3
Technical Registration, Board of	1	3	2	6
Tempe	2	0	0	2
Transportation, Department of	3	4	2	9
Transportation - Motor Vehicle Division	8	11	2	21
Tucson	1	1	0	2
Tucson Police Department	3	0	0	3
Tucson Unified School District	1	0	0	1
University of Arizona	1	1	0	2
Unknown	3	0	0	3
Unknown Charter School	7	0	0	7
Unknown City	8	1	1	10
Unknown Community College	1	0	0	1
Unknown Fire District	8	1	0	9
Unknown School District	8	3	0	11
Unknown State Agency	31	2	1	34
Upper San Pedro Partnership	1	0	0	1
Various Charter Schools	2	0	0	2
Various School Districts	1	0	0	1
Veterans Home	0	1	0	1
Veterans' Services, Department of	3	2	0	5
Veterinary Medical Examining Board	3	2	0	5
Water Resources, Department of	2	0	0	2
Weights and Measures, Department of	22	4	1	27
Yuma City	7	0	5	12
Yuma County	5	0	1	6
Yuma Police Department	1	2	0	3
<b>TOTAL NUMBER OF CONTACTS</b>	<b>1888</b>	<b>769</b>	<b>112</b>	<b>2769</b>

## About the Ombudsman and Staff

### ARIZONA OMBUDSMAN-CITIZENS' AIDE

#### **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 Master's 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). Dennis has specialized experience in public management, intergovernmental relations, strategic and public planning and dispute resolution.

#### **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 CPS Citizen Panel Review 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.

## **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 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.

## **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

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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.