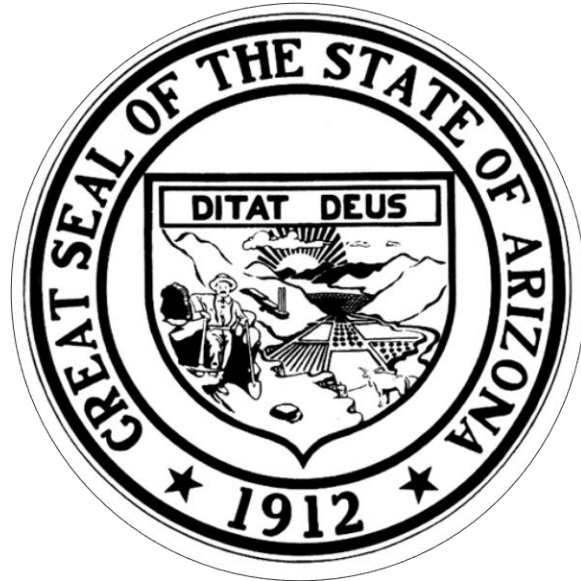


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# ANNUAL REPORT

## JANUARY – DECEMBER 2015

Submitted by Arizona Ombudsman-Citizens' Aide, Dennis Wells  
June 30, 2016



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## 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.

### 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 agencies to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring them 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, sending them to the agencies investigated, the legislature, the governor, and the complainants.

## CUSTOMER SATISFACTION

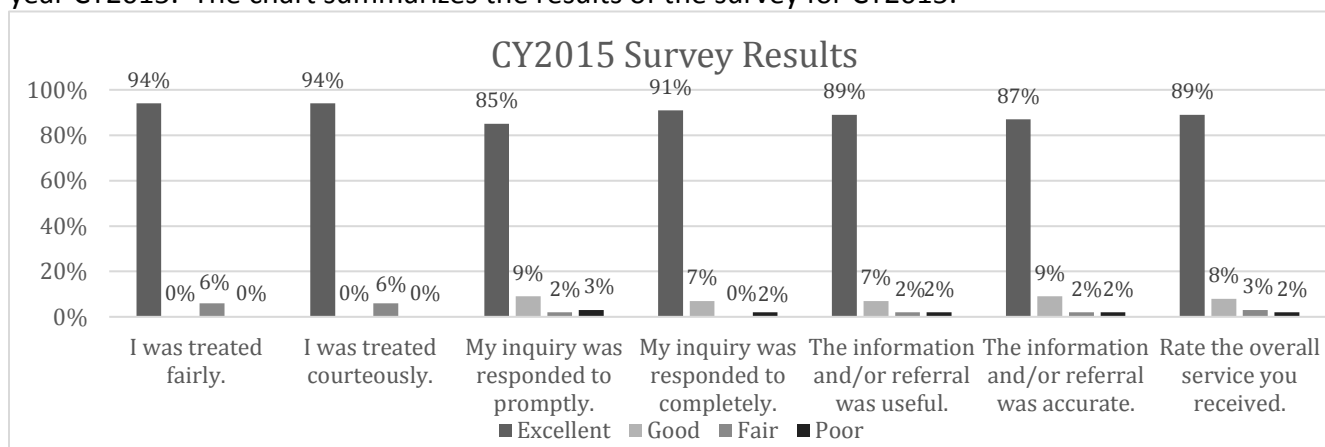
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings, and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing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

## WE WELCOME FEEDBACK

The chart and comments on the following pages summarize the results of the survey for the calendar year CY2015. The chart summarizes the results of the survey for CY2015.



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## COMMENTS ABOUT US

**"Keith has gone above and beyond to help me with my situation. Not only was he respectful and courteous, but he also listened to my problems and gave me very clear and fair advice. Out of this entire experience dealing with CPS, Keith has been my only rainbow throughout this hellacious storm. He treated me with compassion and listened to my story without any prejudice-he treated me as a person and not just another case number and for that; I will forever be indebted to him."**

**"Carmen went above and beyond any assistance I received anywhere regarding my problem. . . Great people, great person. Thank you very much."**

**"Thank you so much for your time and your help. Everyone I came in contact with was very helpful and very nice!!!"**

**"Keith has really shown his concern to help me and my family. We really appreciate everything he has done to provide us with excellent customer service. My children and I are very grateful."**

**"Jennifer was a great help to me. She followed up with DDD numerous times on my behalf to ensure that my issue was resolved."**

**"I felt very lost in the system prior to this interaction."**

**"The entire staff was more than courteous and professional."**

**"The information I received while making inquiries for 2 single moms with children were exceptional. I received an email with additional information the next day."**

**"Danee of Arizona Ombudsman's Organization was very courteous and informative. I will remember the help and assistance he gave me for future reference. As a retired USAF Msgt. and Bishop Alkema's Executive Secretary, I know when I am getting what is needed. This info will be used over and over again and I will pass it on saving you many phone call I am sure."**

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**"Your Ms. Sarah was and always has been all of the above to me. She certainly is an asset to your organization."**

**"There was a little mix up with my case, but it was cleared up quickly. I was pretty upset, but ended up satisfied overall."**

**"I received results within a day from AHCCCS that I had been waiting for 4 months with no success!"**

**"Sarah is very thorough and eager to assist."**

**"We are and were very pleased with the Arizona Ombudsman-Citizens' Aide Office. They made every effort and more to assist us with our case/situation. They were more than informative as they assisted with referrals to other agencies that helped us as well. We would recommend them to anyone experiencing our situation."**

**"I am a senior citizen, but I would recommend this kind of customer service to all ages. It has changed my view of big government and bureaucracy, and hope for the future!"**

**"After months of AHCCCS giving us the run around and treating my wife like a second rate citizen Keith called once and magically AHCCCS called back and addressed our issue."**

**"Aimee was exceptionally patient and helpful re: my situation. Many thanks!"**

**"It was impossible to phone AZ Dept. of Revenue. There was always a busy signal. I contacted Aimee who was courteous and knowledgeable. Aimee is the most outstanding State of AZ employee I have ever contacted."**

**"The staff at the Ombudsman's office are truly wonderful people, able to work miracles in a very short time. I cannot thank them enough for the help I received. The problem I had been experiencing for almost three weeks was taken care of in a matter of hours."**

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## COMPELLING CASES

The following case summaries are examples taken from the 4,967 cases we handled in CY 2015.

### GENERAL COMPLAINTS ABOUT STATE AGENCIES

**Examples where we resolved a case involving more than one agency or more than one level of government.**

#### 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

#### **1502532. DES - Division of Child Support Services**

A mother contacted our office complaining about the Department of Child Support Services. She said that for some unknown reason the Department of Child Support Services (DCSS) is holding her child support money. She is sure the non-custodial parent's wages are garnished. She would like an explanation as where the money is going because she is not receiving her child support.

We contacted DCSS and reviewed the case. We asked them to address the problem. DCSS audited the matter and then reported their findings. They informed us there is another state involved in this child support case. The other state and Arizona DCSS needed to coordinate better because the funds were mistakenly going into an ATLAS child support case fund that should have been closed. Both Arizona DCSS and the other state should only have one ATLAS number where the money is applied. Arizona DCSS corrected the case. They left one ATLAS number active and closed the other case. Arizona DCSS then notified the other state of their action, and advised the other state to do the same so that the garnished wages are deposited into the proper account. DCSS informed our office that now, only one case is open, and they would monitor the closed case to ensure that no monies are deposited. DCSS also reported that they have provided the woman with contact information if the problem reoccurs.

We informed the mother, and she thanked us for helping her.

**Examples where we resolved a case that no one else was able to resolve internally.**

#### **1504090. DES – Division of Benefits and Medical Eligibility**

A mother contacted our office to explain she is assisting her son with his benefit and medical assistance case because he works during the day, and has had trouble contacting the Department of



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Economic Security (DES) to help with his issue. She provided us with a power of attorney given to her by her son. She said the son claims DES does not answer their phone promptly or return calls. The mother reported that her son spent three lunch hours trying to resolve the problem, but then gave his mother his power of attorney. The mother reported that DES balked about the signature of the man, but never asked him if the signature was his, or even dealt with him directly to resolve the problem. The mother said her son was frustrated by the agency's process and continued communication failures.

We contacted the DES and reviewed the case with them. We asked that the case be given to the Division of Benefits and Eligibility assistance office, and they work directly with the family to solve the communication problem and assist the son.

The next day, DES staff contacted us to say they've been in touch with the family, and handled the son's situation. We confirmed with the family, who was appreciative of our efforts.

## **1504230. DES – Division of Developmental Disabilities**

A stated her daughter has severe behavioral health issues. The mother explained that she has been involved with the Department of Economic Security's Division of Developmental Disabilities (DDD) for several years regarding her daughter. The mother explained that her daughter has been taken to the hospital several times a month, and the police are regularly called to her home due to her daughter's behaviors.

The mother informed us that she has been asking DDD to place her daughter into a group home so she can receive the proper care to manage her disabilities. The mother also stated that DDD is not helping her, and her daughter is becoming a threat to the other members of her household. Our office contacted DDD and inquired about the daughter's situation. Shortly thereafter, DDD informed us that they contacted the mother and they are in process of obtaining appropriate out of home care for the daughter to address her behaviors.

We confirmed with the mother, who thanked us for helping her. The mother stated she would contact us if she had any further questions or concerns.

## **1502885. DES – Division of Child Support Services**

A mother contacted our office. She had been in touch with the Division of Child Support Services (DCSS), but has been unsuccessful in getting her situation resolved. She said her child support checks had stopped, but DCSS has not provided her a reason.

We contacted DCSS and reviewed her case. DCSS said that the non-custodial parent (NCP) is in process of receiving a lump sum settlement from Social Security, and that DCSS has been in contact with them in order to get the payments resolved.

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DCSS contacted our office a few weeks later to inform us that Social Security has issued the payment to DCSS, but due to the size of the distribution, an additional authorized signature was required. DCSS staff obtained the necessary signature, and issued all past due payments to the custodial parent. DCSS also informed us that the mother's regular monthly child support payments would resume.

We contacted the mother, who confirmed that she had received the same information from DCSS. She was grateful for our assistance.

## **Examples where our intervention identified a problem that led to a change in statute, rule, or policy.**

### **1502739. Board of Chiropractic Examiners**

A woman wrote a formal letter to complain about a conflict in law that resulted in confusion and friction between two professions – The Board of Physical Therapy and the Board of Chiropractic Care Examiners. She asked that we review the law pertaining to the situation.

We investigated the law in question, reviewed the case and decided to seek the Attorney General's formal opinion. We approached the office of Attorney General Office, explained the situation and asked them to take up the matter. They agreed. The Attorney General's Office later issued an opinion corroborating our findings. The opinion agreed that the Chiropractic Board was engaging in an improper use of a medical term and that this did violate a statute.

The complainant was relieved to learn of the finding and very pleased that she was able to have such a positive outcome to her concern. Both professional groups now had guidance and a source of friction and conflict had been alleviated between them.

## **Examples where our intervention led to a change in an agency's procedure or practice and it corrected a systemic problem.**

### **1502346. Department of Transportation – Motor Vehicle Division**

We received a complaint that was forwarded to our office by the Attorney General's office. The complainant motorist owns a 1-ton truck. He says that when he registers his truck, he is required to obtain commercial license plates for the truck, even though he is not a business. The citizen cites A.R.S. §28-5201 as the definition of a commercial vehicle. The citizen says he filled out an analysis form on the ADOT website that led him to believe he would not have to have pay a commercial registration for the vehicle.

We contacted the Arizona department of Transportation's Motor Vehicles Division (MVD) and reviewed the case. MVD responded and explained that while A.R.S. §28-5201 is the definition of a commercial motor vehicle, A.R.S. §28-5432 is the controlling statute about what trucks are not

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exempted from commercial charges. A.R.S. §28-5432 provides an exception for three-quarter ton or less pickups, but does not extend that exception to one-ton pickup trucks. MVD then acknowledged that the complainant was correct about the MVD website form. The form that citizens can use to determine if their vehicle needs to be registered as a commercial vehicle is not working properly. MVD stated they are correcting the form. MVD then provided a letter to the complainant and our office explaining their legal authority and correction of the form.

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

### **1502998. Department of Revenue**

A taxpayer complained he had made three attempts over an extended period to get his Department of Revenue (DOR) tax refund. He said he needed the refund to help support his daughter who was heading off to college. He asked for assistance.

We contacted DOR and reviewed the case. DOR confirmed the taxpayer was owed a refund. We noted to DOR that the taxpayer had attempted to work the problem out with DOR staff, but he had not been able to get the refund issued through regular channels. DOR problem resolution staff agreed to perform a detailed review of the situation.

DOR's review uncovered that a new employee had improperly handled the tax file and the person had made an error. DOR managers notified the worker's supervisor. The supervisor then advised the errant worker how to properly handle such refunds and requests in the future.

We confirmed with the taxpayer that he received his refund as DOR had promised. We also let the taxpayer know we followed up with the DOR and had them address the issue so that it would be unlikely to happen again.

### **1503044. DES - Employment and Rehabilitation**

An applicant complained that Vocational Rehabilitation Services (RSA) never provided her with a letter approving her for their services. She said RSA would no longer respond to her.

We discussed the case with Department of Economic Security (DES) RSA and asked them to contact the applicant to resolve her issue. RSA found they had not issued a letter of approval, and proceeded to issue the letter.

We then asked the DES Ombudsman about any possible internal system error that may have contributed to the agency failing to generate and send the letter. The DES Ombudsman reviewed the situation and then advised that it appeared to be an isolated staff issue. Nonetheless, they implemented a staff review process aimed at preventing it from happening again in the future. The RSA also said they were in communication with the applicant to complete an in-person appointment

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to discuss her vocational goals.

We contacted the applicant who agreed RSA had certified her for services and had met with her about pursuing a course of study.

## **1503214. Department of Transportation – Motor Vehicle Division**

A truck driver contacted our office wanting to file a complaint about the Arizona Department of Transportation's Motor Vehicle Division (MVD). The driver alleged he was not able to renew his driver's license. He did not understand why this is the case. He was told that his birth certificate was not valid, yet he had used the birth certificate every time he renewed his license previously. He said MVD informed him the certificate was not valid. He would like for someone else to review his case.

We contacted the MVD and they informed us that the man is presenting a birth certificate that was issued by the county. MVD said that since the man had a Commercial Driver's License, they must follow Federal guidelines. One of the stipulations is that the driver is required to obtain a Federal or State issued birth certificate. MVD could not explain why the county issued license was approved in the past. MVD said that because they had accepted the county issued license in the past, they would extend his driver's license to give him time to obtain a State or Federal issued birth certificate. MVD said the driver would have to take the State or Federal issued birth certificate into MVD when he receives it and that this must happen before the extension expires. MVD said the driver agreed to the resolution.

We contacted the driver. He confirmed that he agreed to the conditions that the MVD representative gave him. He said he was grateful for our assistance.

## **Examples where our intervention result in better service to citizens.**

### **1504039. Arizona State Retirement System**

A retired professor was upset with the Arizona State Retirement System (ASRS) and Medicare. He said that both should be pressuring his health insurance company to give him in-home services. He said that Medicare said he is qualified for such services. He said that since ASRS covers part of the bills, they should intervene.

We researched the case for the retired professor and saw that his issue was with his health insurance company, Medicare and his doctor. The doctor did not sign him up for the right prescription. We told the retired professor how to complain about the doctor to the Medical Board. We provided him with contact info for a Medicare troubleshooter too. The retired professor thanked us.

### **1503111. DES – Division of Child Support**

A custodial parent had an issue with the DES – Division of Child Support Services (DCSS). The custodial parent said her child support payments stopped and she did not know why. She said she had called

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the DCSS and they were not responding to her. She said she would like assistance as to why the payments have stopped.

We contacted DCSS. DCSS told us that the non-custodial parent was to receive a lump sum settlement from Social Security and DCSS intercepted this because of child support debts owed by the non-custodial parent. DCSS is in the process of determining how much of the settlement that the custodial parent will receive and how much will be forwarded on to the non-custodial parent. DCSS then will need manager signatures to approve the distribution amounts. DCSS managers said they would work to resolve the hold up on the funds.

Shortly thereafter, DCSS notified us of their issuance of the distribution to the custodial parent. DCSS also said that the citizen's regular monthly child support payments would resume. DCSS admitted that the caseworker should have told the custodial parent of the process. DCSS then communicated with the custodial parent and gave her contact information in case she needs any further assistance.

We contacted the woman and she confirmed that the worker had contacted her recently and explained the situation to her.

## **1502755. DES - Child Support Service**

A custodial parent (CP) contacted us regarding the Division of Child Support Service (DCSS). The CP indicated that she asked DCSS to order a wage assignment on the non-custodial parent (NCP) wages. The CP stated because the NCP is incarcerated, DCSS wrote her a letter telling her that it is not an appropriate time to get a wage assignment. The CP has previously had the NCP's wages garnished while he has been in prison, so she is confused as to why DCSS cannot do the same now.

We contacted DCSS and asked DCSS to look into their policy regarding NCP prior wage garnishment while incarcerated. We asked DCSS why they were denying the mother's request for something they had done in the past. DCSS looked into the policy and decided to accept CP's request and they updated her by letter.

The DCSS informed us they are in the process of writing a standard operating procedure for these types of cases. The DCSS also informed us they sent the CP a response in writing informing her they would be issuing Limited Income Withholding Orders (LIWO) for the garnishment of NCP's Inmate Accounts quarterly based upon the receipt of prisoner account information from the DOC. DCSS also stated the prisoner account will need to have at least \$50.00 or greater to qualify for the LIWO. We contacted CP and updated her on the case. We informed the CP she could contact us back with further questions or concerns. The CP thanked us.

## **1503605. Department of Transportation – Motor Vehicle Division**

A motorist contacted our office concerning an issue he had with the Arizona Department of

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Transportation (ADOT) Motor Vehicle Division (MVD). He said that he had purchased an alternative fuel vehicle from another person two years ago. He said he received special license plates to denote the vehicle's alternative fuel status from the seller. He said he tried to renew his registration recently and MVD staff told him that he could not keep the plates. He said MVD claimed the third party that had given him the plates had erred, and he would have to pay MVD to have the plates. He believed this was unfair and incorrect.

We contacted MVD about the matter. MVD further looked into it and admitted their worker erred. They informed us that the motorist would be able to renew his registration and said they would waive the incorrectly assessed penalties. MVD contacted the resident and resolved the situation. We contacted the resident to confirm. He said MVD had contacted him and rectified the situation.

## **1504782. Veterinary Medical Examining Board**

A pet owner complained about how he was treated at a Veterinary Medical Examining Board (Board) hearing. He wanted a Board member removed and an impartial agency to review his case and all documents and transcripts associated with the case.

We contacted the Board letting them know about the pet owner complaining of his treatment. We discussed the matter with the Board management. They said they would review the complainant's issue involving his treatment at the Board hearing and planned to follow with a reminder to all Board members about proper Board meeting conduct and appropriate Board behavior.

We informed the pet owner about the review planned by the Board.

## **Examples where our intervention resulted in better treatment of state employees or higher morale.**

## **1502744. Department of Administration**

A former state employee, who had been injured on the job, complained about unfair treatment since he had been disabled. He felt he was not receiving his proper benefits and said the Arizona Department of Administration (ADOA) appeared to be part of the problem.

We contacted the ADOA and reviewed the disabled man's case with an administrator. They agreed to meet with the employee. Subsequently, ADOA agreed to put a new adjuster on his case, assigned a case manager for a pending surgery the man was due to have, and authorized back pay for loss of earnings capacity.

We contacted the employee. He expressed how overjoyed he was with the change in position and response we were able to effect with DOA.

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## **Examples where our intervention resulted in financial savings for a small business.**

### **1504943. DOR – Department of Revenue**

A businessman contacted our office regarding issues he had with the Department of Revenue (DOR). We had previously worked with the businessman on the same issue. DOR said it would contact the businessman and resolve the issue; however, the businessman asserted that DOR did not follow through as they had pledged.

The businessman said DOR had told him that he had not made three monthly transaction privilege tax (TPT) payments in 2010 and 2011. He said he was assessed a penalty as a result. The man said DOR was mistaken. He had paid the TPT and he had proof of his payment. He said that he had contacted the DOR several times over the previous few years about the matter. He said that each time he got in touch with someone at DOR, the agency staff would tell him to send in documentation as evidence and then they would follow up. The businessman said he sent in the evidence several times, but never received responses. He also complained he had a difficult time getting back in touch with the workers who had told him to submit the documentation. The businessman sent us a summary of his issues and included various documentation to support his claim, such as canceled checks and letters to the DOR.

This time, we contacted new staff at the DOR. The DOR's new Problem Resolution Officer said she would look into the problem. She then followed up with us and explained that she had resolved the matter. She said the resident's property management company had made a filing error for one of the tax periods at issue, which she corrected, and the other two issues the man had were due to "misapplied payments by the Dept."

We contacted the businessman to confirm. He confirmed that the DOR addressed and resolved his issues. He was overjoyed and thanked us several times.

## **Examples where our intervention resulted in financial savings for a citizen or stopped an unfair financial burden on a citizen.**

### **1500161. DES – Department of Economic Security**

A resident visited our office to discuss an issue she had with the Department of Economic Security (DES) regarding her Arizona Health Care Cost Containment System (AHCCCS) benefits. She received a letter from the DES regarding her nutritional Assistance (NA) that listed her income at about \$1,050 per month, which she thought was correct. DES also sent her a letter explaining that her AHCCCS benefits would end at the end of the month. The letter listed her monthly income at around \$1,475, which she thought was incorrect. She believed that DES, when calculating her AHCCCS eligibility, had accidentally double-counted the amount of the monthly payment she would be receiving from her ex-husband. The resident explained that her concern was particularly urgent because she was to

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undergo a surgery only days later. In addition, she needed to have follow-up procedures performed over the following months. The resident provided us with the relevant supporting documentation, including the letters from the DES and an award letter explaining the new income from her ex-husband.

We contacted the DES and reviewed the case. The agency looked further into the matter, and then DES admitted error and corrected the problem. DES informed the resident about the correction and assured her that her benefits would continue. The resident confirmed that DES corrected the issue.

## **1502675. Department of Revenue**

We received a complaint that was forwarded to our office from the Attorney General's Office. The citizen had been expecting a tax refund from the Department of Revenue for several months, but had not yet received it. The agency was not responsive to her. We contacted the Department of Revenue and reviewed the situation with them. They agreed to refund the excess tax promptly and got it out to the complainant within the week.

## **1504103. Department of Revenue**

A taxpayer complained she had contacted the Department of Revenue (DOR) several times and still did not have her refund. She said the same thing happened to her the previous year.

We contacted DOR who could confirm a check had been processed and was in the mail to the taxpayer. We asked DOR how they planned to keep the same thing from happening to the taxpayer, or to any other taxpayer, again next year.

DOR replied their information technology department was asked to make adjustments to the taxpayer's account due to the taxpayer having used her SSN on two accounts, one of which was closed some time ago, but each had a different primary address, causing the computer system to not be able to select and generate an appropriate mailing.

## **1504264. Department of Revenue**

A taxpayer complained the Department of Revenue (DOR) had not properly handled his tax return. The taxpayer said he submitted a tax return, but mistakenly forgot to include a check for payment of that tax obligation. The next day the taxpayer realized his mistake and re-submitted a copy of the tax return, along with a check, and a note of explanation about having forgotten to include his payment with his original tax return. DOR did not understand the error and wrote to the taxpayer that he must by law, pay a tax based on the initial filing. The taxpayer complied and paid the duplicate amount, but protested that this was unfair and he should receive a refund because he was being made to pay twice for one tax year. He said their system should show the duplicate entry.

We reviewed the case with DOR resolution office staff and asked them to look further into the issues presented by the taxpayer. DOR agreed to do so. They confirmed the taxpayer had submitted two tax returns and said DOR charged for both returns even though they were the same tax year. DOR agreed the taxpayer was due a refund and refunded the taxpayer's second payment.



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## **1504667. Department of Revenue**

A taxpayer complained, upon receiving a refund late from the Department of Revenue (DOR), that he was not paid interest. The taxpayer now asked for assistance with any payment of interest due him.

We contacted DOR and reviewed the case. DOR then found the taxpayer was correct. They issued the taxpayer a check for the payment of interest. We informed the taxpayer to expect the check. We also asked DOR to review their internal process because, by law, taxpayers' accounts are supposed to accrue interest automatically when refunds take DOR more than sixty days to issue. We had to determine if it was a systemic problem that could affect other taxpayers.

DOR explained why this particular case was unique, not a systemic problem. According to their review, the situation was a special case that required some manual overrides and was one-time human error.

**Examples where our intervention helped resolve grievances against a state agency, even though the resolution might not involve a financial benefit.**

## **1503956. DES – Unemployment**

A Senator's assistant called with a question concerning the way DES Unemployment (DES UI) handled an unemployment audit of a businessman's business.

We discussed the case facts with the businessman. The businessman said DES UI issued a subpoena to appear and required the businessman to produce unemployment records. The small businessman contended that he was out of his office on the day an inspector showed up for an appointment. The one missed appointment resulted in a subpoena for records. The small businessman felt the agency was acting in a heavy-handed way and that a subpoena was adversarial and unnecessary. He was willing to cooperate with an inspection of his records and simply wanted to have the agency work with him to obtain what they needed for the audit.

We contacted the agency and discussed the concerns with the managers. They agreed to lift the subpoena.

The complainant was happy with the results we had obtained.

## **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 children involved with DCS seek help from our

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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 caseworker and legal counsel, and explanations about visitation or placement issues.

**Our Department of Child Safety cases were over 42.82% of our total caseload.**

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, obtaining copies of case plans, failure to receive notification of staff meetings, requests for Foster Care Review Board (FCRB) meetings, 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.

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 in which residents feel that the agency violated their rights or failed to provide adequate services. For 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 system-wide resolution.

## OMBUDSMAN DCS CASE LOG CY2015 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, 2015 to December 31, 2015	
DCS Complaint Source Relationship	
Parent	1036
Kin	264
Service Provider	9
Other	15

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DCYF Region	
Central	136
Southwestern	158
Southeastern	11
Northern	19
Pima	45
Type of Complaint	
Unfair Removal	229
Lack Of Service	170
Inconsistent Visitation	138
Problems with Communication	469
Placement Problems	241
Inadequate efforts towards case plan goal	52
Other	60

## OMBUDSMAN INTERVENTION IN DCS CASES

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

### INDIVIDUAL CASES

**Examples where we resolved a case that no one else was able to resolve internally.**

#### **1503715. DCS - Department of Child Safety**

A grandmother was upset that the Department of Child Safety (DCS) had continued to miss what she claimed were court ordered visits with her grandson. She was also upset that DCS had denied her request that DCS recommend her as the placement home for her grandson. She said DCS never provided her with the placement denial letter required by law and had failed to inform her how she can appeal. Overall, she was upset because she said she was having a very difficult time receiving proper communication from DCS.

Our office contacted DCS. DCS explained that the grandmother's visits are not court ordered; however, they would review the missed visits. However, DCS admitted that they have no record of a denial letter ever being sent to the grandmother. They said they would correct that error and provide her with a denial letter. DCS explained that the lack of communication with the grandmother was due to the caseworker being on leave. They said they would have the caseworker contact the grandmother upon his return.

The grandmother contacted our office again, saying that the DCS caseworker never contacted

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her. Over a week had passed from the date provided by DCS when the caseworker was to update her. We again contacted DCS. This time the caseworker called the grandmother the next day. The caseworker explained that DCS would be reconsidering her for placement, as the current foster home was not going to adopt the child.

We encouraged the grandmother to call our office immediately if DCS failed to follow through on anything else. She was grateful for our assistance and thanked us.

## **1503479. DCS - Department of Child Safety**

A grandmother was the legal guardian of her three grandchildren. She believed the Department of Child Safety (DCS) was wrongly excluding her as a party to their DCS case. DCS had questions regarding the veracity of the guardianship papers. DCS provided her with an attorney to represent her in the dependency hearing, but the judge decided to revoke the guardianship and remove her as a party to the case. We explained to the grandmother that we cannot investigate the actions of the judge and she will need to pursue the matter in court.

The grandmother contacted us again because she wanted to drop off items for her grandchildren with the caseworker. She had brought the items to court and asked the caseworker to deliver them to the grandchildren. The caseworker had refused, and advised the grandmother she also could not provide her with the address as the caseworker worked at an undisclosed DCS office location.

We contacted DCS on the grandmother's behalf, and explained the situation. DCS confirmed that the caseworker was located in an unofficial office that is not set up for visitors, and therefore could not receive personal items. DCS informed us that normally they advise citizens to drop items off at other DCS offices. However, since one of the items was a breathing machine for the children, DCS agreed to have the DCS Quality Improvement Office arrange for the caseworker to obtain the items from the grandmother at the hearing the following day.

We called the grandmother to inform her that DCS had agreed to accept her items at court.

## **1504472. DCS - Department of Child Safety**

A foster father stated he is having issues with the DCS, caseworker (CM). The foster father stated DCS staff failed to initially disclose the amount of medical issues their new foster daughter had. He said the family had adjusted to the multiple extra needs of the child, but they felt blindsided by the agency.

The foster father stated the CM was difficult and this exacerbated things further. For example, the caseworker only told them last minute about a doctor's appointment for their foster daughter. Because the appointment was three hours away, they could not make it to the appointment in time. The foster father said the agency worker got mad at this and did not

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seem to have any sensitivity as to how unusual it was to ask a foster family to devote an entire day to transporting a foster child such great distances with no planning time. The foster parent said DCS should be arranging to transport the child to distant medical appointments themselves or they should give timely notice to the foster family. DCS should not just imperiously impose last minute appointments or far-flung drives on the foster family.

The foster father stated the DCS CM seemed to be trying to provoke the family and said that if the family did not do what the caseworker wanted, the caseworker threatened he would inform the courts that they were not complying with being a foster family. The foster father wanted to help, but resented the threat.

The foster father stated he found this heavy handed. He said they are willing to adopt both of these foster children and take responsibility for them in every way, including doctor appointments, but he did not want to be mistreated. The foster father explained that after all of this happened they thought it was best to have the children removed from their home at the suggestion of their licensing agent.

We contacted the Area Program Manager (APM) and discussed the situation. The APM stated he would like to keep the children in this foster family's care if possible because it might make it harder for reunification to take place if the kids had to be moved. We suggested the APM contact the foster father to work out the situation in an attempt to keep the foster children in the care of this foster family.

We followed up with the foster father who informed us the foster children will be remaining in their care. The foster father stated he is very happy they are getting a new CM on their case. We informed the foster father he could contact us back with further questions or concerns.

## **Examples where individual cases caused us to identify trends.**

### **1404174. DCS – Department of Child Safety**

A mother contacted our office regarding issues she had with a Department of Child Safety (DCS) caseworker's actions and the improper filing of reports with DCS by a private individual. The mother felt that the mother of her brother's children (the woman) was filing false reports with DCS. In part, the mother was upset that DCS had interviewed her children at school without her permission. She said that she had instructed her children not to speak to DCS, but the agency spoke to them anyway.

We explained to her that DCS must thoroughly investigate any reports they receive and that they may interview children at school without parents' permission. We suggested that she might contact the DCS caseworker and/or their supervisor and explain her concerns. We

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provided to her the DCS directory phone number so that she might find out how to get in contact with the caseworker and their supervisor. We told her that she could contact us again if she could not get contact information for the caseworker or supervisor.

We conducted additional research to find out the legal citation for the statute providing DCS with the interview authority that we explained to the mother. After conducting research, we discovered that, under A.R.S. § 8-802, DCS only has authority to interview children without parental permission in abuse and abandonment cases. Otherwise, the statute requires that DCS get prior written consent from a parent in the case of a neglect investigation.

According to DCS records, the Department was investigating the mother's brother for neglect. The records appear to indicate that the Department interviewed the mother's children as a part of this neglect investigation.

It appeared to us that DCS did not have legal authority to interview the mother's children in this case because the report DCS was investigating was for neglect and not abuse or abandonment. We consulted our legal counsel and brought the issue to DCS management's attention. Our legal counsel agreed with our assessment of the law and its application to this case. Initially, new DCS leadership told our office that it would consider the matter, seek out an opinion from the Attorney General (AG), consider bringing the matter to the Legislature's attention for possible Legislative action, and follow up with us about what it planned to do within a couple of weeks.

DCS, however, did not address the situation for many months. Eventually, we were able to meet with DCS leadership again about the matter. DCS maintained it has legal authority to interview children without parent permission regardless of the type of report. DCS did not provide details as to how it arrived at this conclusion. The DCS Director said DCS would continue its practice of interviewing children without parental permission for all types of cases. As a result, we formally notified the Department of our intent to investigate the matter.

On October 8, 2015, we issued a preliminary report on the matter to the DCS. After we issued the preliminary report, we met with DCS leadership several times, but DCS leadership would not abandon its position on the issue. On November 4, 2015, less than 48 hours before the DCS's response to our preliminary report was due, DCS's General Counsel requested that we suspend our investigation indefinitely pending a recently requested AG opinion on the issue. On November 5, 2015, we denied the DCS's request.

On November 6, 2015, the DCS formally responded to our preliminary report.

On February 16, 2016, we issued a final report on the matter.

Please see the formal report for more information. The report is posted on our website at <http://www.azoca.gov>.

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**Examples where we discovered a worker's judgement error, cover-up of the truth or other ethical lapse.**

**1503501. DCS - Department of Child Safety**

A mother and a local hospital each contacted the Department of Child Safety (DCS) regarding concerns that the father of the mother's child may be neglecting their child. A DCS Investigator was assigned to investigate. After meeting with the investigator, the mother was concerned that the investigator was dismissive of her concerns. The investigator said she was not being dismissive. After review, we found that the worker was inappropriate to tell the mother that the allegations were false without meeting with the accused father.

The investigator told the mother to submit to a drug test, receive counseling, and to stop her parents from smoking in their home. The investigator told the mother that allowing adults to smoke inside her home was a form of child abuse. Despite implying that the mother was abusing her child, and ordering the mother to begin services, the investigator did not formally file any official allegations against the mother. The investigator did not provide the mother with a Notice of Duty to Inform, explaining the mother's rights. The investigator said she was ordering the mother submit to a drug test based on 'history.' However, our office was unable to find any allegations of past or present drug use which would trigger DCS to request a drug test.

The mother tried to contact the investigator's supervisors at DCS. The mother did not hear back from the DCS supervisors. Subsequently, the investigator went to her son's school and interviewed him, despite her son not being the child of the alleged perpetrator listed in the report. The investigator then met with her son's father and interviewed him. The worker also gave her son a post-it note with the investigator's first name, and asked her son to give it to his mother. The mother felt that the investigator was trying to intimidate her.

We contacted DCS and provided them with all of the information our office had gathered. DCS managers reviewed the case, removed the investigator, and closed the case. The mother thanked us for our assistance with the matter.

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

**1503622. DCS - Department of Child Safety**

The godparent of a child said they were told by DCS they had failed a background check. The godparent said they did not know of any reason why they would fail the background check. Nonetheless, DCS relied on the background check and the child was placed with another

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relative. The godparent asked for help.

We contacted DCS asking them to review the matter. We told them we did not see evidence of a denial letter and the law requires a written denial letter when DCS denies someone as placement. DCS admitted it failed to send the denial letter, and subsequently sent out the letter. They also assigned a new case manager. The new case manager ran a background check that cleared the godparent. The new case manager discovered the denied background check was erroneous, having been applied to the wrong person. The new case manager then worked to implement a safety monitor situation with the godparent so the godparent could easily visit with the child.

We contacted the Godparent and they confirmed DCS was working to reengage their contact with the child.

## **1503708. DCS - Department of Child Safety**

A father was upset that a Department of Child Safety (DCS) caseworker arrived to interview him based on reports that were two years old. From what he understood, the caseworker had been working on the case for two years, and had not interviewed the children either. The allegations were for physical abuse. The father contacted the caseworker's supervisor who downplayed the concern. We contacted DCS who admitted the case was left 'inactive' and still required some additional work.

Our office reviewed all case documents to discover the children were actually interviewed at the time of the reports in 2013, but not about all of the allegations. DCS performed additional interviews in 2014, but not all of the children were interviewed. In 2015, the case was inactive, and the additional interviews were completed. DCS found some concerns in the home, but none that they felt caused the children to be unsafe. DCS closed the investigation as unsubstantiated.

## **1502347. DCS - Department of Child Safety**

A mother contacted our office with numerous concerns. Overall, she was dissatisfied with the services the Department of Child Safety (DCS) was providing in her case. The mother also complained that she called the DCS Hotline claiming abuse from a former kinship placement, but DCS did nothing about her allegations. We reviewed the records of the mother's call to the DCS Hotline and discovered her allegations were documented as a communication, and not as a report. We questioned the DCS Hotline as to why such an allegation would only be considered a communication. Upon review, the DCS Hotline admitted their staff made a mistake. They agreed to correct the record to reflect it should have been classified as a report.

The mother also had concerns that her son was abused in a shelter placement. She had called the DCS Hotline, but was unsure if the issue was ever reviewed. We again reviewed the



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records of the DCS Hotline, and discovered that although the hotline had properly documented her call as a report, DCS had failed to document any details. We then questioned the DCS case team. They had investigated the claim, but determined the allegations to be unsubstantiated. They explained that details were missing from the report because the DCS staff had not yet finished the administrative paperwork. We requested that they complete the report paperwork. They agreed and completed the case documentation.

## **1504095. DCS - Department of Child Safety**

A maternal grandmother (MGM) contacted our office upset that she could not reach her grandchildren's Department of Child Safety (DCS) caseworker or case supervisor.

The MGM said DCS had removed the children from their parents, as both parents had methamphetamine addictions. Additionally, MGM said a domestic violence incident had occurred, and the police became involved. The MGM was initially granted placement for the children for approximately six months. Unfortunately, the MGM was having medical issues, and DCS had to move the children. The MGM wanted the children to stay with other foster parents she knew, however the children were instead placed with the paternal grandparents. The MGM did not have a good relationship with the paternal grandparents, was unable to visit with the children, and encountered problems from the paternal grandparents when she tried to call them. The original DCS caseworker assured the MGM that visits with the children would be set-up, but that caseworker abruptly left DCS before the visits could be arranged. Since then, the MGM has received no communication from DCS identifying a new caseworker. The MGM said she tried both calling and sending emails to the DCS supervisor, but was unsuccessful in receiving any type of response.

The MGM also wanted DCS to perform additional checks on the children because she had been told that the paternal grandfather physically abused the father as a child and had engaged in domestic violence against his former wife. The MGM said she has been unable to see or speak with the children. She was worried that the paternal grandfather might revert to his pattern of abuse. The MGM also expressed concerns that the grandparents may be allowing the father more contact with the children than permitted by DCS. We explained that, as per DCS policy, DCS should be going out to the home once a month and speaking with each child alone. We told MGM that if she has these concerns, she needs to share them with DCS. In addition, if she suspects any criminal conduct whatsoever, we told her she should notify police.

Our office then contacted DCS about the case. The current caseworker provided us details on the monthly visits that she had done on behalf of DCS, but noted they failed to find any records that the previous caseworker ever performed monthly visits. Upon our discussion with the current DCS caseworker, we were assured that DCS would be performing monthly home visits to check on the children in the future. The caseworker also advised that she would keep the MGM's concerns in mind.

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## **1504368. DCS – Department of Child Safety**

A father contacted our office about a Department of Child Safety (DCS) matter. He said that the hospital at which his baby was born tested the baby's stool, and the stool tested positive for amphetamines. He vociferously denied that his wife had consumed illegal amphetamines.

He said the DCS came to his home soon after the birth of the baby and told him and his wife that the baby should not have been discharged before the DCS had a chance to become involved. He said the DCS told him and his wife that they had to consent to random drug testing. The father said his wife was forced to test five times in the following week and a half. The father said he was unsure who the DCS worker handling the matter was and had no contact information for the person. He wished to know so he could share his concerns about the burdensome nature of DCS's involvement so far. We discovered which worker was assigned to his case and provided the father with the worker's contact information. We also informed the father of his right not to cooperate with the DCS. We cautioned him as to the potential drawbacks of refusing to cooperate.

We told the father to contact the worker about his issues. We told him he could contact us again if he did not get through to the worker or if further issues arose. He thanked us.

We contacted the DCS worker and asked her to contact the father. She said that she would. In the process of looking at DCS's record of the case to find out who was the assigned worker, we came across the most recent note in the file. It indicated that DCS believed the mother was not a drug risk and that the positive test of the baby's stool could have been a false positive due to prescription medicine the mother had taken.

We contacted the DCS and inquired as to why the case was open and the DCS was asking the parents to take drug tests if there was no concern that the mother had taken or was taking illegal drugs.

DCS said it would close the case and tell the father.

## **1504433. DCS - Department of Child Safety**

A mother contacted our office concerned that she had not heard from DCS in months. She was unsure if her cases were still open. She said she could not reach her children's Independent Living caseworker (caseworker) because she did not know who the caseworker was, or how to reach her. In the past, our office has recommended that these individuals call the Department of Child Safety (DCS) hotline and explain the situation, and DCS would normally send an electronic message to the caseworker who would then contact the

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individual. The mother proceeded to call the DCS hotline, where she was advised by DCS that if no one returned her call within 48 hours, her cases were probably closed. Although 48 hours passed with no call from DCS, the mother was unconvinced that DCS had in fact closed her cases. She asked for our assistance.

Our office checked DCS's electronic system to discover that the DCS hotline worker who took the mother's call erroneously documented the call as a "resources provided" call, instead of the correct "status communication." Therefore, DCS would not have returned the mother's call. We then called the DCS hotline. Hotline staff confirmed that the call should have been documented as a "status communication" call, because the cases were still open. They further explained that DCS staff should only document a call as "resources provided" if the case has been closed. The hotline staff manager said she would review the situation with the hotline worker who took the call, and correct any mistakes. We thanked her for assisting in correcting the error.

We then looked up and contacted the children's current caseworker. She informed us that the previous caseworker left DCS unexpectedly, so all of those cases went unassigned. The new caseworker had not yet familiarized herself with the recently assigned cases. We advised the caseworker that the mother wanted to speak with her to discuss visitation with her children. The caseworker provided her contact information and said the mother was welcome to call her and they would discuss visitation.

We called the mother and informed her that the DCS hotline was updating their records to reflect the correct purpose of her previous call. We also provided her with the name and phone number of her current caseworker, and informed her that the caseworker would be expecting her call.

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

### **1500879. DCS – Department of Child Safety**

A resident contacted our office about trouble she was having getting licensed to operate a foster home for critically injured children. She believed that the Department of Child Safety's Office of Licensing, Certification, and Regulation (OLCR) was taking too long to approve her application for the license.

She said that she had completed her application five or six months earlier, yet OLCR had still not licensed her. She said that she could not get in contact with OLCR, because the OLCR contact's voice mailbox was full. The resident also explained that the private agency (Agency) that was assisting her in the licensing process could not get in contact with OLCR.

OLCR said it told the Agency in early January that it needed to provide OLCR with more

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information about the resident including a comprehensive background check known as a "Walsh Check." She said that the Walsh Check is time-consuming, so the Agency should have quickly begun the process; however, she said the Agency had only initiated the Walsh Check a couple of days before the resident contacted our office.

We discovered the Walsh Request had been sent to a worker in the Michigan Department of Human Services. We relayed this information to the resident and suggested she contact the Michigan worker to expedite the process.

We contacted OLCR again and OLCR said that it would keep the resident's application open. The resident contacted Michigan and found out that it had quickly processed the Walsh Check. OLCR then informed her that it had all the necessary information and granted her a license. OLCR confirmed the licensure to our office.

## **1502889. DCS – Department of Child Safety**

A mother contacted our office with a complaint regarding the Department of Child Safety (DCS). She informed us that during her last hearing, the judge ordered that she obtain transportation by taxi to visit with her son every other weekend. She stated that she has missed the last two visits, as the taxi has failed to pick her up. She wants to ensure that future pickups by the taxi are scheduled. The mother has tried calling her caseworker, but has been unsuccessful in receiving any type of response. She requested assistance so that she does not miss her visits.

We contacted DCS and they informed us that they were not aware that the mother was not picked up for her visits. Upon review, DCS advised that they will make sure that a taxi is scheduled, and she is picked up for future visits.

We then contacted the mother, and she informed us that she has spoken with the caseworker and was advised that the caseworker would contact her to confirm future taxi pickups.

## **1503260. DCS - Department of Child Safety**

A grandmother said she had been the guardian for her granddaughter. She requested that the Department of Child Safety (DCS) remove the child from her home. The child has since been in DCS custody. The grandmother is now worried about her granddaughter for the following reasons:

- 1) DCS has not allowed the grandmother contact with her granddaughter's mentor for unknown reasons;
- 2) Her granddaughter wants a previous DCS caseworker to adopt her. She calls him father, and visited with him often. DCS told the granddaughter that he will not be allowed to adopt her, and has prevented him from visiting her;
- 3) The granddaughter continually runs away from placement due to her dislike of the

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facility;

- 4) DCS has not obtained an appropriate placement for her granddaughter which can properly address her high needs;
- 5) The grandmother does not know who the new DCS caseworker is;
- 6) The grandmother was not invited to the most recent Child & Family Team (CFT) meeting, and does not know when the next one is scheduled;
- 7) The grandmother claims DCS lost her granddaughter's birth certificate and Social Security card, and she does not know if DCS has resolved that issue.

We contacted DCS and inquired about the grandmother's concerns. A summary of DCS's responses are below:

- 1) The DCS supervisor advised that she was not familiar with the mentor, but would contact her to determine if she could be cleared for contact with the child.
- 2) Regarding the former caseworker adopting the granddaughter, DCS explained that the caseworker has not been denied, but any consideration of him has been put on hold until he becomes licensed to adopt. Since he has not yet been licensed, DCS is reluctant to get the granddaughter's hopes up. DCS further stated they have implemented limited contact between the two in order to enforce boundaries, as DCS is still considering the possibility of reunification with the granddaughter's father.
- 3) The supervisor advised that DCS would investigate why the granddaughter continues to run away from her placement facility.
- 4) DCS advised that they are exploring a higher level of care for the granddaughter but still need to submit information to the insurance provider to secure funding for such a move.
- 5) The new DCS supervisor provided her contact information to the grandmother.
- 6) DCS agreed to invite the grandmother to the next case family team meeting and said they were unsure why she was not invited to the last one.
- 7) DCS agreed that they need to get a copy of the granddaughter's birth certificate. DCS does not have the granddaughter's social security card yet. However, they verified her social security number with the Federal government. The agency agreed they need to also get a copy of this card.

DCS agreed to begin working to resolve the issues. We notified the grandmother and asked her to allow DCS a reasonable amount of time to resolve the issues, but to contact us if the identified issues persist or new issues arise. In regards to the caseworker adopting the child, we explained to the grandmother that except for certain relatives of a child, all other individuals must be licensed to adopt. We advised that the caseworker couldn't adopt the child if he is not licensed, and the next steps are up to him. She stated that she understood.

## **1504538. DCS - Department of Child Safety**

An adult sibling contacted our office stating that he could not reach his brother's Department

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of Child Safety (DCS) caseworker to set up visitation. He had been trying to contact his brother's caseworker directly, but had not received any response. He was also concerned because he filed a DCS hotline report, but had not heard back regarding the outcome.

The sibling was trying to get other family from California to adopt his younger brother. Those family members had not heard back yet from DCS, which he found frustrating. We asked him to have the family call our office as well, which they did. We explained the relative consideration process. We discussed typical timeframes for Interstate Compacts for the Placement of Children (ICPC). We gave them various options to consider.

We asked the sibling about his call to the hotline. It sounded like the hotline did not take it as a report, but just as a licensing issue. We explained to the sibling what should happen if it is a report and what should happen if it is a licensing issue. We told him we would check to see how the report was taken and whether it was appropriately handled.

We then contacted DCS about the family. DCS staff said they would consider the family members for adoption, but did not think that it was likely to go through due to the child's special needs and the backgrounds and living arrangements of the family. She said she would keep the family updated on the status of their consideration.

## **Examples where our intervention resulted in financial savings for a citizen or stopped an unfair financial burden on a citizen.**

### **1502155      DCS - Department of Child Safety**

A kinship care provider complained DCS had not paid her travel reimbursement requests. She said she had been trying to get the reimbursement processed, but DCS had yet to make payment. The kinship provider said this was a financial hardship on her and that DCS should be more responsive when presented with proper bills.

We contacted DCS and explained the allegation. DCS managers assigned a person to process the travel reimbursement claims. The payment delay was cleared and the payment was sent to the complainant.

We spoke with the complainant. She confirmed and said she was current on travel reimbursement expenses. She expressed her gratitude for our assistance.

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**Examples where our intervention helped resolve grievances against state agencies, even though the resolution did not involve a financial benefit.**

## **1502974. DCS - Department of Child Safety**

A grandmother wanted to obtain a copy of the documentation of her home study from the Department of Child Safety (DCS), but was unsure how to obtain it. DCS had told us that they do not provide documentation of the home study to the subject of the home study. We assisted the grandmother in filing a public record request for the information. The DCS record department then provided the home study for the grandmother.

## **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, we have provided several hundred public access booklets to elected officials, public employees, advocacy groups and members of the public. In addition, we share and help develop training materials for public bodies. We 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.

Aside from that, we were frequently interviewed by the Arizona Daily Star and the Arizona Republic on transparency issues. We provided comment and clarification on records requests for expense reports, public forums to meet city manager candidates, texting during city council meetings and database information on assisted living licensing complaints.

Additionally, other local publications regularly report on our public access trainings. For instance, The Camp Verde Journal published a fairly extensive story covering an open meeting law training our office conducted in November of 2015.

#### **Trainings**

There is a significant demand for training throughout the State. During the past year, we provided several live training sessions. In an effort to streamline training and reduce expenses, we 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 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. Our web trainings were

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viewed hundreds of times last year. These trainings are frequently viewed in a group setting and the attendees contact our office for questions following the training.

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.

## General Public Access News

In late 2015, public access attorney Kathryn Marquoit left our office to return to private practice.

## Inquiries and Investigations

In the past year, our office handled 503 cases regarding matters related to public access. Of those calls, 349 were public record inquiries and 154 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 inquiries	330	43	130

**Table 2**

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquiries	215	49	105	49	86



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## Public Access Case Examples

### **1504933. Arizona Board of Dental Examiners**

Complainant requested disclosure of reports of adverse occurrences from the Arizona Board of Dental Examiners.

The Board denied her request citing A.R.S. section 32-1263(K), which precludes public access to patient records, as its basis for denial. Complainant contended that these reports are not patient records or medical records and argued that the Board should release the records. She concedes that any patient identifying information may be redacted as other states have done prior to disclosure.

Upon review of this matter, we ultimately agreed that the Board had a valid legal basis for denial. Absent legislative change or court order, the Board is prohibited from disclosing the reports requested.

### **1503949. Arizona Board of Appraisal**

A complainant to the Board of Appraisers contacted our office for assistance with a public records request.

The resident requested a copy of the investigation related to his complaint to the Board. The Board responded that they would provide him with any records that were not confidential by statute under A.R.S. § 32-3609(3) which states "...the following records are confidential: . . . Appraisal reports or appraisal reviews and supporting documentation deemed confidential under the uniform standards of professional appraisal practice edition adopted by the board."

The Board specifically stated that they would not release the Investigator's Report but they would release the response that the licensee provided to the Board. They attached a prior Superior Court Case where they defended their position. The court agreed that the investigator's report falls within A.R.S. § 32-3609(3). While we acknowledge that this lower court case is not a binding decision, it certainly prohibits our office from finding a violation of the Public Records Law.

### **1503484. City of Yuma**

A resident contested whether the fee the City of Yuma was charging him for a DVD of records was reasonable. He said the \$20 fee for one DVD was excessive and an unfair barrier to obtaining public records and that it did not comport to public records laws.

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We discussed with the City that the fee it charges for copies must be a reasonable assessment of the cost of time, equipment, and personnel used in producing copies. We noted the Attorney General had issued guidance about public record copy fees. The City agreed to charge the resident a lower fee for the copy. The adjusted fee was in accordance with public record laws.

## **1502709. Town of Quartzsite**

A resident contacted our office to discuss a letter of support about a town employee. She said a council member distributed the letter and asked the other council members for signatures outside of a meeting. She said this was not proper.

We contacted the clerk and discussed the circumstances of the situation. We informed the clerk of open meeting requirements. We substantiated that this letter circulation outside of the meeting was contrary to law. Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. We informed the clerk about the public records law provisions and explained how the council was not acting in accordance with those laws. The clerk agreed and said she would discuss the issue with the council members to avoid the problem in the future.

## **1500163. Bisbee**

A city requested clarification on the posting requirements. We discussed whether a posting satisfies the 24-hour notice requirement if the physical posting location is within a building that is closed after 5pm. We determined the answer was that was not acceptable. A.R.S. 38-431.02(C) requires meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public. The twenty-four hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in A.R.S. § 1-301.

The public must have "access" to the physical posting location for 24 hours prior to the meeting. If the building is closed, and the notice cannot be viewed, the public is denied access for part of that time and thus does not fulfill the requirement.

We also discussed whether an agency is required to post a copy of the agenda in a physically accessible location 24-hours prior to the meeting. We determined it was not. While we have considered arguments indicating that some of the statutory language and legal guidance from the Attorney General's Office indicates that it should be posted in a physically accessible location 24-hours prior to the meeting, there is no ambiguity in the first sentence of A.R.S. § 38-432.02(G) which states "Notice required under this section shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such an agenda." If the Legislature had intended for both to be posted, they

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would have explicitly stated "and" and not "or". The second sentence in (G) is interpreted to mean that the agenda must be immediately available upon request to the public body. More specifically, in the absence of a physical posting of the agenda, if anyone requests a copy of the agenda during normal business hours, it must be made available to them within a few seconds physically and electronically.

While the statutes contain minimal requirements, we generally recommend that public bodies post a copy of their agenda as their notice to maintain public trust and transparency. Most members of the public believe that a posting of the agenda is required and will likely complain if it is not posted 24 hours prior to the meeting.

We also reiterated recommendations to have one official posting location to avoid notice complications. An entity may have numerous "unofficial" posting locations. We recommended that the city specify on the notices that are posted in any unofficial location that it is an unofficial notice and where the official notice may be found.

## **1501104. Medical Board, Arizona**

A doctor complained that the Medical Board used a general category of "Pending Legislation" to discuss current legislative bills. We reviewed the March 13, 2015 agenda, minutes and responses from the board. The item was originally agendaized for an executive session for legal advice. However, the board voted to hold the discussion in open session. Agenda requirements are found in ARS 38-431.02(H) and (I). Executive session items are required to "include only a general description of the matters to be considered." Open session items are required to "list the specific matters to be discussed, considered or decided at the meeting."

We found the board has a reasonable argument that the agenda is consistent with the Open Meeting Law requirements of listing the specific matters to be discussed, considered, or decided at the meeting. The board complied with the executive session requirements by providing more than just a citation to the relevant statutory provision. However, we recommended that the board include bill numbers on future agendas to better inform the public of the contents of their meetings.

Since the board voted to have the discussion in open session, we reviewed whether the board complied with the specificity requirements in A.R.S. § 38-431.02(I). The doctor cited the Arizona Agency Handbook prohibition on use of general categories as support that the board violated the law. The prohibited examples cited by Section 7.7.2 of the Handbook include "personnel," "new business," "old business," and "other matters." We find that the agenda item of "pending legislation" is significantly more specific than the prohibited categories. As stated above, we recommend that, in the future, the board provide bill numbers in their

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agenda. However, we cannot conclude that the existing item was so generic that it rises to the level of an Open Meeting Law violation.

## **1500636. Tucson**

A resident complained that an independent contractor of the City of Tucson was refusing to respond to public records requests. We contacted the city and discussed the available cases in other jurisdictions related to independent contractors.

In *Gautreaux v. Internal Med. Educ. Found., Inc.*, 336 S.W.3d 526 (Tenn. 2011), the Tennessee Supreme Court held that the relevant factors include the extent to which the entity performs a governmental or public function; level of government funding of the entity; extent of government involvement with, regulation of, or control over the private entity and whether the entity was created by a legislative act or previously determined to be subject to the Public Records Act.

Further, in *Evertson v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), the Nebraska Supreme Court held that the private entity must prepare the records to carry out a public office's responsibilities, the public office must be able to monitor the private entity's performance, and the public office must have access to the records for this purpose. The independent contractor's legal counsel took the position that an Arizona court would not take a "function test" approach. We find this to be a weak argument; however, there is no Arizona case on point.

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## Our Cases – Statistics of Note

### INVESTIGATIONS

We managed our 385 investigations in CY2015 as identified in the following tables.

<b>Investigations – January 1, 2015 – December 31, 2015</b>	
Discontinued <sup>1</sup>	49
Declined <sup>2</sup>	61
Complaint withdrawn or resolved during investigation <sup>3</sup>	19
Investigation completed	250
Ongoing	6
<b>TOTAL REQUESTS FOR INVESTIGATION</b>	<b>385</b>

<b>Investigative Findings – January 1 – December 31, 2015</b>		
<b>SUPPORTED/PARTIALLY SUPPORTED<sup>4</sup></b>		<b>74</b>
Requires further consideration by agency	29	
Other action by agency required	34	
Referred to the legislature for further action	1	
Action was arbitrary or capricious	0	
Action was abuse of discretion	1	
Administrative act requires modification/cancellation	2	
Action was not according to law	10	
Reasons for administrative act required	0	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	0	
<b>INDETERMINATE<sup>5</sup></b>		<b>0</b>
<b>NOT SUPPORTED</b>		<b>176</b>
<b>TOTAL COMPLETED INVESTIGATIONS</b>		<b>250</b>

<sup>1</sup> "Discontinued" is marked when the complainant stops responding and the Ombudsman-Citizens' Aide Office is unable to proceed with inquiries.

<sup>2</sup> "Decline" is marked pursuant to authority in A.R.S. §41-1377(C). In those cases, the Ombudsman-Citizens' Aide Office may decline to investigate a complaint if there is another adequate remedy available; the matter is outside the duties of the ombudsman-citizens aide; the complainant has had knowledge of the matter for an unreasonable time period; the complainant does not have sufficient personal interest in the subject; the complaint is trivial or made in bad faith; or the resources of the office of the ombudsman-citizen aide are insufficient to adequately investigate the complaint.

<sup>3</sup> "Withdrawn or Resolved During Investigation" is marked when the complainant asks us to cease an investigation

<sup>4</sup> The individual count for "total supported or partially supported findings" count in the right-side column will always be equal to, or greater than, the left column of specific reasons because each case must have at least one finding, but may have multiple "supported" or "partially supported" findings.

<sup>5</sup> "Indeterminate" is marked when an investigation is completed, yet there is not enough evidence to discern whether something is "supported," "partially supported," or "not supported." Example: two witnesses with opposite stories and no evidence to tip the balance.

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## CONTACTS BY AGENCY

Between January 1, 2015 and December 31, 2015, our office handled 4,967 cases involving 195 agencies. The following table shows the distribution of our contacts by agency. Cases involving the Department of Child Safety comprised 42.82% of our total for CY2015.

### **CONTACTS BY AGENCY CY2015**

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	1	0	1	2
Administration, Department of	11	4	3	18
Administrative Hearings, Office of	1	1	0	2
Agriculture, Department of	2	1	1	4
AHCCCS	21	52	6	79
Apache County	6	1	2	9
Apache Junction Unified School District	1	0	1	2
Appraisal, Arizona Board of	1	1	3	5
Arizona Peace Officer Standards and Training Board	1	0	0	1
Arizona Power Authority	1	0	1	2
Arizona State Hospital	1	0	0	1
ASU -Arizona State University	4	0	0	4
Athletic Training, Board of	1	0	0	1
Attorney General, Office of	22	11	5	37
Auditor General	1	0	0	1
Avondale	1	0	1	2
Ball Charter Schools	1	0	0	1
Barbers, Arizona Board of	1	0	0	1
Behavioral Health Examiners, State Board of	6	5	0	11
Benson	4	0	0	4
Bisbee	2	0	1	3
Black Canyon Fire District	2	0	1	3
Boxing Commission	0	1	0	1
Buckeye	3	0	0	3
Buckskin Fire Department	1	0	0	1
Chandler	0	1	0	1
Chandler Unified School District	1	0	0	1
Charter Schools, Arizona State Board of	3	1	0	4
Chevron Butte	1	0	0	1
Chino Valley	1	0	0	1
Chiropractic Examiners, State Board of	4	1	1	7
Chloride Water Improvement District	1	0	0	1
Clarkdale	1	0	0	1
Cochise County	0	1	0	1
Coconino County	2	0	0	2

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Commerce, Department of	3	0	0	3
Commission of Judicial Conduct	1	1	0	2
Concho Fire Department	2	0	0	2
Corporation Commission	22	9	7	38
Corrections, Department of	35	3	0	38
Cosmetology, Board of	2	0	0	2
Cottonwood	1	0	0	1
Council of Developmental Disabilities	1	0	0	1
DCS - Department of Child Safety	1207	700	202	2109
DCS - Office of Licensing Certification Regulation	3	5	3	11
DCS - Other	2	5	0	7
Deaf and Blind, Arizona School for the	1	1	0	2
Deer Valley Unified School District	0	1	0	1
Dental Examiners, Board of	2	1	2	5
Department of Economic Security	3	9	1	13
DES - Aging & Community Services	249	16	2	267
DES - Benefits and Medical Eligibility	55	190	6	251
DES - Child Support Service	12	52	9	73
DES - Developmental Disabilities	8	15	2	25
DES - Employment and Rehabilitation	16	49	6	71
DES - Other	9	11	3	23
DES- Adult Protective Services	13	5	1	19
Desert Marigold School	0	1	0	1
Developmental Disabilities Council	1	1	1	3
Dispensing Opticians	0	1	2	3
Early Childhood Development & Health Board	1	0	0	1
Education, Department of	13	3	0	16
Eloy	0	0	1	1
Emergency & Military Affairs, Department of	1	0	0	1
Environmental Quality, Department of	5	6	3	14
Financial Institutions, Arizona Department of	11	1	0	12
Fingerprinting, Board of	1	0	0	1
Fire Building and Life Safety, Department of	7	2	0	9
Flagstaff	2	1	0	3
Florence	1	0	0	1
Funeral Directors & Embalmers, State Board of	20	4	0	24
Game and Fish, Department of	6	1	2	9
Gaming, Department of	0	1	2	3
Gila Bend Elementary	1	0	0	1
Gila County	3	1	0	4
Glendale	7	0	0	7
Globe	1	1	0	2
Golden Valley Fire District	4	1	0	5
Governor, Office of	4	1	0	5
Graham County	1	0	0	1
Harquahala Valley Fire District	5	1	0	6
Health Services, Department of	45	6	5	56

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Health Services, Vital Records Office	4	1	1	6
Housing, Department of	15	2	2	19
Industrial Commission	28	14	3	45
Insurance, Department of	14	2	2	18
Judicial Conduct, Commission on	6	0	0	6
Juvenile Corrections, Department of	2	0	0	2
Kearny	1	0	0	1
Kingman	1	0	0	1
Lake Havasu City	0	0	1	1
Land, Department of	5	0	0	5
Legislature	15	1	0	16
Library, Archive & Records Dept.	3	0	0	3
Liquor Licenses and Control, Department of	10	1	0	11
Littleton Elementary School District	1	0	0	1
Lottery	3	1	1	5
Maricopa	6	0	0	6
Maricopa Air Quality	1	0	0	1
Maricopa County Clerk	0	0	1	1
Maricopa County Community Colleges	4	0	0	4
Maricopa County Sheriff	1	0	0	1
Maricopa County Superior Court	1	0	0	1
Massage Therapy, State Board of	1	2	0	3
Mayer Fire District	4	0	0	4
Mayer Water District	1	0	0	1
Medical Board, Arizona	37	7	8	52
Mesa	1	0	0	1
Mesa School District	2	0	0	2
Mescal J-6 Fire District	3	1	0	4
Miami	1	1	0	2
Naturopathic Physicians Board of Medical Examiners	0	0	1	1
Navajo	1	0	0	1
Nursing, State Board of	20	7	2	29
Nutriso Fire District	14	0	0	14
Occupational Therapy Examiners, Board of	0	3	1	4
Ombudsman	127	24	0	151
Optometry, State Board of	1	1	0	2
Osteopathic Examiners in Medicine & Surgery Board	5	3	0	8
Other - Government	276	15	3	294
Other - Private	269	15	11	295
Other-federal	45	2	3	50
Page	1	0	0	1
Palominas Fire District	1	0	0	1
Paradise Valley School District	1	0	0	1
Peoria	3	0	0	3
Pest Management, Office of	1	0	0	1
Pharmacy, Board	7	1	0	8
Phoenix	4	3	2	9



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Phoenix Police Department	3	0	0	3
Phoenix Union	1	0	0	1
Physical Therapy Examiners, Board of	1	0	1	2
Pima	6	1	0	7
Pinal	2	0	0	2
Pinal County Sheriff's Office	2	0	0	2
Pinetop	1	0	0	1
Pioneers Home	1	0	0	1
Podiatry Examiners, State Board of	3	3	0	6
Postsecondary Education, Arizona Commission for	7	0	0	7
Prescott	0	0	1	1
Prescott Police Department	0	0	1	1
Prescott Valley	1	0	0	1
Private Post-Secondary Education, Board for	3	0	0	3
Psychologist Examiners, State Board of	1	0	2	3
Public Safety Personnel Retirement System	2	1	1	4
Public Safety, Department of	13	3	0	16
Quartzsite	2	0	1	3
Racing, Department of	1	0	2	3
Real Estate, Department of	7	2	3	12
Regents, Arizona Board of	1	0	0	1
Registrar of Contractors	14	17	9	40
Respiratory Care Examiners, Board of	2	0	0	2
Retirement System, Arizona State	3	5	2	10
Revenue, Department of	16	24	5	45
Safford	1	0	0	1
Sahuarita	1	0	0	1
Santa Cruz	1	0	0	1
Santa Cruz County Sheriff's Office	0	0	1	1
Scottsdale	1	1	0	2
Secretary of State, Office of	3	2	2	7
Sierra Vista	1	0	0	1
Somerton Police Department	0	0	1	1
Sonoita Elgin Fire District	3	0	0	3
South Tucson	1	0	0	1
Sunburst Farms Irrigation District	6	0	0	6
Superior Court	1	1	2	4
Supreme Court	1	0	0	1
Surprise	2	0	0	2
Technical Registration, Board of	1	1	2	4
Tempe	1	0	0	1
Transportation, Department of	14	14	3	31
Transportation-Motor Vehicle Division	14	28	4	46
Tucson	4	2	1	7
Tucson Unified School District	0	0	1	1
University of Arizona	3	0	0	3
unknown	10	1	3	14

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unknown charter school	11	0	0	11
unknown city	7	0	0	7
Unknown Community College	1	0	0	1
Unknown Domestic Water Improvement District	1	0	0	1
unknown fire district	16	1	0	17
Unknown Irrigation District	1	0	0	1
unknown school district	16	0	1	17
Unknown state agency	59	2	1	62
Various	2	0	0	2
Various Charter Schools	2	0	0	2
Various Cities/Towns	2	0	0	2
Various school districts	3	1	0	4
Veterans' Services, Department of	8	1	0	9
Veterinary Medical Examining Board	2	0	1	3
Weights and Measures, Department of	15	4	1	20
WIFA - Water Infrastructure Finance Authority	1	0	0	1
Yavapai County	3	1	0	4
Yuma City	13	2	4	19
Yuma County	1	0	0	1
<b>TOTAL NUMBER OF CONTACTS</b>	<b>3170</b>	<b>1412</b>	<b>385</b>	<b>4967</b>

Agency Count: 195

# WHO WE ARE

## About the CY2015 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 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).

### **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, the Leadership Module through Rio Salado College and Arizona Government University; and ombudsman training prescribed by the U.S. Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, having served multiple years as a Board Director/Officer and as a Conference Committee and Outreach Committee Member. She is serving her third year as Co-Chairman of the USOA Children and Family Chapter. She was 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 has served as a judge for the Central Arizona BBB Business Ethics Award for the past five years.

## WHO WE ARE

### **Sarah Bruce - Assistant Ombudsman.**

Sarah became a full-time employee of the Ombudsman Office in 2013, after serving as an intern and contractual employee with the office the prior year. 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. She received her Bachelor of Art degree in History from Arizona State University. Sarah has completed ombudsman training prescribed by the United States Ombudsman Association (USOA). She is an administrative investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). She 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. She is a Court Appointed Special Advocate (CASA).

### **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 in Vancouver, Washington as a case manager for homeless individuals and families in 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. She has completed New Ombudsman training prescribed by the United States Ombudsman Association (USOA).

### **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

## WHO WE ARE

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 has 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.

