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# ANNUAL REPORT

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# OPTIMIZING OUR STATE GOVERNMENT

## OUR MISSION

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

## OUR ROLE

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

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

## Aiding Citizens

### HOW WE HELP

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

We group responses into three categories:

### Coaching

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

### Assistance

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

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## Investigation

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

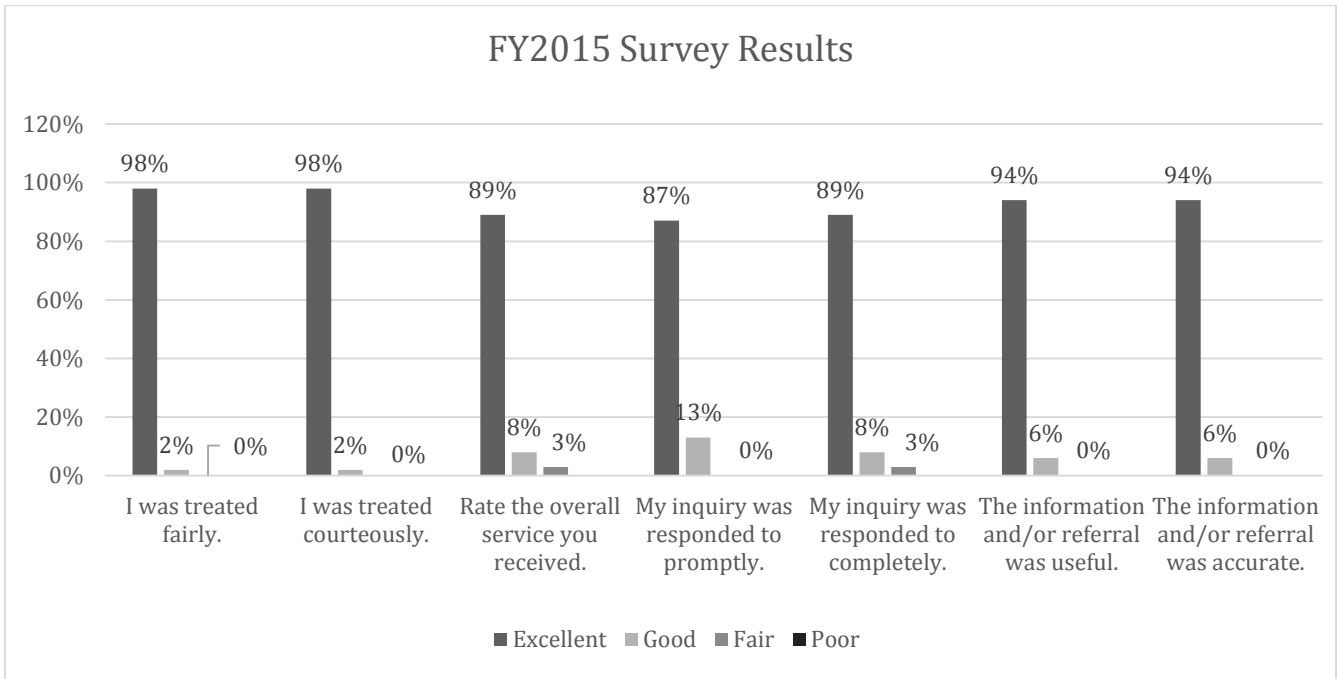
These standards are:

- 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 FY2015. The chart summarizes the results of the survey for FY2015.

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**THE FOLLOWING COMMENTS ARE FROM CITIZENS WHO USED OUR SERVICES IN FY2015:**

“I am a senior citizen, (no email) 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!”

“I thank you for helping me & my 13-year-old son. You took so much worry away, thanks.”

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

**98% of our survey respondents said we treated them courteously and fairly.**

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

“Aimee was exceptionally patient and helpful re: my situation. Many thanks!”

“Keith was very fair and not "one-sided," which I appreciated.”

“Danee was very understanding, kind & pleasant. With all the AZ Offices that I have called, he was the only person who seemed to care about my situation. Hats off to Danee!”

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

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

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

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

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

“I would like to thank Jennifer for her prompt response to my inquiry. I was unable to receive any response in follow up from the DES - Unemployment Office going through the usual channels. I had been trying unsuccessfully for now four weeks.”

“Thank you for your advocacy!!”

“Sarah was able to achieve for me in a couple of days what I was unable to achieve on my own over the course of nearly 2 months and multiple interactions with the ADOR. I only wish the ADOR had responded with as much efficiency and rapidity without my having to ask for help from the Ombudsman-Citizen's Aide. Thank you for having this service available.”

“Keith was great. Helped with diligence and follow up.”

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

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

“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 was able to give 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.”

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“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.”

“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.”

“With little information we both had, Sarah was awesome. Together we got info needed to move forward CPS [DCS] has to have better communication with everyone.”

“I was searching for information on the State level in Arizona and emailed the Arizona Ombudsman for the first time. I was contacted by phone right away and, even though I hadn't contacted the right office, Jennifer still offered to help me with the information I acquired. She was professional and called me several time to make sure my questions were answered. Great experience”

“Very pleased with the professional and courteous handling of my problem. With your help was solved in three days. Thank you so much for your help.”

“More citizens should know about this service!!!”

“If you have a supervisor, I would love to give you a compliment for all your great assistance you provided to get this case to closure.”

“I can't even imagine that better service exists. Thank You.”

“Our case was a perfect example of how the ombudsman program helps individual citizens. Jennifer came up with a suggestion that helped us get over a hurdle that had us scrambling for six weeks prior to that resolution.”

“The staff at the Ombudsman's office are truly wonderful people, able to work miracles in a very short time. I can't 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 5,009 cases we handled in FY 2015.

## GENERAL COMPLAINTS ABOUT STATE AGENCIES

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

### Our Three Focus Areas

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

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

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

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

A DES benefits applicant 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 Nutrition Assistance (NA) that listed her income at about \$1,050 per month. DES sent her a second letter explaining that her AHCCCS benefits would end at the end of the month. That letter listed her monthly income at around \$1,475, which was incorrect. She believed that the 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 it was particularly urgent that DES fix her case, because she was to undergo a mastectomy and a number of related procedures over the coming days and months.

The resident provided us with all of the relevant documentation, including the letters from the DES and an award letter explaining the new income from her ex-husband. We contacted the DES, and they looked into the matter. DES admitted error and corrected the problems. DES said they informed the resident that her benefits would continue. The resident confirmed that DES corrected the issue.

### **1500255. DES/ Benefits and Medical Eligibility**

An applicant contacted our office regarding an issue he is having with DES/Benefits. He said he submitted a new application for benefits over two months ago, yet he has not heard anything from DES. DES is beyond their time limits. He would like his case to be resolved.

We contacted DES, informed them about the problem, and asked them to resolve the situation. DES agreed. They spoke to the man and then corrected his social security number on the case. They also informed him that he is over the income limit with the new limits that went into effect. DES indicated

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that he knows that and informed DES that he needed the denial letter. DES indicated that they informed him that the denial notice is in the mail.

We contacted the man and confirmed he was informed. He said a DES representative informed him that he will receive the denial letter he requested.

## **1500275. ADOA – Department of Administration**

A state employee missed the deadline to reenroll into her health insurance because she had been out of the office much of the time of enrollment. The employee provided our office with one email, which her supervisor sent her on the last day to reenroll; she also sent evidence showing she was not at work that day.

The employee stated she has filed an appeal with the Department of Administration (ADOA), but had not heard back. We contacted ADOA. ADOA informed us the employee's supervisor provided them with the one email showing she was informed of needing to reenroll. ADOA stated they would be denying the employee on the grounds she was notified about enrolling by her supervisor. We informed ADOA about our concerns that the notice had not been communicated to the employee because she did not have access to her work email. ADOA stated they were going to ask for more proof that would show the complainant was notified multiple times.

ADOA got back with us and said the employee's supervisor could not provide them with any more proof about notifying this employee, despite the numerous times they previously stated they had. ADOA decided the complainant's point was compelling and approved the reinstatement of the employee's benefits.

We confirmed with the employee. She thanked us for helping her obtain her health care coverage.

## **1500173. ADOT – Department of Transportation, Motor Vehicle Division**

A motorist complained about being cited for not having insurance coverage. He said he did have insurance in force, but that the police officer relied on information from the Motor Vehicle Division (MVD), causing him to be ordered in court to pay a fine. He said MVD was in error.

We contacted MVD and explained the situation. We asked them to perform a review. MVD did so and determined the motorist was correct. MVD then spoke to the motorist and provided him contact information for ADOT Risk Management who would make payment to him, if their investigation showed an error had been made.

We informed the motorist and he expressed his gratitude.

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

A mother stated her daughter has severe behavior health issues. The mother stated she has been involved with the Department of Development Disabilities (DDD) for several years. The mother explained that her daughter is taken to the hospital several times a month and the police are at her home on a regular basis.

The mother stated she has been asking the DDD to place her daughter into a home to obtain the proper care needed to manage her issues. The mother stated that DDD is not helping her and her daughter has become a threat to the other members of her household. The mother said that it is imperative DDD assist with the situation because it has become a safety issue.

We contacted DDD and reviewed the situation. DDD then contacted the mother and informed her they are in the process of setting up out-of-home care.

We followed up with mother who thanked us for helping her. The mother stated she would contact us back with further questions or concerns.

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

## **1501535. DEQ – Department of Environmental Quality**

A motorist purchased a used vehicle at an auto dealer where he had previously purchased other vehicles. Unknown to him, this vehicle no longer had certain manufacturer installed emissions equipment. Several months later, he went for a Department of Environmental Quality (DEQ) emissions test, only to be told the vehicle did not have the required catalytic converter exhaust equipment needed to pass the emissions test. Upon getting an estimate to correct and install the catalytic converter system, he was told it would cost several thousand dollars. Upset, he went back to the dealer, who showed him a passing emission inspection report from the time of sale. The auto dealer said they were not responsible because DEQ emissions tested and passed the vehicle, although there was a notation on the inspection saying, "Catalytic Converter N/A." The man next went back again to the DEQ inspection station, only to be told they did not provide exemptions for his situation. The man contended he purchased the vehicle in that condition and felt he was not responsible to pay the costs to get his vehicle to pass the DEQ emission test.

We reviewed state statute and finding in ARS §49-474.03 the Voluntary Vehicle Repair and Retrofit Program, pursued its application to this situation. However, it was discovered the Program would not apply due to the vehicle emissions having been tampered, removed or disabled.

We contacted DEQ Emissions who informed, after an internal review, they felt the inspection station contractor was in error and cited the "Catalytic Converter N/A" notation made on the emission

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inspection report. In order to address the situation from occurring again, DEQ took steps to implement new training requirements for their contractors to better recognize the presence of vehicle emission equipment needed to pass inspection. In addition, DEQ made plans to introduce a check list which would require the service technician to visually inspect, and then to sign off on, before allowing the vehicle to leave with a passing inspection report.

We contacted the vehicle owner who had indicated in his complaint he was looking to see whether there was any recourse on this matter through the state. The vehicle owner then informed he was unable to wait for any disposition with DEQ and had made a deal with the auto dealer to take the vehicle back in trade for a different vehicle. We let him know about plans by DEQ to address this situation from not happening again. He expressed his gratitude for looking into his complaint.

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

### **1501127. DES – Department of Economic Security**

In notifying a benefits recipient that his account would not be reimbursed, DES had incorrectly cited Federal Regulation in which the rule was proposed and that it had since become effective under a different citation than the one used by DCS in their letter of denial to the benefits recipient.

We informed DES of the improper citation asking them to notify their legal counsel so they could deploy the correction for use in any future agency templates. The agency agreed to correct the problem.

### **1501039. ADOT-Arizona Department of Transportation, Motor Vehicle Division**

A motorist contacted our office complaining about the MVD. He indicated that he is an Army veteran and he wanted to specify in his driver's license that he is a veteran, but staff at the MVD in Tucson would not take the government issued veteran documents he had with him to prove he was a veteran. He said the MVD only accept a form DD214. He said the DD214 is not easily duplicated if lost and very important, so he will not take it out of his vault. He said he reviewed the law and would like to know where the statute states that he needs to present a DD214 to the MVD in order to be approved to have the Veteran Status show on his driver's license. He said the statute says proof of veteran status must be shown to MVD, but the statute does not name the DD214.

We contacted the MVD and provided them with the man's information. They reviewed the case and decided to review their policy. They said that they would call the man and provide him with the veteran driver's license based on his other government issued veteran documents.

We contacted the man and he indicated that a MVD representative had just contacted him and explained the situation.

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

**1502371. DES - Aging & Community Services**

A brother and sister-in-law contacted us regarding their brother who had been living in a residential care home in Glendale. They stated the home informed them that the brother passed away, but the brother's girlfriend now says he has not passed away. The family wants to know which one it is correct.

They stated they attempted to confirm by contacting the funeral home. The funeral home informed the family that they were not able to provide them with any information. The family then contacted their brother's girlfriend. The girlfriend said she has the power of attorney over their brother, yet she would not tell them if their brother was deceased or not. The family said the girlfriend has been keeping them and his children away from him. She is not telling them which nursing home he was in or any other pertinent information, such as his health status. They went on to say the girlfriend sold their brother's home and took the money for herself. The family said they wanted to know which state agency could look into this matter.

We considered the Long Term Care Ombudsman, Adult Protective Services and the Board of Funeral Home and Directors, to start with.

We contacted the funeral home to see if the situation was as portrayed to us. The funeral home said "the family" understood the deceased man was at the funeral home, but they did not want anyone to know anything more. We informed the funeral home we believe the "family" may be his girlfriend and not his children, who may actually be his next of kin. We asked if the home had been provided any documents to support who had decision-making authority. The funeral home stated no and hung up the phone.

We contacted the Board of Funeral Home and Directors and asked them to get involved. We told them what we had learned and they informed us that if true, then the funeral home and the girlfriend might be engaged in an illegal situation. The Board stated they would contact the funeral home and follow up. The Board later contacted us back and stated they stopped the funeral home from cremating the body without proper legal authority. The Board staff person also stated they scheduled a meeting with the funeral home as well as the girlfriend to go over her legal documents.

The Board contacted us back after the meeting. They reported they informed the funeral home the home needed to refund the girlfriend's money, as she is not the next of kin. They informed the home that the kin are the man's children. The Board went on to say they discovered legal documents saying the brother wanted to be buried, as he purchased a plot. The Board stated they informed the family they should contact the police and file a report against the girlfriend for alleged financial fraud.

We contacted the family and confirmed they understood. We recommended they follow the Board's advice and contact the police. The family was thankful for our and for the Board of Funeral Home and Directors staff help.

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## **1500453. DES – Department of Economic Security**

An owner of an agency that provides counseling services for DCS families contacted our office complaining about DCS not paying for services rendered. She had submitted invoices for services for four months, but she has not received payment. She would like for someone to review her case.

We contacted the contract administrator at DES and explained the situation to him. He said he would be happy to review the woman's invoices and will see to it the vendor is paid if the charges prove legit.

We contacted the woman and provided her with the contract administrator's pledge and contact information. We told her to contact us again if the problem is not resolved. The lady said she would do so. She did not contact us back, so we closed the case.

## **1500700. DES – Department of Economic Security**

A husband inquired on behalf of his wife about her Health Plus AZ benefits. He said his wife had a extremely serious nervous system condition for which she needed medication to stay alive. The couple was of limited means and they needed help because the medication was too expensive for them to afford. The couple believed they qualified for assistance, but they had trouble getting an answer from DES. They needed a medical card to purchase the medicine. He asked for assistance.

We contacted DES and they stated the woman's medical case was still being processed. We explained the situation and asked DES to consider whether this case should be coded as a medical emergency. DES said they would review. DES completed a review and by the next day, DES had completed the case. The local DES office followed up with the complainants. We confirmed with the complainant. The husband was relieved and grateful for our assistance.

## **1501315. ADOA-Arizona Department of Administration**

A business person called complaining about the Department of Aging and Adult Administration. She stated the agency paid her for services rendered, but the warrant was made out to her instead of her company. She sent the warrant back asking for the warrant to be made out to her company. She has not heard from them and it has been eight months. She would like for someone to look into the issue and determine why she has not been paid. We informed her that we will be contacting the Arizona Department of Administration (ADOA), since they issued the warrant.

We contacted a representative from the ADOA and explained the issue to them. They said that they would track down the warrant and reissue it in the correct name. They said that they must have the warrant back in their possession before they issue another warrant. They will contact the woman to resolve the issue.

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We contacted the woman and informed her that someone from ADOA would be contacting her to correct the problem. We told her to re-contact us if ADOA fails to address the situation.

## **1500156. DES – Department of Economic Security**

A same sex marriage partner asked for assistance with his and his partner's applications for medical benefits. The DES office near his home was not able to process his application using his married status. He said the law changed and he asked for assistance.

We contacted DES, Family Assistance Administration, and reviewed the situation. DES determined the men should qualify for benefits. They approved medical coverage under the household of two classification.

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

## **1500150. DES-Department of Economic Security/Child Support Service**

A non-custodial parent contacted our office with a problem she has encountered with DCSS. She received a letter telling her that she owed \$45,000 for child support. She acknowledged she had been incarcerated for 3 years, but does not think the amount should add up to that much. She wanted to have someone from DCSS contact her to explain why she owes so much money, but had not been successful in communicating with DCSS on her own.

We contacted DCSS and asked them to review the case file. After they reviewed the case, they contacted us. DCSS said the woman's child support obligation could likely qualify for amendment. They said a waiver of the arrears has been filed with the courts. Once the court finalizes the waiver, then the agency will have legal authority to adjust the debts. DCSS talked to the woman and explained to her what happened with her case. They provided her with direct contact information if she has any more questions.

We contacted the woman and she confirmed that she talked to someone from DCSS and they provided her with answers to her questions.

## **1500628. ROC - Registrar of Contractors**

A contractor contacted our office regarding an issue he was having with the Registrar of Contractors (ROC). He submitted his application to the ROC for a General Contractor's license about 5 months prior and he has not been approved yet. He would like to know when his application was going to be processed. He also wants to know if he will be receiving his fees back because his application was not being processed timely.

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We contacted the ROC and they informed us that after they received our e-mail, the license was issued. They also stated that the application fees would be returned in this case because state law required that in untimely cases. They indicated that it should occur within a month of the licensing decision, which is 02/19/2015.

We contacted the man and informed him about the ROC plan to correct the situation. We told him to contact us if he had any further difficulty.

## **1501721. DOR-Department of Revenue**

A taxpayer called complaining about the Department of Revenue (DOR). He filed his taxes three months prior, yet he still has not received his refund. He is upset because if he owed the DOR money, he would have to pay before the deadline or DOR would issue a fine and interest.

We contacted the DOR and they reviewed the case. The DOR informed us that the social security number that was on the tax return was not copied correctly onto the database; therefore the returned had not been processed. The DOR indicated that they have processed the return with the correct number and the refund will be issued by next week. The DOR indicated that they have contacted the man and informed him of the findings.

We contacted the man and he indicated that he received a call from a representative from the DOR. He indicated that they informed him that his social security number had been transposed and his return has now been processed and will receive the refund shortly.

## **1501861. DOR-Department of Revenue**

A citizen was upset that Arizona Department of Revenue (DOR) did not process his amended return. He had to send it in twice and the issue still had not been fixed. We contacted DOR who expedited the process. In less than a week from us contacting them they were sending out the citizen's check. He thanked us for assisting.

## **OMBUDSMAN INTERVENTION IN DCS CASES**

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



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

**Our Department of Child Safety cases were over 38% 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, copies of case plans, failure to receive notification of staff meetings, requests for Foster Care Review Board (FCRB), or court hearing dates. Case managers, supervisors or upper DCS management offer clarity to events, laws or policies and procedures. We facilitate clear communication between families, our office and the various points of contact within the Department of Child Safety.

Additionally, some of the complaints we receive require an in-depth review of the case and direct contact with the caseworker or agency representative. These are often complaints where residents feel that the agency violated their rights or failed to provide adequate services. With these complaints, our office may initiate full-file reviews, request documents and other supporting data or meet with DCS staff. We review case correspondence, therapeutic reports and the DCS CHILDS database as sources of information to help facilitate the resolution of disputes.

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

One particular case was unusual. For the first time we utilized the authority given to us in Laws 2014, Chapter 9, section 10. Pursuant to those Session Laws, "The Ombudsman-Citizens' Aide may refer the matter to the presiding judge of the superior court of the appropriate county for further review and action."

While investigating an allegation against DCS, we found evidence to exonerate the agency, but other evidence indicated wrongdoing by a Maricopa County Superior judge. The presiding judge took our referral and asked the Commission on Judicial Conduct to investigate. The Commission found the judge acted inappropriately. See case #1404738 later in this section for further information.

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## OMBUDSMAN DCS CASE LOG FY2015 KEY CATEGORIES

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

<b>DCS Complainant Information Chart –July 1, 2014 – June 30, 2015</b>	
<b>DCS Complaint Source Relationship</b>	
Parent	1058
Kin	237
Service Provider	10
Other	25
<b>DCYF Region</b>	
Central	218
Southwestern	213
Southeastern	21
Northern	36
Pima	65
<b>Type of Complaint</b>	
Unfair Removal	202
Lack Of Service	135
Inconsistent Visitation	137
Problems with Communication	446
Placement Problems	272
Inadequate efforts towards case plan goal	37
Other	52

## OMBUDSMAN INTERVENTION IN DCS CASES

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

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

#### **1404352. DCS – Department of Child Safety**

A California grandmother contacted our office about a Department of Child Safety (DCS) matter involving an infant she believed was her grandson. The grandmother's son was incarcerated, and the infant's mother had a slew of issues that made her incapable of safely caring for the child.

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The grandmother said that because of these factors, she took the infant from the bad situation and brought him to California to care for him. She informed DCS, and DCS had California Child Safety Services take custody of the infant and return him to Arizona.

DCS said one obstacle to interacting with the grandmother was the agency was not certain the grandmother was the actual biological grandmother of the infant. To remedy this concern, the grandmother took a DNA test. The grandmother said DCS was not getting her the results in a reasonable time. We pressed DCS for results three and then five weeks after she submitted the DNA test. On the second contact, DCS informed us that the test proved the grandmother was biologically related to the infant. DCS said they would now start interacting with the grandmother. With DCS permission, we were able to relay the test information to her. The grandmother was happy about the test results and happy that DCS was now working with her.

## **1500816. DCS - Department of Child Safety**

A pair of grandparents asked their tribe to give them guardianship of their young grandchildren due to the mother's abandonment and neglect. The tribe granted them guardianship. Later, DCS removed the wards after it was found that the grandmother bit one of the children.

The grandparents were upset that DCS refused to allow them to be a part of the case, despite them still having legal guardianship of the children. The grandfather was upset that he was only receiving minimal visitation. The grandmother noted she was not allowed any visitation at all.

The grandparents were also upset that they never received a copy of the temporary custody notice (TCN), DCS was not contacting the grandmother's court appointed counselor, and DCS was not setting up visitation with the grandparents.

We contacted DCS. DCS said that the police actually took temporary custody, so they should have provided the TCN, but the agency would provide a copy of what the police provided them. The agency contacted the court appointed counselor at our bequest, but stated that due to the counselor being confrontational with the worker, all future communication would go through the Attorney General's office.

DCS stated they believed that the grandparents were not entitled to reunification efforts. We provided DCS with current documents stating that the grandparents still had tribal guardianship. We asked if any court had overturned the guardianship. The DCS Indian Child Welfare Act (ICWA) specialist spoke with the case team about this matter as well. We both pointed out that unless a court has relinquished the grandparent's guardianship, the agency was obligated by law to provide the grandparents active efforts towards reunification. The DCS team then relented and added the grandparents to the case plan. They also added the grandparents as parties to the case in the juvenile dependency.

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DCS explained they were going to keep visitation as it was until the grandparents had a psychological evaluation. The agency planned to reassess visitation based on the evaluation's recommendations. The guardians were satisfied with this outcome.

We checked in with the grandparents. They reported that the agency had changed the caseworker and now visitation and services were on track. They thanked us for our assistance since they had gone three months without anyone listening to them before they called us.

## **1500455. DCS - Department of Child Safety**

We were contacted by a woman having an issue with DCS. She indicated that she went to take her daughter to day care and she was not allowed to leave her. The day care informed her that DCS still had custody of her child and she cannot be the one to drop her off. The woman indicated that her child was returned to her. The woman indicated that she would like for someone to contact the day care and inform them that the child was returned to the mother.

We contacted DCS and they indicated that they will have the case worker contact the day care and inform them that the mother has custody.

We contacted the woman and informed her of our findings. She said she would call back if the issue is not resolved soon.

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

### **1404738. Maricopa County Court Judge in DCS – Dept. of Child Safety Case**

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

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

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

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Commission on Judicial Conduct. The Commission investigated and found the judge guilty of inappropriate conduct.

We informed the mother about the Ombudsman notifying the presiding judge. She expressed her gratitude for our efforts. Once the Commission on Judicial Conduct completed their inquiry, we informed the mother of the results.

## **1405148. DCS - Department of Child Safety**

A previous caller, a grandfather (PGF) stated The Department of Child Services (DCS) has been lying in court and he would like to provide our office with a letter and information pertaining to this allegation. PGF stated the maternal grandmother (MGM) was given placement of their grandchild. PGF also stated the mother is a drug addict and his son, the father is not much better.

PGF stated he does not agree with MGM having placement, since she moves around a lot, and he believes she is avoiding someone. PGF stated MGM had a home invasion not too long ago. PGF provided our office with the police report, which stated MGM home did have an armed home invasion where guns were branched and the invaders were asking for what's believed to be possibly drugs. The police report also indicates the family knew the invaders. The home invasion took place in MGM's home where her children and grandchildren reside. PGF stated MGM has his grandson's mother living with her and he believes they both have poor judgment and risky behavior. PGF also stated MGM has a male friend (step-grandfather) who is in her home, who has been convicted of child molestation against the mother. PGF stated he is concerned this could be happening to other children in the home, including his grandson. PGF also stated he has concerns about an uncle who is allowed to be around his grandson. PGF stated the uncle is always posting on Facebook about drugs and alcohol.

PGF is also concerned with DCS stating their son was cooking drugs in their home when this is not true. PGF further stated they did have a home fire in their kitchen, but he stated the Fire Departments records show it was a grease fire in their kitchen. PGF also stated DCS stated they were laundering money, which he stated is just not a true. The other thing PGF stated DCS is stating about them is they are paying for their son's attorney with drug money, which is also not true. The PGF was able to provide our office with the fire departments report, which shows it was a grease fire in their kitchen.

PGF also provided our office with a home study they had commissioned by an independent forensic social worker. The home study does show they passed. PGF also provided our office with doctors notes showing him and his wife are in good health.

PGF stated they would like a copy of DCS's report. We informed PGF he could request the report. DCS informed us they are in the process already of redacting the report to provide to PGF.

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DCS informed us since the child is with MGM and they have no concerns they will not be looking to move his grandson. DCS informed us they have a safety plan in place with MGM, not allowing the step-grandfather over to the home. DCS also informed us they have also included the uncle into the safety plan as well. DCS further stated father has filed a motion to change placement, which the GAL and mother object too. DCS also stated they filed a subsequent objection as well.

We spoke with DCS consultant who informed us she would try to set up an appointment for PGF to meeting with the DCS as well as the GAL. The PGF was able to do both. The PGF was able to present a large packet of evidence as to why the MGM should not have their grandson in her custody.

We followed up with the PGF who stated after giving the packet to the GAL it was presented in court by the GAL who is now wanting their grandson removed from the MGM home. In fact the PGF stated the judge was upset by the fact the CM, AAG, and GAL did not bring this up prior to this court hearing. The PGF stated during the court the judge was shocked to hear of all of this evidence and asked the DCS attorney general if he knew about any of this and according to PGF the AAG stated "no."

We followed up with the PGF several times who has informed us the DCS is still against them and wants their grandson to remain the care of the MGM. The PGF stated the court case for the motion of change physical custody has been pushed back due to MGM obtaining her own personal attorney.

The PGF stated after several months of courts dates the AAG, GAL, DCS CM have all now recommend the child be removed from the MGM and placed with a member of the paternal family. The PGF stated at the last court hearing the judge asked the GAL to come up with the best placement for the child. The PGF stated he thinks this is being drug out because the MGM has hired an attorney. We asked PGF to contact us back after court to follow up.

The PGF informed us the judge ruled in his favor and his grandson was removed from the MGM and placed with him and his wife. The PGF thanked us for all of the work and time we put into his case. We informed the PGF he could contact us back with further questions or concerns.

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

**1500476. DCS - Department of Child Safety**

A Native American mother was concerned that DCS did not comply with the Indian Child Welfare Act when it came to her case. She explained DCS was not communicating with her tribe, had not placed with relatives or tribal members, had not set up counseling for the

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children, and were not providing her services either. Further, they were not providing her a parent aide to supervise her visits.

The mother was also worried because she heard one of her children had been removed from a foster home due to abuse, but no one would give her any information on what happened. We looked in to the case and found that the child had been removed, but not due to abuse. There was information provided to the hotline after removal about a licensing concern with the home regarding the child. We asked DCS to clarify this for the mother. The caseworker and case supervisor refused to do so, and upper management had to step in to do so.

We then contacted the mother's tribal caseworker, to make sure going to get involved. The tribal caseworker said that they have had a difficult time with communication with DCS. She explained she had already completed and approved a home study on the maternal grandmother. She sent it to the agency, and instead of moving for placement, they just seemed angry that she did it, citing that they had not asked her to do one. It had been a week and DCS had not given the tribe any news on what they would be doing about placement. She confirmed that the tribe had counseling programs the kids could take part in which DCS had not yet facilitated.

We then alerted the Indian Child Welfare Advocate about the case. She confirmed that the agency was not abiding by the Indian Child Welfare Act. She explained that when reviewing the case she saw no evidence that the agency had provided any services to the mother, had not provided an expert witness upon removal, and was not providing active efforts to find placement in an ICWA approved home. She said she work on the case to get it in conformance.

We notified DCS managers directly and asked them to correct the problems. They did an inspection within the week and started the paperwork for transfer of placement after confirming the placement was acceptable.

We checked back with the mother who let us know that since last speaking, the judge had approved placement of the children with the maternal grandmother and had approved for the mother to live in the home as well.

DCS took an excessive number of weeks to move the children. When they finally did, they performed the physical move, but they neglected to provide the placement with the appropriate paperwork such as information on school, medical, prescriptions, and services.

We asked the agency to provide the missing documentations, communicate with the tribal contact and to update the mother and placement. The agency agreed to do so.

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## Have individual cases caused us to identify any trends?

### 1501025. DCS - Department of Child Safety

A father was upset that DCS unsubstantiated allegations of neglect against his child's mother. He had some additional concerns, which we looked in to and did not support. He said he had pointed out the mistakes he perceived in the investigation to management and asked for a chance to appeal the un-substantiation, or for the agency to somehow re-open and review it, but management told him neither could be done.

We reviewed the case and found that DCS approved the finding just twelve days after the report, without the agency ever interviewing the father's 4.5 year-old daughter. We also confirmed that the agency never added the information provided post-report to the allegations against the mother. Our main concern was that the mistakes in the investigation were readily apparent, but a supervisor had approved the investigation as it was without any noted concerns.

We spoke with management who confirmed that DCS investigators should have interviewed the 4.5 year-old child. They noted they would speak with the investigator so that this mistake would not happen in the future. Management said that cases could not be re-opened and reviewed after they are closed, even if there are documented and confirmed mistakes.

We were initially going to close the case, as we could not find any legal right to appeal when there is not a substantiation. We then came across an unrelated case where DCS voluntarily re-opened a case and substantiated after initially closing the case as "not substantiated." The father later contacted us to let us know the police were pressing charges against the mother on the same allegations DCS had not substantiated.

We spoke with DCS and recommended they review their investigation. DCS agreed and confirmed after further review to substantiate the allegations. We informed the father. The father thanked us for our assistance in the matter, as he had not been able to get anyone to review the matter on his own.

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

### 1501048. DCS - Department of Child Safety

A father was concerned that DCS was not pursuing family placement for adoption. He explained DCS had initially looked in to the Maternal Grandfather who resided in Arizona, but said because he may have provided unsupervised contact to the parents in a past Nevada dependency, he would not be further considered. He says the grandfather never received a denial letter or information about appeal rights. He said when the case started moving to



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adoption he provided DCS with the names of out-of-state relatives, but DCS had not sent any paperwork to start an Interstate Compact on the Placement of Children (ICPC) after four months. He explained that after his last court hearing, the judge told DCS to follow up on that, but more than a month had gone by and nothing had happened.

The father contacted us on 3/16/15. Over the next seven months, we worked with the caseworker, case supervisor, assistant program manager, and DCS Ombudsman. After our review, we found that DCS was not following the kin placement preference recommended in law. Instead, they seemed to favor a foster provider over eligible relatives. We found evidence the caseworker writing that she hoped ICPCs were not required, took weeks to return calls to relatives, and refused to gather paperwork to enable ICPCs. Additionally, DCS would not allow relatives to participate in child family team (CFT) meetings to stay abreast of the children's behavioral health needs. DCS waited 16 months for the parents to provide the birth certificate of Child #2, before attempting to obtain it directly. DCS waited 17 months to investigate which state child #2 was born in before asking a relative. DCS wrote on 9/10/15 in their report to court that they did not know where Child #2 was born, despite being told in writing on 8/3 and 6/23 by relatives.

DCS put all relative visits on hold, claiming a psychological consultation recommended the hold due to the children's behaviors. We could not find evidence to support the cessation of visits. The psychological reports did not go that far. We found comments like the following in the psychological evaluation: "visits should be kept brief and well structured in keeping with department policy." However, the supervisor reported to us the evaluation said that visits in person and phone should be put on hold for now for all of the relatives with both children.

The caseworker claimed the kids acted worse after visits with relatives. Yet when we looked for documentation to support the claim, we did not find any.

We alerted the director's office of the many concerns we saw regarding this case. They requested the program manager for the region review the case. The program manager performed the review, then removed the caseworker and case supervisor from the case, and assigned a new case team. They re-opened consideration of the maternal grandfather. They reinstated the grandfather's visitation with the children. They put in a therapeutic visitation referral for the visitation, a case aide referral, and had the caseworker assigned to supervise visits for the first few weeks to get her own observation of the interactions with the family. They re-ran all relative background checks and opened up consideration for all relatives. They also drafted an addendum report to update the court on what had been happening.

We did not hear any further complaints from the family on the process. In the end, regional management was able to get the case back on track.

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**1405230.**

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

An aunt was upset with DCS. The aunt had called DCS to ask them to pick up her nieces because of discipline matters. DCS had placed the kids with her a few months earlier. When DCS contacted her, she said she changed her mind about having DCS pick up the girls, but she did discuss the difficulties she was having with the girls. The caseworker recommended the girls start counseling and the aunt agreed. The aunt said she wanted to meet the therapist first. Later that day, the DCS caseworker removed her two nieces. When the aunt asked why, she was told it was because she refused services.

The aunt could not reach the supervisors on the case. We looked at the case and did not find any reason for an emergency removal. We told DCS managers our concern that DCS staff had failed to follow lawful removal procedures.

Management reviewed the case and then contacted the aunt. They moved the children back to her home and apologized. They removed the caseworker from the case and notified the aunt that the worker would be receiving additional training on such issues.

**1500879.**

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

A foster parent applicant complained she was having trouble 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) were taking too long in their review.

She had completed her application five or six months earlier, yet OLCR had not licensed her. She could not get in contact with OLCR because her OLCR contact's voice mailbox was full. The private agency (Agency) assisting her in the licensing process reported the same thing.

OLCR said it told the Agency in early January that it needed to provide OLCR with more information about the resident including what is known as a "Walsh Check." She said that the Walsh Check could be 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 who received and would be processing the Walsh Request. It would be handled by someone at the Michigan Department of Human Services. We relayed this information to the resident and suggested she contact the person so that she might expedite the process.

We contacted OLCR about the matter 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.

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

**1404458. DCS – Department of Child Safety**

A mother contacted us regarding her confusion by a lack of information regarding an ongoing Department of Child Safety (DCS) investigation. The mother said that she and her husband received by mail a DCS form called “A Notice of Duty to Inform.” The notice said that DCS had opened an investigation for "neglect," although it was unclear whom DCS was investigating. The Notice contained various outdated information, such as references to "CPS" and the contact information for a defunct Mediation Program at the Attorney General's office. Additionally, the Notice contained no contact information for DCS or the employee who interviewed them and prepared the Notice. The Notice, however, did include the phone number to our office.

We contacted DCS and notified the agency that their important notice form had incorrect information. Lower level workers did not get the form corrected, so we went to top management. The DCS deputy immediately understood the problem and said he would get it fixed promptly. Within five days, DCS revised and issued a corrected version of the Notice of Duty to Inform. They fixed the errors and updated the form information. DCS then rescinded their old form and distributed the new form to its offices. DCS managers thanked us for identifying the problem.

**1500160. DCS - Department of Child Safety**

A mother contacted our office regarding an issue that she is having with the DCS. She indicated that she talked to the case worker during the month of last month and she was informed that her case would be closing and a closure letter would be sent to her. She indicated that she has not received a letter. She would like to know when she is receiving the letter.

We contacted DCS and after they reviewed the file, they contacted us. They indicated that the case worker is no longer with the agency and cannot tell if she sent out a closure letter but cannot confirm if she did. DCS indicated that they will have the supervisor send out a closure letter.

We contacted the woman and informed her of our findings.

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

**1501036. DCS - Department of Child Safety**

A mother stated she adopted her sons when they were eleven and twelve years old. The mother explained the DCS had removed them from their father's care and severed his rights after the biological mother passed away in a car accident. She stated she adopted them and lately they have been giving her some issues. She stated they are now sixteen and seventeen years old and the sixteen year old started using marijuana in her home, which she does not approve of. She stated she turned him into the police and he ran away to his biological father home.

She stated the biological father is living in a metal shed on his father property. She further stated his rights were severed due to his heroin use and being abusive. She stated she is concerned for their wellbeing and she wants them to come home.

She informed us she found out her sons were at his father home when her sixteen year old called her and informed her they were. She stated she contacted the DCS and informed them where her sons were residing. She stated DCS went out to the home and then did not remove them because they informed her the father had court orders stating he was now the placement. She stated she was never informed about this and she does not believe her sons are safe with their biological father.

The caseworker (CM) informed us it is true the children are living with his biological father it is not in a shed, it's is a trailer. The CM stated the father's home was clean and appropriate and the police were there with the CM and they saw the father did indeed get custody of his son through superior court. CM informed us the father and children have been asked to drug test and they are still working the case and that it is important for us to know that the adoptive mother refused to call the police to locate the her sixteen year old for fear the police would give her the child back and she did not want him, which would not help the investigation and will not take the child who is seventeen back. The CM further stated mother absolutely told her and the other worker that she would not allow the child to return to her home. The CM followed up with saying the child wants to be with the father.

The CM also stated the GAL, who also filed a report with DCS, thinks the father is appropriate. The CM also stated the GAL made a report that mother's boyfriend beat the two teen boys and that is why they ran away in the first place and that DCS will be investigating all of it. The CM further stated they are checking it all out but most likely will be filing a dependency and possibly placing with father if he is found to be appropriate.

The DCS followed up with us and informed us there was a scheduled team decision meeting (TDM) and at the TDM it was determined mother would obtain custody back of her boys. The DCS stated the father failed his drug test and he was found to be ineligible. The DCS stated the

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boys have decided not to return to their mother's home and they decided they would stay in kinship care, though mother will have legal and physical decision making.

We followed up with mother who thanked us for getting things back on track for her. She stated she is still upset by the CM actions. We provided a grievance to the mother. We also informed the mother she could contact us back if she had any further questions or concerns.

We contacted the DCS and informed them the father did not have custody, that he only had a release, allowing the one child to be released into the father's custody following the child being released from jail. The DCS also informed us the CM supervisor has assured she used this scenario as a "teachable moment" for all of her staff.

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

### **1502155. DCS – Department of Child Safety**

A kinship care provider complained there were DCS travel reimbursement requests for which she had not been reimbursed. She said she had been trying to get the reimbursement processed, but DCS had yet to make payment.

We contacted DCS who worked to find the employee best able to assist the complainant. DCS assigned a person to process the travel reimbursement claims and payment was sent to the complainant.

We talked to the complainant who said she was current on travel reimbursement expenses and expressed her gratitude for our assistance.

## **OMBUDSMAN INTERVENTION IN PUBLIC ACCESS CASES**

### **Outreach and Education**

#### ***Educational Materials***

We released updated Ombudsman Booklets on Public Records Law and Open Meeting Law on our website and in hard copy. To date, over 600 newly updated public access booklets have been distributed to elected officials, public employees, advocacy groups and members of the public. In addition, I share and help develop training materials for public bodies. I continue to update our website with publications, training opportunities, and developments in the open meeting and public records law: new case law, legislation, and Attorney General Opinions. The public access portion of our website averages 300 hits per month.

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In early 2015, we published a newsletter with a specific focus on pending public records legislation and court cases. The newsletter discussed the difficulty agencies face navigating public records requests for a commercial purpose. We provided the legal parameters that agencies are limited to and made recommendations about best practices. Also in 2015, we provided research and assistance to members of the legislature considering public records legislation.

In addition to training materials, 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.

## ***Trainings***

There is a huge demand for training throughout the State. During the past year, I provided 11 live training sessions including Central Arizona Project, Arizona Municipal Clerks' Association and the League of Cities and Towns. In an effort to streamline training and reduce expenses, I have successfully worked with several counties to coordinate centralized trainings; reaching out to the various local entities: county departments, towns, cities, local boards, commissions, and committees, school districts, charter schools, fire districts, and all special districts. We posted 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 viewed over 400 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. One of these trainings included a detailed discussion of the Open Meeting Law requirements of subcommittees with the Central Arizona Project.

## ***Inquiries and Investigations***

In the past year, our office received 612 calls regarding matters related to public access. Of those calls, 436 were public record inquires and 176 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.

<b>Table 1</b>			
	<b>Public Inquiries</b>	<b>Media Inquiries</b>	<b>Government Agency Inquiries</b>
<b>Number of inquires</b>	415	47	150

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**Table 2**

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
<b>Number of inquires</b>	254	91	121	65	81

## Public Access Case Examples

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

#### **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 is not able to 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. Again, we determined it was not. While I 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 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.

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

## **1501973. Medical Board, Arizona**

A doctor complained that the Medical Board did not post their agenda twenty four hours prior to the meeting. We contacted the board and they produced a screen shot, fax confirmation and ADOA posting confirmation that the agenda was posted the prior day. We find that this is sufficient evidence that the agenda met the twenty four hours requirement for a 6pm meeting



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the following day. The doctor argued that the evidence does not have the time, but only the date. We find that it is reasonable to assume that it was completed during normal business hours and, therefore, met the twenty four hour requirement.

## **1502036. Attorney General, Office of**

A resident requested assistance with a public records request for emails and other types of correspondence from the Attorney General's Office. The resident was a defendant in a Department of Revenue (DOR) action. As a separate matter, the AG for DOR filed a civil suit regarding slander/defamation. The resident filed a public records request to the AG and learned of other records during the course of his civil suit. He contacted our office to complain that the AG's office had wrongfully withheld the record. We discussed the matter with the AG's office and they stated that their email files automatically delete unless the user intentionally marks them for preservation. The resident learned of the emails through a privilege log in the civil proceeding. The AG's office stated that the AG had emailed from his work computer to his home computer. We discussed the definition of a public record with the resident.

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

## **1500636. Tucson**

A resident complained that an independent contractor of the city was refusing to respond to public records requests. We contacted the city and discussed the available cases in other jurisdictions related to independent contractors. *Gastreux v. Internal Medicine Educ. Foundation* 336 SW3d 526 Tenn Ct. App. 2009 held that the relevant factors include the extent to which the entity performs a governmental or public function. (ex. Prison services) (held that a nonprofit that acted essentially as a bookkeeper for a University residency program did not perform a government function), level of government funding of the entity, extent of government involvement with, regulation of, or control over the private entity, the fourth factor is whether the entity was created by a legislative act or previously determined to be subject to the Public Records Act. (company was providing administrative, ministerial duties) Further in *Evertson v. City of Kimball* 767 NW2d 751 Supreme Ct of Nebraska 2009 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.

## **1502326. Corporation Commission**

A resident complained that the Corporation Commission failed to disclose records that he requested. We reviewed the denial letter and the Commission denied part of the request based on attorney-client privilege, attorney work-product and legislative privilege. We are

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prohibited from reviewing the attorney related privileges by statute. Legislative privilege stems from protections afforded by the Speech or Debate Clause found in the federal Constitution. The Clause protects speech and debate in either House of the Congress. The privilege may be extended to matters that are an integral part of the deliberative and communicative processes by which the members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House. Courts only extend the privilege beyond pure speech or debate in either House when it is necessary to prevent indirect impairment of such deliberation.

The court case, *Arizona Independent Redistricting Commission v. Fields*, applied legislative privilege to the Arizona Public Records Law when a public official, outside of the legislature, is acting in a legislative capacity. Proposition 106, amending the state constitution, requires the Arizona Independent Redistricting Commission (IRC), to complete the redistricting task. Arizona Constitution Article IV, Pt. 2 § 1(3). In completing their constitutionally required duties, the IRC hired independent consultants to assist in creating an equal-population grid, drafting congressional legislative maps, testing alternatives and preparing final congressional and legislative redistricting plans. The court concluded that the IRC was entitled to assert legislative privilege because the members were serving in a legislative capacity. *Arizona Independent Redistricting Commission*, 206 Ariz. at 138. The court referenced *Lake County Estates, Inc. v. Tahoe Regional Planning Agency*, 440 U.S. 391 (1979) which held that the Tahoe Regional Planning Agency (TRPA), a body created by California and Nevada to coordinate and regulate Tahoe regional development, could assert legislative privilege. The agreement between states, approved by Congress, authorized TRPA to adopt and enforce a regional plan for land use, transportation, conservation, recreation, and public services. *Id.*

*Arizona Independent Redistricting Commission* analyzed whether the action was “legislative” in nature. The court asserted that an act is legislative in nature when it bears the hallmarks of traditional legislation by reflecting a discretionary, policymaking decision that may have prospective implications as opposed to application of existing policies. *Arizona Independent Redistricting Commission*, 206 Ariz. at 138. The court also considered whether the legislative act occurred in a field where legislators traditionally have power to act. *Id.*

We discussed the grounds of legislative privilege with the Commission's legal counsel. She stated that the only material that was withheld based on legislative privilege were records related to the Commission's legislative function of rate increases. She stated that this authority is typically reserved for the legislature in other states and is done pursuant to a specific statute. We find this to be a reasonable argument for withholding based on legislative privilege.

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## Our Cases – Statistics of Note

### INVESTIGATIONS

We managed our 320 investigations in FY2015 as highlighted in the following tables.

<b>Table 3 – Investigations – July 1, 2014 – June 30, 2015</b>	
Discontinued <sup>1</sup>	27
Declined <sup>2</sup>	38
Complaint withdrawn or resolved during investigation <sup>3</sup>	12
Investigation completed	235
Ongoing	8
<b>TOTAL REQUESTS FOR INVESTIGATION</b>	<b>320</b>

<b>Table 4 – Investigative Findings – July 1, 2014 – June 30, 2015</b>		
<b>SUPPORTED/PARTIALLY SUPPORTED<sup>4</sup></b>		<b>66</b>
Requires further consideration by agency	29	
Other action by agency required	33	
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>6</b>
<b>NOT SUPPORTED</b>		<b>163</b>
<b>TOTAL COMPLETED INVESTIGATIONS</b>		<b>235</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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## OVERALL CASE STATISTICS

As explained on page 2 of this report, we respond to citizens' complaints in three ways: coaching, informal assistance or investigation.

In summary, we had 5,009 citizens contact us with a problem for FY2015. In 98.32% of the time, we responded within 2 days. We handled or solved 97.62% of the cases in 3 months. We made 404 recommendations to agencies. Of those, 399 were accepted. Thus, the percentage of recommendations accepted by agencies was 98.76 %.

## CONTACTS BY AGENCY

Between July 1, 2014 and June 30, 2015, our office handled 5,009 cases involving 217 agencies. The following table shows the distribution of our contacts by agency. Cases involving Child Protective Services comprised 38.25% of our total for FY2015.

### CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	3	1	0	4
Administration, Department of	12	5	2	19
Administrative Hearings, Office of	2	1	0	3
Agriculture, Department of	1	1	1	3
AHCCCS	21	38	5	64
Apache County	12	2	5	19
Apache County Planning and Zoning Board	0	0	1	1
Apache Junction Unified School District	1	0	1	2
Appraisal, Arizona Board of	2	3	3	8
Arizona Association of Counties	1	0	0	1
Arizona City Sanitary District	1	0	0	1
Arizona Peace Officer Standards and Training Board	1	0	0	1
Arizona Power Authority	1	0	0	1
Arizona State Hospital	1	1	0	2
ASU -Arizona State University	7	0	0	7
Athletic Training, Board of	1	0	0	1
Attorney General, Office of	22	9	2	33
Auditor General	1	0	0	1
Avondale	1	0	0	1

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Avondale Elementary School District	1	0	0	1
AZ Peace Officer Standards & Training Board	1	0	0	1
Ball Charter Schools	3	0	0	3
Barbers, Arizona Board of	1	0	0	1
Behavioral Health Examiners, State Board of	7	5	4	16
Bisbee	1	0	0	1
Black Canyon Fire District	0	0	1	1
Boxing Commission	0	1	0	1
Buckeye	2	0	0	2
Buckskin Fire Department	5	1	0	6
Cartwright	2	0	0	2
Casa Grande	1	0	0	1
Chandler	1	1	0	2
Charter Schools, Arizona State Board of	2	0	0	2
Chinle Unified School District	0	0	1	1
Chino Valley	2	0	0	2
Chiropractic Examiners, State Board of	3	0	1	4
Chloride Water Improvement District	1	0	0	1
Clarkdale	3	0	0	3
Cochise County	8	0	1	9
Coconino County	2	0	0	2
Commerce, Department of	3	0	0	3
Commission of Judicial Conduct	4	0	0	4
Community College, State Board of	1	0	0	1
Concho Fire Department	1	0	0	1
Corporation Commission	20	7	5	32
Corrections, Department of	42	0	0	42
Cosmetology, Board of	1	3	1	5
Cottonwood	1	0	0	1
Council of Developmental Disabilities	1	1	0	2
DCS - Department of Child Safety	1204	558	132	1894
DCS - Office of Licensing Certification Regulation	9	4	1	14
DCS - Other	7	1	0	8
Deaf and Blind, Arizona School for the	1	0	0	1
Deer Valley Unified School District	3	1	2	6
Dental Examiners, Board of	11	1	0	12
Department of Economic Security	1	3	2	6
DES - Aging & Community Services	223	8	4	235
DES - Benefits and Medical Eligibility	67	257	3	327
DES - Child Support Service	14	51	7	72
DES - Developmental Disabilities	8	7	3	18
DES - Employment and Rehabilitation	23	61	7	91

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DES - Other	17	11	1	29
DES- Adult Protective Services	12	5	1	18
Developmental Disabilities Council	1	1	2	4
Dispensing Opticians	0	1	1	2
Eagar	1	0	0	1
Education, Department of	9	4	1	14
El Mirage	1	0	0	1
Eloy	0	0	1	1
Emergency & Military Affairs, Department of	1	1	0	2
Environmental Quality, Department of	5	1	2	8
Financial Institutions, Arizona Department of	14	1	0	15
Fingerprinting, Board of	1	1	0	2
Fire Building and Life Safety, Department of	8	1	0	9
First Things First	0	0	1	1
Flagstaff	2	1	0	3
Florence	1	0	0	1
Funeral Directors & Embalmers, State Board of	23	1	0	24
Game and Fish, Department of	7	3	6	16
Gaming, Department of	0	0	1	1
Gila Bend Elementary	1	0	0	1
Gila County	4	1	0	5
Gilbert	1	0	0	1
Gilbert Public Schools	1	0	0	1
Glendale	9	0	1	10
Globe	1	1	0	2
Golden Valley Fire District	9	1	1	11
Goodyear	1	0	0	1
Governor, Office of	10	2	0	12
Graham County	2	0	0	2
Harquahala Valley Fire District	6	1	0	7
Health Services, Department of	43	7	4	54
Health Services, Vital Records Office	4	2	0	6
Higley School District	1	0	0	1
Housing, Department of	21	2	2	25
Indian Affairs, Arizona Commission of	1	0	0	1
Industrial Commission	37	14	1	52
Insurance, Department of	21	3	3	27
Jerome	1	0	0	1
Judicial Conduct, Commission on	6	0	0	6
Kingman	1	0	0	1
Lake Havasu City	0	0	1	1
Land, Department of	7	3	0	10
Legislature	24	1	1	26

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Library, Archive & Records Dept.	1	0	0	1
Liquor Licenses and Control, Department of	10	3	0	13
Littleton Elementary School District	1	0	0	1
Lottery	4	0	2	6
Marana	1	0	0	1
Maricopa	7	0	0	7
Maricopa Air Quality	1	0	0	1
Maricopa County Clerk	0	0	1	1
Maricopa County Community Colleges	1	0	0	1
Maricopa County Constables	0	0	1	1
Maricopa County Elections	1	0	0	1
Maricopa County Medical Examiner	1	0	0	1
Maricopa County Sheriff	4	0	1	5
Maricopa County Superior Court	1	0	0	1
Massage Therapy, State Board of	1	3	0	4
Mayer Fire District	2	1	0	3
Mayer Water District	3	1	1	5
Medical Board, Arizona	37	8	8	53
Mesa	0	0	1	1
Mesa School District	2	0	0	2
Mescal J-6 Fire District	1	0	1	2
Miami	2	1	0	3
Mojave	1	0	0	1
Naturopathic Physicians Board of Medical Examiners	0	0	1	1
Nogales Unified School District	1	0	0	1
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	1	0	0	1
Nursing, State Board of	20	17	3	40
Nutrisio Fire District	5	0	0	5
Ombudsman	120	20	0	140
Optometry, State Board of	2	1	0	3
Osteopathic Examiners in Medicine and Surgery, Board of	2	2	0	4
Other - Government	290	9	3	302
Other - Private	337	10	2	349
Other-federal	60	4	0	64
Palominas Fire District	1	0	0	1
Paradise Valley	1	0	0	1
Paradise Valley School District	1	0	0	1
Parks, Department of	1	0	0	1
Payson	1	0	0	1
Peoria	3	0	1	4

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Personnel Board	1	0	0	1
Pest Management, Office of	1	0	0	1
Pharmacy, Board	6	0	1	7
Phoenix	3	1	2	6
Phoenix Police Department	3	0	1	4
Phoenix Union	1	0	0	1
Physical Therapy Examiners, Board of	1	0	1	2
Physician Assistants, AZ Regulatory Board of	0	1	0	1
Pima	7	1	2	10
Pima County Clerk	0	0	1	1
Pima County Sheriff's office	3	0	0	3
Pinal	3	0	1	4
Pinal County Sheriff's Office	2	0	0	2
Podiatry Examiners, State Board of	4	2	0	6
Postsecondary Education, Arizona Commission for	2	0	0	2
Prescott Police Department	0	0	1	1
Prescott Valley	2	0	0	2
Private Post-Secondary Education, Board for	3	0	0	3
Psychologist Examiners, State Board of	0	0	2	2
Public Safety Personnel Retirement System	2	0	1	3
Public Safety, Department of	12	2	2	16
Quartzite City Clerk	1	0	0	1
Racing, Department of	1	2	2	5
Radiation Regulatory Agency	2	0	0	2
Real Estate, Department of	7	2	2	11
Regents, Arizona Board of	1	0	0	1
Registrar of Contractors	11	18	13	42
Respiratory Care Examiners, Board of	1	0	0	1
Retirement System, Arizona State	4	7	2	13
Revenue, Department of	16	19	3	38
Riverside School District	0	0	1	1
Roosevelt School District	0	0	1	1
Safford	1	0	0	1
Sahuarita	1	0	0	1
Santa Cruz	1	0	0	1
Scottsdale	1	0	0	1
Scottsdale Unified School District	1	0	0	1
Secretary of State, Office of	4	2	1	7
Sedona	1	1	0	2
Sierra Vista	3	0	1	4
Somerton Police Department	0	0	1	1
Sonoita Elgin Fire District	3	0	0	3



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Sunburst Farms Irrigation District	5	0	0	5
Superior Court	3	0	0	3
Supreme Court	1	0	0	1
Surprise	2	0	0	2
Technical Registration, Board of	1	1	2	4
Tempe	2	0	0	2
Tombstone Unified School District	1	0	0	1
Transportation, Department of	10	7	0	17
Transportation-Motor Vehicle Division	15	34	7	56
Tucson	2	0	3	5
Tucson Unified School District	0	0	1	1
University of Arizona	4	0	0	4
unknown	19	0	2	21
unknown charter school	10	1	0	11
unknown city	11	0	0	11
Unknown Community College	1	0	0	1
unknown fire district	9	1	0	10
unknown school district	17	1	1	19
Unknown state agency	78	2	1	81
Various	2	0	0	2
Various Charter Schools	2	0	0	2
Various Cities/Towns	2	0	1	3
Various school districts	2	1	0	3
Veterans' Services, Department of	8	1	0	9
Veterinary Medical Examining Board	2	0	1	3
Water Resources, Department of	1	1	0	2
Weights and Measures, Department of	14	4	3	21
WIFA - Water Infrastructure Finance Authority	1	0	0	1
Yavapai County	4	0	0	4
Yuma City	21	1	3	25
Yuma County	3	0	1	4
<b>TOTAL NUMBER OF CONTACTS</b>	<b>3394</b>	<b>1295</b>	<b>320</b>	<b>5009</b>

Agency Count: 217

# WHO WE ARE

## About the Ombudsman and Staff

### **Dennis Wells - Ombudsman-Citizens' Aide.**

Dennis became Ombudsman Citizens Aide on July 2, 2012 following confirmation by the Legislature and Governor in early 2012. Dennis holds a 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.

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## **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

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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.

