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ARIZONA OMBUDSMAN - CITIZENS' AIDE ANNUAL REPORT

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Submitted by ---

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Arizona Ombudsman-Citizens' Aide

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Greetings:

Pursuant to A.R.S. §41-1376, I am pleased to submit the Arizona Ombudsman-Citizens' Aide Office (AZOCA) Fiscal Year 2023 Annual Report. This report provides the year's statistics of note, a sampling of case summaries about what our office does for the people of Arizona, and other items required by statute.

We hope the case summaries will give you insights into how Arizona agencies are interacting with the public. In our work, we address the public's questions and complaints about agencies of state government and their public access concerns at the state and local levels of government. We examine individual situations about how agency policies and procedures affect people, businesses, and other forms of government. We help resolve disputes without costly litigation. When an agency errs, we work to correct the situation. When an agency is correct and lawful, we explain why to complainants.

Summarizing our experiences in the fiscal year 2023 (FY23), AZOCA helped 6,025 citizens and was involved with 211 government agencies. Four agencies of the state government had the highest case counts. Three of these agencies are trending the right way with fewer cases than the prior year, while the fourth is not. The Department of Economic Security (DES) had 1,110 cases in FY23 which was a significant improvement from 1,871 cases as a side effect of pandemic issues in FY22. Meanwhile, the Department of Child Safety (DCS) had 1,345 cases in FY23, down from 1,497 cases in FY22. The Department of Transportation (ADOT) also improved, going from 285 cases in FY22 to 195 cases in FY23. However, the Department of Revenue (DOR) struggled some as it had 208 cases in FY22 but climbed to 274 cases in FY23.

For AZOCA, FY23 had many updates and transitions, lots of chores, and fundamental relationship changes.

One notable transition was implementing structural change required by 2022 legislation that converted the Ombudsman-Citizens Aide Office financially to make it a stand-alone individual legislative agency rather than a line item in the Legislative Council budget. We have always been an independent agency as configured and authorized in statute; however, our budget was a subset line of the Legislative Council budget since 1996. Attorneys formerly represented us, and other Legislative Council staff provided accounting, payroll, and human resource data entry services. That changed with the legislation, so we now do those tasks ourselves. Thankfully, we did not have issues requiring us to retain outside legal advisors. The Legislative Council advised us that we need to set aside a certain amount of our appropriation as reserves for those instances. We have done so.

Additionally, the Department of Administration Shared Services Department made a bid to take over the payroll, accounting, retirement system, and human resource functions that the Legislative Council's administrator used to perform on our behalf. However, the \$44,000.00 bid struck us as too costly, so we rejected the bid and avoided the expense. We then set about learning these systems and computer applications.

In FY23, the Legislature also expanded the Ombudsman Office's role when it restructured Arizona's education system by expanding the Empowerment Scholarship Account (ESA) program. The legislature tasked us with handling ESA complaints and helping to educate families on how to navigate the program and avoid trouble. To accomplish this, we adapted our electronic case management system and website to cover such scenarios. We finished both projects successfully and with minimal costs.

We are refreshing our website overall and will also be expanding the capabilities of our case management system. We will deploy those updates in the coming months.

Another substantial change for AZOCA was relocating our office site for financial and practical reasons. The old building raised its rates too much. We secured a new lease, at a cheaper rate per square foot, with more square footage, in a better building, with a more accessible location. The new building is welcoming to the public and is at 2020 N. Central, near Palm Lane in Phoenix. Our February 2023 move went smoothly, except for our frustrations with some initial COX system failures that interrupted our service to the public for a time.

Then, in late June 2023, we posted and printed updates to our compendiums of Arizona laws and guidance relating to public access. The *Arizona Public Record* and *Arizona Open Meeting* booklets are available at <https://www.azoca.gov/about/publications/> and in printed form by contacting our office.

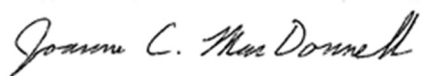
Turning back to our experiences, as we noted last year, the public is clamoring for better customer service from agencies. A lack of customer service, communication, and telecommuting barriers are common complaints. The public responds very positively when agencies are responsive with a human touch – prompt telephone or email communication or in-person meetings to go over paperwork or other evidence.

A significant item for the Arizona Ombudsman-Citizens' Aide in FY23 was the improvement in the relationship between our office and the Department of Child Safety. For over a decade, if not from the inception of our office in 1996, it has been a fairly fraught relationship. Many of the difficulties revolved around the interpretation of confidentiality as it relates to problem resolution. We wanted more open investigation, discussion, and resolution of issues while keeping individual identities private. We noted the inadequacies of the DCS databases CHILDS and GUARDIAN. Meanwhile, DCS agency leadership before 2023 was extremely focused on restricting discussions and our discoveries. They thought it appropriate to limit our access or otherwise resist interacting with us claiming CAPTA or other laws required their isolation. That changed this year when DCS leadership told us they recognized CAPTA provided for oversight as well as privacy rights and that they were willing to collaborate believing it would help them to tackle problems more effectively, be more reasonable, and make child safety programs better.

As a result, the relationship fundamentally changed and improved in the past year. DCS resistance faded, and admissions increased. DCS leadership became more open, self-reported agency gaps, and readily explored the problems we identified. DCS technology and middle management staff were instructed to cooperate and not to intentionally impinge on our access. Across the board, our staff noticed the agency readily accepted constructive criticism and embraced collaborative interactions to resolve problems. They did a better job following up with more thorough research and responses. DCS embarked on improving chronic issues like the systemic problems associated with the agency's Notice of Duty to Inform and the slow response to agency record requests. They agreed 100% with the three problems we noted about the GUARDIAN data system and brought in different technology experts. They worked with us on legislation to extend access, instead of opposing us or the courts.

I would be pleased to elaborate on our office activities if you wish. Please do not hesitate to contact me if you need anything or if our office can be of service to your constituents. We are happy to help people navigate government.

Respectfully submitted and best regards,



Joanne C. MacDonnell
Arizona Ombudsman-Citizens' Aide

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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. In addition, the Ombudsman - Citizens' Aide provides assistance and investigates complaints relating to public access laws and Empowerment Scholarship Accounts.

OUR ROLE

The Arizona Ombudsman-Citizens' Aide is an independent agency of the Arizona Legislature that was established to make the government more responsive to Arizona citizens. Arizona citizens can turn to the office 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's authority is by Arizona Revised Statute sections 41-1371 through 41-1383 and operates under A.A.C. 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 can resolve their concerns when they are aware of the services available. Often a citizen does not have a complaint but is looking for information. We help these residents by educating them on their options based on their specific requests or issues.

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, Better Business Bureau, 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 action between agencies. Our investigators work continually

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fostering relationships with personnel in every state agency to enable the efficient resolution of complaints before escalation.

Assistance complaints are often the result of miscommunication, a lack of follow-through, or a simple mistake. In these circumstances, we contact the appropriate agency on the citizen's behalf, facilitate communication between the parties, or coordinate action between agencies. We essentially refer the complaint to the agency, note the allegation and circumstances that brought it to us, and ask the agency to work directly with the complainant to resolve the concern. The agency takes the lead in dealing with the matter and lets us know the outcome. We tell the complainant to come back to us if they are not satisfied.

Some assistance cases are those in which we do special tasks. We engage in training, perform research, issue ombudsman or public access material, and participate in other tasks. It is more than coaching as we are actively assisting.

Investigation

Complaints about administrative acts of agencies within our jurisdiction 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 cannot compel an agency to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring them to their attention. If the allegations are unsupported, we stand up for the agency and explain our findings to complainants. If necessary, we author investigative reports of our findings and recommendations, sending them to the agencies investigated, the legislature, the governor, and the complainants.

Investigations may be informal or formal. Investigations start with a complaint that an agency in our jurisdiction has performed an administrative act that is contrary to law, unreasonable, unfair, oppressive, arbitrary, capricious, an abuse of discretion or unnecessarily discriminatory, a mistake of fact, based on improper or irrelevant grounds, unsupported by an adequate statement of reasons, performed in an inefficient or discourteous manner, and/or otherwise erroneous. Arizona Revised Statute § 41-1377.

Arizona Administrative Code R2-16-303 authorizes us to have informal investigations when the complaint can be resolved quickly and by mutual agreement. Most investigations start with an informal process and resolve as such. When situations get more complicated, the Ombudsman-Citizens' Aide may determine that a more formal investigation process and a report are warranted.

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OUTREACH

The Legislature directs us in statute to note our Ombudsman-Citizens' Aide (OCA) outreach to the community we serve. Below are some of our activities.

- The Ombudsman website (<https://www.azoca.gov/>) – We continue to update our website to provide valuable links to government and charity services available to the public. Additionally, we link to digital versions of our open meeting and public record law booklets. Our website also includes a general “How to file an effective complaint” tutorial, FAQs, and our electronic complaint form. We have also included a tab with suggestions about how to interact effectively with the Department of Child Safety (DCS). We explain the difference between our office and the DCS Ombudsman Office. We have found that this is often a point of confusion for the public.
- We distribute our brochures by email or mail to any member of the public who asks for more information. We also make them available at our office, on our website, at meetings and speeches, at trainings, and with various groups who distribute our brochure for us to their clients (i.e., the Family Involvement Center).
- We created comprehensive resource guide booklets in cooperation with the Arizona Supreme Court Improvement Committees.
 - **Community Resources, Emphasizing the Needs of Those Involved in DCS Matters.**
<https://www.azcourts.gov/Portals/46/Resources/CommunityAssistanceResourcesForParents.pdf>
 - **Understanding the Child Safety System**
<https://www.azcourts.gov/Portals/46/Resources/Resources-UnderstandingTheChildSafetySystem.pdf>
- This year, we overhauled our comprehensive public record and open meeting law guide booklets to reflect statutory changes made in recent legislative sessions, including in 2023. Within the booklets, we also updated and expanded our analysis of each area of law. We distribute these public access materials to elected officials and the public throughout the State. Many entities throughout the state refer to and use these booklets in training.
 - **Public Records Law** - <https://www.azoca.gov/wp-content/uploads/Public-Records-Law-Booklet-2023.pdf>
 - **Open Meeting Law** - <https://www.azoca.gov/wp-content/uploads/Open-Meeting-Law-Booklet-2023.pdf>

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- Media interactions – Occasional interviews throughout the State, including a newspaper interview about the public records law and the Ombudsman – Citizens’ Aide Office as part of a public records series.
- Public access newsletter – Public Access Attorney Danee Garone writes a quarterly newsletter, *The Public Record* that we post to our website, and electronically distribute to interested parties.
 - The Ombudsman – Citizens’ Aide Office’s Public Access Newsletter - <https://www.azoca.gov/open-meeting-and-public-records-law/newsletters/>
- Public access training for public officials and the public throughout the state. Our public access attorney, Danee Garone, conducts training sessions and participates in forum discussions regarding lawful practices relating to public records law and open meeting law. Additionally, since the 2020 pandemic, we have developed public records law and open meeting law training videos for those who cannot attend live training. Demand for the videos has been high. In the 2023 fiscal year:
 - We conducted live training or provided training videos on at least twenty-two occasions.
 - We conducted training for public bodies in Phoenix, Tucson, Camp Verde, Clarkdale, Dewey-Humboldt, Shonto, Pima County, Coconino County, and Yavapai County.
 - We conducted training for a variety of several types of public officials, such as municipal clerks, county clerks, special taxing districts, community colleges, schools, and independent oversight committees.

At each event, we provide our office’s contact information and website and explain what services we provide regarding public access issues and our general jurisdiction. Additionally, we distribute many of our office’s public records law and open meeting law handbooks at the training. On numerous occasions, new complainants have told us they only became aware of our office because of training.

- We post staff attorney Danee Garone’s public access training on YouTube and make them available on our website. One example: <https://youtu.be/mapggrHLJKE>.
- On the Arizona Supreme Court’s website, in a training video called *Guide to More Effective Communication and Representation*, Ombudsman Joanne MacDonnell explains the Ombudsman-Citizens’ Aide Office in general and its specific role relating to DCS dependency cases. <https://www.azcourts.gov/improve/Admin/Parent-Engagement>

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- We work with DCS to identify and resolve acute and systemic problems in the child safety agency. Various laws require DCS to identify the Ombudsman-Citizens' Aide office on its website, in its Notice of Duty to Inform, in its Temporary Custody Notice, and describe the Ombudsman-Citizens' Aide office in its parent handbook. Information about our office is on the DCS website as a resource for the public.
- Ombudsman Joanne MacDonnell, Deputy Lane Organ, or attorney Danee Garone were speakers, trainers, or participants in the following:
 - Forums with legislative assistants – orientation meetings and one-on-one.
 - Forums with legislators – orientation meetings and one-on-one.
 - Forum with the City of Phoenix Office of Accountability and Transparency.
 - Various speaking engagements – For example, State Archives training, civic groups, Arizona Children's Association, and various state agencies.
 - DES and DCS leadership individual and team meetings.
 - Outreach, speeches, and open house events at Grand Canyon University, ASU (Main, Downtown & West campuses) working with professors and interns.
- Better Business Bureau – Ombudsman Joanne MacDonnell serves as an ethics judge for the annual BBB Torch Award Ethics program and as a panelist on Torch Ethics Guidance meetings.
- Court panels - Arizona Court Improvement Panel, Parent Representation Standards Committee – Ombudsman Joanne MacDonnell serves on these committees. She is also on two Sub-Committees for Court Improvement relating to child safety and dependency, one on training and the other on safety.
- Staff attorney Danee Garone participates as a trainer in State Bar Continuing Legal Education presentations.
- Ombudsman Joanne MacDonnell and Deputy Ombudsman Lane Organ developed and taught a series of seminars about ombudsman procedures for DES's Ombudsman Office and Office of Tribal Relations.
- The Self-Help Desk at the Maricopa County Courts – We provide information about our office for them to distribute.

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- United States Ombudsman Association (USOA). The State of Arizona is one of the five classical state ombudsman offices in the United States. Our state is a model for many jurisdictions.
 - Network – We receive referrals from other ombudsman jurisdictions in the United States. By sending representatives to the national USOA conference or participating in other USOA undertakings, we learn of other jurisdictions’ effective activities and best practices to better our office. We send new OCA staff members to USOA’s internationally acclaimed New Ombudsman Training. We help new jurisdictions launch and teach them effective methodologies.
 - Participate in training – Our staff often teach seminars.
 - Ombudsman Joanne MacDonnell serves as an elected Director and is the Secretary/Treasurer of USOA. Joanne is also active in the Children and Family Chapter of USOA and twice served as a co-chair of that group in the past decade.
 - Participate in USOA Children and Family Chapter meetings discussing best practices and other helpful information related to ombudsman activities with child safety agencies and courts.
- We work with the Attorney General’s office as it refers to many matters to us when its office cannot take them for whatever reason. We routinely assist their Consumer Division. We provide our expertise regarding open meetings and public access. We also offer general complaint assistance when the Attorney General’s Office is not sure where to direct the public.
- The State of Arizona web directory of state agencies, *AZ Direct*, features the Ombudsman-Citizens’ Aide Office as one of the main tabs for the public.
- Information about our office is featured on State of Arizona websites for agencies that perform investigations according to Arizona Revised Statute § 41-1001.01 and 41-1009.
- We work with the Arizona Library, Archives, and Public Records at the Secretary of State’s office regarding public record retention and disclosure. We collaborate with the agency to present discussions on public records retention discussions at conferences.
- We distribute our Point of Contact Google Doc resource directory to various government agencies.

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CUSTOMER SATISFACTION

We 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.

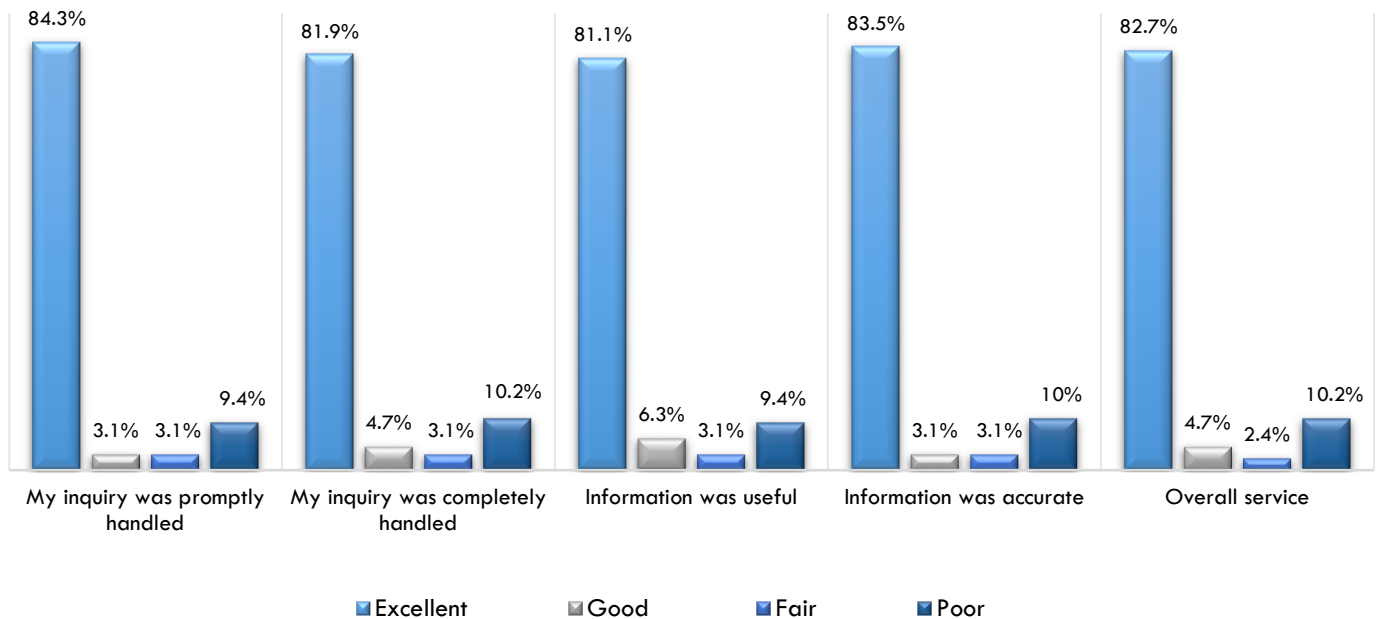
These standards are:

- 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 FY2023.

FY 2023 Survey Results



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KUDOS AND COMMENTS FROM CITIZENS WHO USED OUR SERVICES IN FY2023:

"Excellent service and tools for Arizona citizens. Thank you very much!"

"If you have an issue with your DCS case, contact these folks. I felt heard for the first time since my case began. I saw results faster than I could hope for."

"Yvonne was amazing to talk to and she thoroughly helped me understand my situation and gave me all the information I needed to help me get my problem resolved as quickly and thoroughly as possible. It is very rare today to find someone with that level of customer service, so I want to commend her. Also, John who was assigned to my situation was very quick to respond. I want to thank him for how he dealt with the problem right away, within hours actually, and I am very thankful for that."

"Danee was very helpful and knowledgeable. I hope that I won't need him in the future, but if I do I know I am in excellent hands."

"Frank was a HUGE help in getting our claim resolved after months of getting nowhere when dealing with DES directly. He was on top of responding to any questions we had and making sure we got responses from others."

"Every time this office has helped me, now and in the past, I've had a successful outcome. Their service is wonderful and greatly needed, especially during these very uncertain times. Ombudsman you rock!"

"Cynthia, thank you for your help! I really appreciate it."

"I was pleasantly surprised how promptly my response was addressed. I appreciate everyone's efforts and consideration. Thank you."

"An effective organization."

"Thank you for helping us, Connor. The overpayment was a computer error, so we don't owe any money!"

"Paige was very responsive and made sure the issue was dealt with in a timely manner. She made a frustrating situation tolerable and insured the matter was settled with a fair and just decision."

"Frank, I gave you the highest rankings because you absolutely deserve it!!!"

"I was looking for an answer from a department for two years without any luck, until now, with your support!"

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"Despite the fact that this agency didn't have jurisdiction in the area that I needed assistance with, they went above and beyond to listen to my concerns and guide me in the right direction. Thank you so much!"

"Brandon, thank you so very much. Everything got taken care of. I truly appreciate you and I pray that God will continue to bless you and your family."

"Jennifer was excellent help and always very on top of things."

"I got the information that I needed and was treated with respect and a lot of patience."

"Yvonne is so sweet and patient with the questions I asked her. Very knowledgeable. Thank you, Yvonne."

"John was delightful to work with. Not only did he display all positive qualities to me, but when he heard that others were in the same boat as me he extended a helping hand to them as well."

"Frank was prompt and thorough when relaying my complaint to the UI office. After struggling to get my benefits for a whole year, Frank's efforts helped to resolve my issue within a week. It's a shame that I had to escalate this issue to the Ombudsman, but I'm grateful that they delivered the support and assistance I needed. God bless Frank for restoring what was rightfully ours all along!"

"Yvonne was very patient and understanding when answering questions."

"Staff did a great job."

"Thank you so much. I greatly appreciate all the resources."

"Cynthia, I just wanted to tell you that I am now able to log into ASRS. I don't think that would be possible without your help! So, Thank you!"

"Connor was very responsive and assisted me in steps to get my AZ W-2 form. A solid A+ to Connor and ADOA's HR."

"I appreciate my conversation with Yvonne, and sincerely thank her for taking the time to provide helpful suggestions of steps needed to take next in attempt to resolve my ongoing issue with AZ DES."

"Paige is the reason for my positive experience. Please thank her."

"I want to commend Brandon for all the help he gave me while dealing with the MVD and Mobile Home Support to get a copy of my title to my mobile home. After dealing with those people for almost two months and getting no help, I contacted the Arizona Ombudsman. Brandon called me back. He called the MVD and they emailed me right away. They said I should receive my title within seven days. Much thanks to Brandon for all his help."

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"The experience was excellent - 4/4."

"Yvonne provided me with more than you could ask for. She made me feel, for the first time since this all started, like I wasn't powerless. The information that was provided was more help than I had received in months. This is truly a 5-star employee."

"John was thorough and professional. I enjoyed corresponding with him. He got me connected with the appropriate state official to resolve my problem."

"The individuals who reviewed my case, Frank and the UI Client Advocate, showed great customer care. Each one of them followed up with me every step of the way until my issue was resolved. With so many people in need of assistance, it is understandable that some get passed over or lost in the shuffle. I cannot thank the ones who helped me enough. I can get by and not be evicted until I find work! Unless you have been in that spot, you have no idea how much that means! Thank you!"

"Danee was humble, knowledgeable, direct, and timely in all communications."

"Jennifer is fabulous! Very knowledgeable and informative."

"Yvonne is a gem -- understanding, knowledgeable, concerned. Give her a raise!"

"Connor, I just received a check from ADOR for the balance of what they owed me. Thank you so much for your help."

"Jennifer was very efficient and friendly. She did a really wonderful job. Give this beautiful woman a raise."

"You RULE Brandon! Thanks again for your help!"

"Whenever I need help with agencies, I know where to get help. Thanks."

"Helpful, thorough, courteous, and provided me the information I needed to pursue resolution to my challenge."

"John, my experience with the Arizona Ombudsman's Office was outstanding. I never used this service and will let more of my friends know how helpful and professional my experience was. Thank you again for your patience, understanding, and professionalism."

"Frank was a breath of fresh air."

"Danee provided quick and thorough responses to my inquiries. Thank you!"

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"Yvonne was excellent! She was clear, professional, very helpful, and provided us with numerous references and contact information to help us with our issue with DES."

"Thank you for your help. Afterwards, my problem was resolved."

"The response from the department you contacted was immediate and achieved in a day compared to almost two months of no response. Thanks in this hard situation!"

"Connor, thank you for your help!"

"You are lifesavers. I was getting nowhere with the DES."

"Yvonne was fabulous. She answered all my questions (unfortunately, my case did not fall within your jurisdiction) and then proceeded to give me pointers as to where I could go for information. Then she sent all the information to me by email. She is a fountain of information. You are lucky to have her on your team."

"John, thank you for reaching out to the Psych Board! They responded back to me almost immediately after your message and started the credentialing process. On behalf of my clients and clinic, thank you for the assistance."

"Frank has helped me on COUNTLESS occasions and has provided PROMPT, COURTEOUS, AND EXEMPLARY service each and every time. The Arizona Ombudsman-Citizens' Aide is a CRITICAL position as far as I'm concerned. If not for this office and Frank's help, I would probably have to hire an attorney. I don't know WHAT I would do without Frank's help! Thank you VERY, VERY MUCH!"

"Not only was the staff prompt, the information provided was very specific and thorough. In my case, I was working with Danee. I was struggling with fully comprehending the Open Meeting Law, Chapter 7, especially because of the narrative style it is written in. I began to develop a chart that I could more easily follow. Danee was exceedingly patient. I have asked him for feedback on specific situations, drilling down into some minutiae, and he hung in there with me until I was clear on the law and direction I needed to take or recommend. I'm very appreciative of the service this office provides."

"Connor, thank you for your help!"

"Prompt and thorough response!"

"Yvonne, thank you so much for your help. I appreciate it so much. You really went above and beyond. I was not expecting you to go into detail and be as thorough as you were. Wow, it is people like you who make the world a better place and you are so good at your job."

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"John performed exactly as I needed. I was not sure where to turn and he gave me the direction I needed. Please express my gratitude to him for his assistance!"

"They provided excellent advice to a very complicated situation!"

"Issue resolved. Thank you for your help, sincerely."

"Thank you again for your time and guidance. Immensely appreciated!"

"Frank responded very quickly. Because the inquiry back to the agency came through this office, it seems the agency felt the urgency to resolve the issue. Thank you very much, Frank and the Ombudsman's Office!"

"Danee is truly a tremendous asset to the Arizona Ombudsman. He responds to inquiries promptly and thoroughly, and I value his expertise in Open Meeting Law."

"Many thanks for the quick and most helpful response."

"Yvonne was absolutely a refreshing voice to hear after all I've gone through. She pointed me in the right direction finally! 🙌 Well done. 😊 Thanks again."

"We had tried to resolve our 2021 tax issue with the Arizona Department of Revenue for over four months with no positive results. I contacted the Arizona Ombudsman-Citizens' Aide and almost immediately the investigator, John, contacted the AZ Taxpayer Ombudsman, which resulted in a final ending and no taxes due. We believe that without the help of the Arizona Ombudsman's Office and staff, this issue would not have been resolved as of today."

"I am really pleased with your service."

"Amazingly helpful!"

"My situation would not have been resolved without your assistance. I am forever grateful."

"Yvonne, thank you so much for spending time with me on the phone."

"John sent me to the perfect person at the Department of Revenue. They both should be congratulated for their excellent service and for being mindful servants for the public. I was really impressed with both of them, and my area of expertise is in customer service. I'll be singing their praises for years. Thanks to you all for having this service available!"

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"I believe if it wasn't for this office and Frank my issue with the DOR would not have been resolved."

"This office has ALWAYS provided excellent service from the person answering the phone, to the attorney answering my open meeting law questions. Professional, knowledgeable, courteous. Thank you for being there!"

"Yvonne is an excellent and caring individual with great advice and ideas. Yvonne gave us 110%!"

"I was struggling to resolve an issue for several months, and within the week after contacting the Arizona Ombudsman the issue was completely resolved."

"Thank you! John was extremely responsive and helpful."

"I want to thank you for an amazingly quick response and let you know that it is truly appreciated. Please know that offices like yours have had such a tremendous positive impact on so many Arizonans. My hat goes off to each and every one of you, and thank you on behalf of many."

"Thank you so much for hearing me out and assisting me with getting my case resolved."

"Yvonne is spectacular. Her sincere approach to helping me understand options to address grievances was excellent. Her knowledge and communication were elevated by her check-ins to ensure comprehension."

"I had tried for over a year to get missing payments owed to me from DES Unemployment. It was hard to get DES to respond to me. I contacted this office and Frank was prompt, courteous, and helped me to get paid. Thank you very much! I'm a grateful citizen of Arizona."

"Very helpful."

"Never expected we would have to contact the Arizona Ombudsman-Citizens` Aide, but we had to contact you to resolve our tax-payer complaint."

"Yvonne answered the phone and although the matter discussed isn't covered under your jurisdiction, she was extremely helpful in pointing me in the right direction!!"

"Thank you so much. I was surprised and relieved at how fast he took control of my situation. Because of him, my approval was granted and my home was saved. Thank you so much and God bless."

"The staff member I spoke to was very helpful, kind, and knowledgeable."

"Yvonne was thorough in her explanation of the process."

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“The intake staff was genuinely concerned and compassionate about helping me.”

“Your office quickly got my inquiry to someone at ADOT who got back to me. This was after I had waited over a year with no action on my prior request to them (ADOT).”

“Yvonne was exceptional among state agency employees and within my extensive experience interacting with agencies, courts, and other public entities. She should be commended for her efficiency and professionalism.”

“Staff were extremely helpful.”

“Always appreciate this office’s willingness to answer questions on public records and open meetings law.”

“Yvonne was compassionate and patient, she gave me great advice.”

“Thank you for all your help. Staff were most informative, and I have followed the directions and submitted a detailed email to the AZ DOR Problem Resolution Office.”

“Staff were courteous, responsive, and very helpful.”

“The intake staff I spoke to was most helpful and provided me with concise and accurate information.”

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COMPELLING CASES

The following case summaries are examples taken from the 6,025 cases we handled in FY2023.

GENERAL COMPLAINTS ABOUT STATE AGENCIES

Our intervention resulted in better service for the citizens as exemplified by:

2205857. Department of Agriculture

A cactus rescue non-profit organization contacted our office about concerns with the Department of Agriculture (DOA). The organization was having difficulty obtaining permits for the removal and salvaging of native plants from development sites. Our office discussed the issue with the DOA Ombudsman and asked that they contact the complainant and address their concerns. DOA's Ombudsman advised our office that they contacted the complainant and developed a resolution plan. They explained that the relationship between the department and the non-profit organization would be more positive moving forward and they would work in partnership towards saving native plants. We followed up on this issue a few months later and confirmed that there had been a direct line of communication established and that permits and licenses were being processed promptly.

2301230. Arizona State Retirement System

A retired state employee contacted our office with concerns regarding their tax withholding and a retirement refund. They claimed they had contacted the Arizona State Retirement System (ASRS) several times but were unable to reach someone who could address their concern. We notified our contact at ASRS and asked them to review the complaint and assist the retiree. ASRS contacted the retiree to review their withholding options and help them update their tax tables to adjust for the larger withholding. The retiree was thankful for the assistance.

2205460. Department of Revenue

A business owner contacted our office about having difficulty communicating with the Department of Revenue (DOR). The business owner needed assistance with updating the contact information listed on their Transaction Privilege Tax (TPT) Account, but DOR staff were not responsive. We contacted the DOR Taxpayer Ombudsman and requested the business owner be contacted and assisted. The Taxpayer Ombudsman promptly contacted the business owner and helped walk the business owner through each point to ensure the new information was registered and linked to the account. We thanked the Taxpayer Ombudsman for thoroughly assisting the complainant and we closed the case.

2205173. Barbering and Cosmetology Board

A cosmetologist contacted our office to file a complaint about the Barbering and Cosmetology Board. She alleged that she had recently completed and passed the cosmetology license exam and applied for a license, which was approved by the Board. However, she alleged that the Board was sending her license to her old address. She could not reach anyone from the Board to update her mailing address and ensure the

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license was sent to the correct place. We contacted the Executive Director of the Board on her behalf and informed them of the outstanding issue. The Executive Director responded within a couple of hours confirming that the Board had received her exam file a few days prior and just completed processing her application today. He confirmed the cosmetologist's updated mailing address to update the system and mail the license to her correct location.

2303126. Board of Massage Therapy

A massage therapist contacted our office regarding a processing delay with a license renewal through the Board of Massage Therapy. The massage therapist stated that he had made an error when submitting his fingerprint clearance card. Subsequently, he claimed to have corrected the matter, but his renewal had not been processed for several weeks. The massage therapist stated that his license had now expired, and he was unable to work.

We contacted the Executive Director of the Board regarding the complaint and requested they review and address the matter. Additionally, we helped ensure the proper materials were received by the Board to expedite a timely review and renewal. Within a couple of business days, the Board processed the renewal. The massage therapist confirmed receipt of their renewed license and thanked us for our assistance.

2205535. Department of Transportation

A motorist contacted our office about a concern involving work that needed to be done on the I-15 by the Arizona Department of Transportation (ADOT). The motorist stated that over the past few years, ADOT had worked on bridge and roadway rehabilitation projects, which required ADOT to divert traffic to an alternate side of the interstate. The complainant alleged that since the completion of those projects, ADOT had not replaced the anti-glare median fencing that was moved or had since been damaged causing potential hazards. The motorist stated they had reported their concerns to ADOT through the agency's website over a year ago and no work had been done to remediate the issue.

We discussed the issue with our contacts at ADOT and asked that they review the complaint. ADOT promptly contacted the motorist stating they would perform maintenance to replace the missing anti-glare screen and update constituents about planned work impacting the interstate more frequently. The motorist thanked us for helping ensure their concern was seen, reviewed, and action was taken.

2204945. Department of Health Services (DHS)

The adoptive father of a child sought assistance getting the child's birth certificate altered. He relayed that another family had previously adopted the child before he adopted the child. The birth certificate provided to the adoptive father included the previous adoptive parent's information instead of his. He had sought assistance to obtain an updated and corrected certificate through both his Department of Child Safety (DCS) case manager and his attorney, but neither resolved the issue. He turned to our office for help.

We reviewed the matter and confirmed that DCS was not the proper channel because birth certificates are issued by the Department of Health Services (DHS). We then asked the Department of Health Services to

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assist the father in getting an updated birth certificate displaying his name as the current legal adoptive father. DHS agreed and promptly had its vital records unit contact the father. DHS's Vital Records Department followed through and helped him revise the document to reflect the child's proper situation and documentation.

2301439. Department of Transportation – Motor Vehicle Division

A motorist contacted our office to file a complaint against the Arizona Department of Transportation, Motor Vehicle Division (MVD). The motorist alleged they had been charged an excessive fee by the MVD while completing their registration. The fee had been refunded; however, the MVD was charging a \$12 fee to issue the refund back as a check. The motorist believed this was unfair, as they were not responsible for the error.

We contacted the MVD Ombudsman to ask why the fee was initially charged and requested that they address the motorist's concerns. The MVD Ombudsman responded confirming the refund had been issued back to the motorist and informed us that the feedback from the motorist provided the agency with the opportunity to make process improvements moving forward. The MVD Ombudsman also stated that they would train the employee involved in the incident on proper procedure so that the issue would not happen again. The motorist confirmed they received the full refund and thanked us for our assistance.

2301379. Department of Agriculture

An operations manager for a pesticide business contacted our office about issues they were having with the Department of Agriculture. The manager claimed to have issues reaching the agency's licensing division regarding a delay in obtaining license numbers for two of their technicians. Our office alerted our contacts at the Department of Agriculture about the issue and urged them to review the matter and process the licenses or explain any barriers. Within 24 hours, the department corrected the issue and contacted the manager. Our office thanked the department for their quick response. The manager thanked us for our intervention, and we closed the case.

2302443. Department of Revenue

A taxpayer contacted our office frustrated with their experience with the Department of Revenue (DOR). They alleged that DOR was not correctly issuing their tax refund. They explained that when they filed their tax return through the e-file system, they had requested the refund be issued by direct deposit since they were deployed overseas. However, they stated that the refund was instead sent by physical check to their old address. They stated they contacted DOR to request the check be canceled, reissued and sent to their new address.

After a couple of weeks passed, the taxpayer followed up with DOR to inquire about their refund check since it had not been received. At that time, they were told by the DOR representative that the check had been mailed the week prior and should arrive in a couple of days. After a few more weeks passed, the taxpayer called DOR again to report the check had still not been received and was informed that the check was never mailed. They continued to experience barriers when contacting DOR and requested to speak to

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a manager. They claimed they never received a call back from management. Frustrated, they contacted our office for assistance.

Our office contacted the DOR Taxpayer Ombudsman and requested he look into the matter. The Taxpayer Ombudsman reported back to our office that the e-file system likely stopped the direct deposit and required a physical check to be sent due to fraudulent prevention measures triggered by the taxpayer filing overseas. The Taxpayer Ombudsman provided some tips to the taxpayer to ensure that filing goes smoother for the following year and that the taxpayer received the refund check they had been seeking. The taxpayer thanked the Taxpayer Ombudsman and our office for helping resolve their issue and receiving their tax refund.

2304800. Department of Public Safety

A resident contacted our agency regarding the Department of Public Safety (hereinafter, "DPS"). She said she had been approved by DPS for a good cause exception to receive a fingerprint clearance card for more than a decade. She seemed to have let it expire in 2022 and was now looking to reinstate it because she switched to a new job.

She said DPS denied her request for a good cause exception. She said a DPS worker said DPS would no longer refer to prior paperwork submitted to the agency, and she would need to resubmit anew all the paperwork she submitted over a decade earlier to first obtain the exception. She said the worker said this was due to some new policy.

We contacted DPS about the matter. DPS followed up with us and said, "This has been resolved, the customer will be issued her clearance card, we have updated her files so she will not face this again and contacted her with this information." The resident confirmed this with us and thanked us.

Our intervention resulted in stopping an unfair financial burden on a citizen or small business as exemplified by:

2203210. AHCCCS

A subcontractor for Arizona said that AHCCCS had not paid her firm for services rendered for almost three months. The businesswoman said that she had repeatedly called AHCCCS but rarely got a return call. Further, she said that on the occasion she did speak to someone, they could not seem to manage the matter and would refer her to other people who could not handle the problem either. The businesswoman asked for supervisors to step in, but the agency workers would not facilitate that or reveal who she could elevate the matter to for resolution. The businesswoman said the problem was causing her great financial hardship as she believed the State owed her over \$40,000 in accrued billings.

We took the matter to our management contact at AHCCCS and asked the agency to examine the issues.

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We explained that the subcontractor company claimed they had provided services to AHCCCS clients, and that AHCCCS had approved the charges, yet AHCCCS had subsequently failed to pay its bills to the company for almost three months. We told the AHCCCS manager that the company claimed they spoke to AHCCCS staff on multiple occasions in an attempt to resolve the issue. We noted that the company officer said various AHCCCS staff told her multiple times that supervisors at AHCCCS would get back to her to resolve the issues, yet no supervisor had responded.

After we alerted AHCCCS to the issue, the AHCCCS manager contacted the appropriate staff within AHCCCS. He had them contact the subcontractor, work out the billing and payment issues, and pay the subcontractor the money owed for services delivered.

The subcontractor was happy that AHCCCS communicated with her and helped square away her AHCCCS account so the agency could catch up on payments that were due to the subcontractor.

2203218. Department of Economic Security – Employment and Rehabilitation

A man complained he had won his appeals for Unemployment Insurance (UI) benefits from the Arizona Department of Economic Security (DES) in May of 2022. However, after two months DES still had not released his UI benefits. The complainant allegedly tried numerous times to communicate with DES but had been unsuccessful.

Our office requested that the man send our office copies of the written decision regarding his appeal. Upon our review, the man had won his appeal and was entitled to Mixed Earner Unemployment Compensation. Our office contacted the DES Ombudsman's Office and requested that DES either release the man's benefits or explain the barrier.

Our office inquired multiple times with DES, and over the next several weeks our office continued to collaborate with the man trying to get DES to release his UI benefits or advise of any barriers. After three months of following up, DES finally notified our office that the man's benefits had been released. Our office substantiated untimeliness on the part of DES in the processing of the appeal and in communication with our office. The complainant confirmed that they had received their benefits, and we closed the case.

2301232. Department of Revenue

A taxpayer contacted our office with a concern that they accidentally submitted a payment of \$45,000 to the Arizona Department of Revenue (DOR) instead of the U.S. Department of the Treasury. They stated they had been trying to resolve the matter for several months through the DOR, but no progress had been made towards refunding the payment. We discussed the issue with the DOR Taxpayer Ombudsman and asked them to review the concern. We received a response from the complainant and the Taxpayer Ombudsman confirming the issue had been handled and resolved. The complainant expressed satisfaction with our office and DOR for promptly handling their concern. We encouraged them to contact us again if any other obstacles emerged and thanked DOR for promptly handling the matter.

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2204685. Department of Economic Security – Employment and Rehabilitation

A man claimed that someone had fraudulently applied for and received Unemployment Insurance (UI) benefits in his name. The complainant said that as soon as he discovered the fraud, he reported it to both the Arizona Department of Economic Security (DES) and the Attorney General's Office, who subsequently investigated and verified the fraud. The man claimed that he thought the matter had been settled. However, after filing his taxes he was notified that DES had intercepted his tax refund due to an overpayment. Upon noticing the issue, he filed an appeal, in which the Administrative Law Judge (ALJ) agreed with him and recommended that DES return the man's tax refund. It had been six months, and he still had not received his refund from DES and had not received any clear communication regarding its status.

Our office requested that the man send us a copy of the ALJ's written decision. Upon our review of the decision, the ALJ sided with the complainant and remanded the issue back to the DES Unemployment Insurance Office to rectify. Our office contacted the DES Ombudsman's Office and requested that DES either return the man's tax refund or advise why the refund could not be returned. DES contacted us back and stated that upon review, the complainant's tax refund had been refunded to him. The complainant thanked us for helping ensure he received timely assistance and helped to facilitate him getting his refund.

2203648 Barbering and Cosmetology Board

A business owner complained about a \$30 late fee charge issued by the Board of Barbering and Cosmetology on her license renewal. She stated she had paid the fee on the last day it was due and was still charged a late fee. When she tried to bring the issue to the attention of the Board, she could not reach the Board and then proceeded to contact our office. We reviewed the issue with the Board staff and asked them to investigate the problem. The Board staff got back to us to confirm that the late fee charge was a mistake due to an error in the programming. The \$30 late fee was subsequently refunded back to the business owner due to our intervention. We confirmed the refund with the business owner and closed the case.

2205440. Department of Economic Security – Community Assistance and Development

A woman claimed she had been approved for 18 months of rental assistance through the Arizona Department of Economic Security's (DES) Emergency Rental Assistance Program (ERAP). The woman claimed that January 2023 was her 18th month, but DES had not sent the payment. When she called DES, the agency informed her that December 2022 was the last month in which she was eligible, and her benefits had been exhausted. The woman believed that DES was in error and claimed DES owed her an additional month. However, she had been unable to convince anyone at DES to review her case.

Our office relayed the issue to our contacts at DES and inquired about the woman's case, requesting the date which benefits first started. DES agreed to our request to review the case. DES confirmed the agency erred. DES informed our office that due to an inputting error during the eligibility process, a DES employee mistakenly entered an incorrect date, resulting in the woman's benefits ending one month early. DES

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corrected the error and confirmed with the landlord and complainant that the rental payment for January 2023 was received. The woman thanked us, and we closed the case.

2203592. Department of Revenue

A business owner contacted our office about a bond check of \$500 they believed they were owed by the Department of Revenue (DOR). The business owner was unable to reach someone from DOR to assist with obtaining the refund. Our office reviewed the problem with the DOR Taxpayer Ombudsman. Subsequently, DOR confirmed its error. DOR corrected the error in its system and manually issued the funds owed to the business owner.

2300722. Department of Economic Security – Employment and Rehabilitation

A woman contacted our office after alleging that someone had fraudulently applied for and received Unemployment Insurance (UI) benefits in her name. As a result, the Arizona Department of Economic Security (DES) intercepted her tax return due to a fraudulent Unemployment Insurance (UI) overpayment. She claimed that she had never applied for or received UI benefits and had reported the fraud as soon as she became aware. She claimed DES had investigated her case and determined that she indeed was a victim of fraud. The woman had been trying to communicate with DES but had difficulty getting through. When she did manage to speak with someone at DES, that DES worker told her to file a fraud claim, which she had already done. Frustrated, she contacted our office.

Our office contacted the DES Ombudsman's Office and explained what the woman had told us and requested that they please review the woman's complaint, and if appropriate, either issue the tax refund to the woman or provide a reason it could not be returned.

Over the next several weeks, our office inquired about the woman's case with DES multiple times. DES finally advised our office that it had resolved the overpayment, and the agency was sending a check for the tax refund amount to the woman. The woman expressed gratitude for our involvement, and we closed the case.

2300215. Department of Economic Security – Community Assistance and Development

A renter complained that the Department of Economic Security's (DES) Emergency Rental Assistance Program (ERAP) denied her application in error. After the misunderstanding had been resolved, there was still a lack of progress in processing the application. Our office relayed the issue to the DES Ombudsman's Office and brought the matter to their attention. After DES reviewed the issue, the application was approved, and the rental assistance was received by the landlord. This intervention allowed the tenant to avoid a pending eviction. The renter thanked us for our assistance.

2203633. Department of Economic Security – Employment and Rehabilitation

A resident contacted our office to file a complaint against the Department of Economic Security (DES). The resident's identity had been stolen and was used to obtain Unemployment Insurance (UI) benefits. The resident claimed the fraud had been reported to DES and the department confirmed they were a victim of

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fraud. However, DES had now garnished their tax return and they were unable to reach someone at DES who could assist in issuing a refund.

We discussed the issue with the DES Ombudsman's Office and informed them of the resident's situation. DES advised our office that it had resolved the overpayment and began the process of issuing a refund for the garnished funds. We confirmed that the resident was refunded and closed the case.

2203776. Registrar of Contractors

A contractor filed a complaint with our office regarding the Registrar of Contractors (ROC). He stated that he had filed the wrong renewal for his license through the ROC, and within ten minutes of making the error, he contacted the ROC to report the mistake and correct his application, and request a refund of approximately \$700. He alleged that the ROC refused to assist and refund the payment he made, and instead advised that he would need to reapply and pay an additional fee for the correct license classification he was requesting. We contacted the ROC to request his application be reviewed and the payment refunded or applied to the correct license classification he was seeking or explain any barriers.

The ROC informed our office that the contractor's issue had not been properly escalated when he contacted the agency, and that the renewal fee had since been refunded. We thanked the ROC for promptly handling the case and refunding the contractor's money. The ROC ensured cases like this would be properly escalated in the future to avoid further confusion. The complainant was satisfied with the resolution, and we closed the case.

2300255. Department of Revenue

A taxpayer contacted our office with a complaint with the Department of Revenue (DOR) that they were unable to resolve for the past ten months. They claimed that DOR incorrectly decreased their tax refund by \$241 because the department could not find a state income tax payment they made at the beginning of the year. We contacted the DOR Taxpayer Ombudsman about the issue and asked them to look into the matter. Within a few days, the Taxpayer Ombudsman identified that the issue was due to the taxpayer entering their SSN incorrectly when they made the payment in question. The Taxpayer Ombudsman informed the complainant of the issue, corrected the error, and issued the amount owed. The taxpayer thanked us for our assistance, and we closed the case.

2204327. Department of Economic Security – Employment and Rehabilitation

A resident was having a problem collecting his Pandemic Unemployment Assistance (PUA) benefits from the Arizona Department of Economic Security (DES). He alleged that his benefits stopped, and a fraudulent overpayment was issued by DES in error. The man claimed to have appealed the determination and won. However, it had been several weeks, and DES still had not released his benefits. Our office requested that the resident send our office a copy of the Administrative Law Judge's (ALJ) decision. Upon review of the ALJ's decision, we confirmed that this complainant had won his appeal. Our office then contacted the DES Ombudsman's Office and inquired about his case, sending a copy of the ALJ's decision.

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Several days later DES advised our office that the man's case had undergone a second review, and the benefits had been released. We confirmed the resident had received his benefits and closed the case.

2203956. Department of Transportation – Motor Vehicle Division

A motorist contacted our office with a complaint against the Arizona Department of Transportation, Motor Vehicle Division (MVD). The motorist claimed he never received a renewal notice for his car registration, which caused him to miss the renewal deadline and incur a late registration fee. We discussed the issue with our contacts at the MVD to review the case and to help ensure that a notice had been sent out to the motorist.

The MVD responded that a renewal notice had been sent. The motorist disputed the MVD's claim and insisted that he was never sent a renewal notice. We contacted the MVD again to ask for proof of the renewal being sent. Upon looking further into the matter, the MVD realized they had been mistaken and realized they had not sent a renewal to the motorist. MVD refunded the motorist, who confirmed with us he received the refund. He thanked our office for our intervention.

Our intervention identified a field practice that was not in accordance with the agency's stated procedures and statutes, as exemplified by:

2301352. Department of Transportation – Motor Vehicle Division

An attorney contacted our office alleging their client's license had been wrongfully revoked by the Arizona Department of Transportation, Motor Vehicle Division (MVD). They claimed that the MVD incorrectly designated a violation as a felony. They further stated that they made several attempts to resolve the matter by contacting the MVD, but their issue was not being appropriately addressed by staff.

We contacted the MVD Ombudsman to request their review and assistance. The MVD Ombudsman promptly responded and confirmed the issue was due to an error made by the agency. They explained that an MVD representative had incorrectly designated the traffic violation as a felony instead of a misdemeanor. They also found that the other representative who spoke to the attorney did not appropriately escalate the matter to the technical support unit for review and handling. The MVD Ombudsman informed our office that coaching was provided to staff to ensure better handling of similar situations in the future. Additionally, the motorist's driving record was cleared of the issue and the license properly reinstated. We thanked the MVD Ombudsman for their prompt attention and resolution. The attorney thanked us for our assistance, and we closed the case.

2203757. Office of the Attorney General – Civil Rights Division

A man contacted our office to file a complaint about the Office of the Attorney General (AG), Arizona Civil Rights Division (ACRD). The man claimed that he contacted ACRD to pursue a civil rights complaint, but ACRD failed to act within the statute of limitations, which was 180 days. Frustrated, the man contacted our office.

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Our office relayed the issue to our contacts at the AG's office and inquired about the man's case. We inquired if there was any reason the AG's office did not pursue the man's case timely, and if there were any options available to him.

The AG's office responded, citing confidentiality as the reason they could not disclose more details to our office about the man's case. However, the AG's office advised that the man could still pursue his case with the U.S. Equal Employment Opportunity Commission (EEOC), a federal process that allowed three hundred days from the date of the incident. Our office responded to the AG's office, reminding them that A.R.S. 41-1378(D) allowed our office access to confidential information, and again requested details on why the man's complaint was not timely pursued.

About three weeks later, the AG's office responded to our office. They explained that processing the man's complaint was untimely due to a new investigator not sending a follow-up charge to the complainant, which required his review and signature. Once the error was discovered, the 180-day window closed. The AG's office informed our office that they had updated their internal procedures to include following up with charging parties after email communications are sent to ensure timeliness and prevent similar errors from reoccurring. We followed up with the complainant who confirmed he filed with the EEOC. We relayed our findings to the complainant, along with the procedural change implemented by the AG's office, and closed the case.

2203528 Department of Transportation – Motor Vehicle Division

A motorist from Canada recently moved to Arizona and wanted to transfer over his Canadian Commercial Driver's License (CDL). He stated he was told by the Arizona Department of Transportation (ADOT), Motor Vehicle Division (MVD) that he could not transfer his Canadian CDL and would need to complete all the required training and skills tests to obtain a CDL in Arizona. He contacted our office with frustration, claiming he did not think it was true that he needed to restart the entire process like the MVD representative was claiming. We relayed the matter to our contacts at the MVD and learned that while the license was not able to be transferred over, the motorist did not have to take certain training and could go straight into the CDL skills test. We ensured the motorist was provided accurate information regarding which requirements transferred over and the steps he would need to take to obtain a CDL in Arizona. The motorist was pleased with the assistance provided and we closed the case.

Our intervention resolved cases that no one else was able to resolve internally as exemplified by:

2301229. Department of Revenue

A business owner contacted our office alleging that the Department of Revenue (DOR) wrongfully levied his account for unpaid taxes, which he claimed he did not owe. Additionally, the business owner alleged that the department was entirely unresponsive to them. Our office reviewed the allegations with the DOR Taxpayer Ombudsman and requested he contact the business owner to correct the problem. The

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Taxpayer Ombudsman confirmed and corrected the error and answered the business owner's questions. The business owner thanked us for assisting, and we closed the case.

2301400. Arizona State Retirement System

A retiree living abroad was having issues accessing their Arizona State Retirement System (ASRS) account. The retiree made several attempts to contact the department for assistance. However, due to security protocols, and the department's inability to call internationally, she was unable to receive any assistance. We facilitated communication between the retiree and the department, and ASRS was able to correct the issue enabling the retiree to access her account. The retiree confirmed her issue had been resolved and that she was able to access her account.

2302075 Department of Revenue

A taxpayer was having a problem with receiving their tax refund from the Department of Revenue (DOR). They stated they had made several attempts over the past few months to address the matter with DOR but were unable to reach someone who could provide assistance.

We relayed the matter to the DOR Problem Resolution Office and requested a review of the taxpayer's information to determine if a refund was owed and if any barriers were causing a delay in issuing the payment. The DOR Taxpayer Ombudsman confirmed that the refund had not been issued and would be processed and mailed within the next couple of days. The taxpayer followed up with our office and thanked us for our intervention.

2302480. Department of Transportation – Motor Vehicle Division

A motorist contacted our office to file a complaint against the Arizona Department of Transportation, Motor Vehicle Division (MVD). The concern was regarding a Certified Interlock Device (CID) they had installed in their car. The motorist had the device installed in her vehicle for the required twelve months. However, she had recently learned from MVD that the twelve months would not be credited because she did not have a special ignition interlock-restricted driver's license (SIIRDL). She believed she did not need this license because she was not driving during that time.

We contacted the MVD Ombudsman to request that they review and address the issue. The MVD Ombudsman found that the complainant had installed the CID two months before her DUI suspension ended, which was when the twelve-month requirement began. Because she had the CID installed early, she had based the removal of the device on the incorrect date. The MVD Ombudsman explained they would credit the ten months that she carried the interlock device after her suspension had ended, but she would need to complete the two months that were missed. We thanked the MVD Ombudsman for helping to investigate and resolve the issue. The motorist thanked both the MVD Ombudsman and our office for the extra attention and effort in properly handling her case.

2205319. Department of Revenue

A taxpayer contacted our office alleging they had been waiting nine months to receive their tax refund from the Department of Revenue (DOR). They claimed they had contacted DOR numerous times and were

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unable to reach someone who could assist and resolve the matter. They continued to experience barriers when contacting the DOR and eventually requested to speak to a manager. They claimed they never received a call back from management.

We notified the DOR Taxpayer Ombudsman who promptly reviewed the case and learned that the call center agent did not follow the process for handling requests to speak with a supervisor. They informed us that the call center agent was coached on the process to ensure future requests were handled appropriately. Additionally, the Taxpayer Ombudsman relayed that the taxpayer had been contacted and informed that the refund check had been processed and sent to them.

Our intervention helped resolve a grievance against a state agency as exemplified by:

2204712. Governor's Office – Office of Strategic Planning and Budgeting

A business owner contacted our office alleging that the Governor's Office of Strategic Planning and Budgeting had wrongfully denied his application for funding through the Arizona Back to Work Small Business Hiring and Retention Program. The owner claimed that when the Back to Work Program first started, he applied for his business and was awarded funding. The man claimed that since then, there have been two additional rounds of funding in which he also applied but was determined ineligible without an explanation. The man claimed that his business met all the criteria to receive the funding for all three rounds. He further claimed that he made several attempts to address his concerns, but his phone calls and emails to the program had gone unreturned.

Our office met with the OSPB Grants Manager in charge of the Back to Work Program and requested information regarding the denial of the business owner's application. The OSPB Grants Manager informed us that pursuant to the program rules, an applicant is only eligible to receive funds from the program once and would not be eligible to receive funds from additional program rounds. Since the man's business had already received funding from the first round, he was no longer eligible for any additional funding.

We informed the business owner of our findings and relayed the program eligibility rules. He thanked us for our time and confirmed that he now understood the reason for the denials.

2300182. Arizona Department of Environmental Quality

A fire extinguisher business owner contacted our office alleging that his company was wrongfully denied as an approved vendor through the Arizona Department of Environmental Quality (ADEQ). The complainant claimed ADEQ was not properly vetting vendors during the procurement process for the Aqueous Film-Forming Foam (AFFF) Take Back and Replace Pilot Program. Additionally, the owner alleges that the replacement products ADEQ would be providing to participating fire departments were not thoroughly researched and tested. Finally, the business owner further alleged that ADEQ was discriminating against their business.

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We notified our contacts at ADEQ and requested they review the matter and address the allegations. ADEQ addressed each allegation with our office thoroughly, explaining that the business owner had not properly applied to be a vendor until several months after the application window expired. Additionally, ADEQ showed us it was taking extra steps to ensure the vendors they selected were using higher-quality materials.

Our office explained our findings to the business owner who also alleged they did not receive the public records they requested from ADEQ. ADEQ informed our office that it complied with the public records request and provided a copy of the email it sent to the complainant with the records attached.

The business owner acknowledged they had received the records, which included the testing/methodology used by ADEQ. Our office requested the business owner provide evidence or material to support their allegations of wrongdoing by ADEQ but was not provided with any additional information to support their allegations. The business owner voiced their displeasure with our findings, and we closed the case.

2205875. Board of Osteopathic Examiners

A resident contacted our office with a concern regarding an outstanding complaint they had made to the Board of Osteopathic Examiners against a licensed osteopathic physician. The resident claimed that the Board was not timely in its investigation of their complaint against the physician and was unresponsive to their requests for updates and information related to the investigation.

Our office contacted the Board to request its review of each of the allegations made. We learned that the Board was responsive to the complainant and appropriately explained that they could not provide the information they were requesting due to the ongoing investigation and confidentiality laws in accordance with A.R.S. §32-1855.03.

Our office also found that even though there was no administrative rule or statute that governed the timeline of the Board's investigations, the Board's investigation into the complaint stretched over several months, sometimes with little progress. We learned that the delay was not due to the Board's actions, but due to licensees and relevant parties involved in an investigation not responding or complying with subpoenas and requests for information from the Board.

Our office recommended that the Board add language to its investigative guidelines and website to explain its status as a regulatory Board and the limited role that complainants play in the investigative process. Our office further recommended that the Board standardize a typical but substantive response to handle complainant inquiries into the status of open investigations. Finally, our office recommended the Board explore additions to their legal authority to compel responses to the Board from licensees and other relevant entities during investigations.

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We provided our findings both to the Board and the complainant. The Board thanked us for our recommendations and accepted them for implementation. The resident expressed dissatisfaction with our findings, and we closed the case.

2205461. Department of Revenue

A taxpayer contacted our office about a tax return they were expecting and expressed frustration that they were unable to get their concern addressed when contacting the Department of Revenue (DOR). We contacted the DOR Taxpayer Ombudsman who reviewed the tax return and learned the taxpayer had filed an incomplete credit form. DOR explained the errors and ensured appropriate revisions were made. DOR also confirmed that the relevant tax return status was correct. The taxpayer contacted us to thank us for our assistance and we closed the case.

2205160. Arizona Department of Education

An Empowerment Scholarship Account (ESA) vendor had two invoices that were one and two weeks old and had yet to be processed, approved, and paid by the Arizona Department of Education (ADE). The vendor indicated he received no communication from the ADE regarding the delay in payment, nor had the parent of the student. The vendor contacted ADE and was advised the department was overwhelmed due to the increase in ESA applications and told him he should call the ESA number. After several failed attempts to contact the ESA division via the ESA number and email, the vendor contacted our office for assistance.

Our office contacted ADE and confirmed that before the expansion of the ESA program, vendor invoices were usually processed and paid within 2-4 business days after submission; however, with the expansion of the program, it was now taking the department up to thirty business days to process and approve invoices. ADE advised that four emails had been sent to parents (10/17, 10/25, 11/2 and 11/11) and ClassWallet regarding the increase in processing time; however, they had not posted the information on their website. Our office suggested the department post the processing time on their website to ensure families, vendors and the public were informed of the current processing times for invoices, which the department did.

The vendor contacted our office again stating he had not heard from ADE regarding his invoices and felt that, given he and his student were not new to the program, his invoices should not be affected by the increase in students/applications. Our office informed the vendor that the increase in processing time was due to staff availability to process invoices and that invoices are processed in the order they are received. We also advised that ADE was still within the 30-business day processing time, and stated he should contact us should the department exceed that time frame. We received no further communication from the vendor; therefore, we closed the case.

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Our intervention found a negative trend as exemplified by:

2301578. Board of Massage Therapy

A representative from a massage therapy school contacted our office alleging that the Arizona Board of Massage Therapy was untimely in the processing of license applications by recent graduates. We responded to the school representative to request the names of each student whose applications were pending approval.

We contacted the Board and requested it review each student's application and inform our office of the status and the reason for any delays in its processing of applications. The Board claimed that its untimeliness was due to a new law that had gone into effect at the beginning of the year. The law required massage therapists to obtain fingerprint cards, which were not being processed at the time by the Department of Public Safety (DPS). DPS was waiting for the necessary approval from the FBI to begin issuing the cards. This caused a delay of approximately one month, on average, at the time of our intervention in the case.

The school submitted an additional list of graduates whose applications were allegedly untimely. Upon review of the additional applications, we found that the delays were due to incomplete application submissions by the graduates.

We helped facilitate the processing of the applications that were delayed and encouraged the representative to contact us if there were additional applications that remained untimely. The school thanked our office for our assistance in ensuring the applications were being appropriately processed.

2204193. Arizona State Board of Dental Examiners

A dentist who had been subject to disciplinary action by the Arizona State Board of Dental Examiners (Board) complained that the Board was violating Arizona law when it processed and investigated a complaint against him. As a result, the dentist believed that the disciplinary actions by the Board against his license should be invalid.

Our office reviewed the allegations made by the dentist but only found one claim that could be considered a violation by the Board. The dentist claimed that the Board was violating A.R.S. § 32-3214(B), by including disciplinary actions against his license that were over five years old on its website.

We asked the Board to please clarify why disciplinary actions against the dentist that were more than five years old were listed and available on its website. The Board explained that "the five-year limitation outlined in A.R.S. § 32-3214(B) was a new regulation as of October 2021 when it became effective pursuant to the legislative session of that same year. The Board's older database was not developed with this future regulation in mind." The Board went on to explain that it was aware that it was not in compliance with this law, and it was in the process of contracting with a new database vendor that would allow the Board to update its database and website and remove the disciplinary and non-disciplinary actions of more than five years.

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OMBUDSMAN INTERVENTION IN DCS CASES

The Arizona Ombudsman Citizens' Aide looks into complaints people have against the Department of Child Safety (DCS). Parents, grandparents, and other relatives of the child often 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 Arizona State Legislature.

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

Our Department of Child Safety cases were 22.32% of our total caseload in FY2023.

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 the Foster Care Review Board (FCRB), or court hearing dates. Case managers, supervisors, or upper DCS management may provide clarity as to events, laws, or policies and procedures. We facilitate clear communication between families, our office, and the various points of contact within DCS.

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, and/or meet with DCS staff. We review case correspondence, therapeutic reports, and the DCS GUARDIAN 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.

Most often with DCS cases, we serve as an information guide to the public. We go to great lengths to equip parents, other family members, fosters, service providers, mandatory reporters, and even the older children in the system about how they can better inform themselves and improve the outcomes for their particular child safety situation. We developed two resource booklets with the Supreme Court Improvement Committee that our staff distributes frequently in DCS cases.¹ We recommend these booklets for legislative staff as we think you will find them to be great resources. One booklet is a collection of reference and explanatory materials for those who find themselves involved with DCS or in a

¹ See page 3 for links to the booklets.

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dependency case. The second booklet is a resource compendium of community services that might be helpful to people in a variety of circumstances.

OMBUDSMAN DCS CASE LOG FY 2023 KEY CATEGORIES

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

DCS Complainant Information Chart –July 1, 2022 – June 30, 2023		
DCS Complaint Source Relationship		
Parent/Guardian	948	
Kin/Significant Contact	229	
Service Provider	21	
Child	12	
Foster	60	
Attorney	2	
Agency Worker	8	
Other	31	
Unknown/NA	59	
Type of Complaint		
Removal Issues	99	
Service Issues	48	
Visitation Issues	129	
Communication Issues	442	
Record Issues	135	
Placement Problems	144	
Investigation Issues	167	
Inadequate efforts toward the case plan goal	132	
False Allegations	127	
DCS Process Questions	257	
Adoption	9	
Caseworker	454	
Payment Issue	13	
Judicial Issues	77	
Attorney Issues	27	
Criminal Investigation Issues	13	
ICWA Tribal Concern	1	
Other	135	
Unknown/NA	65	

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The Legislature instructs us in our budget note to emphasize DCS cases. During the FY2023 period, 22.32% of our total cases were about DCS and we had 1,345 cases. In FY22 we had 1,497 DCS cases. In FY21 we had 1,794 DCS cases. Thus, the DCS case counts coming to us are trending in a positive direction.

Our intervention resulted in better service to citizens as exemplified by:

2301406. Department of Child Safety (DCS)

A father expressed concern regarding a lack of visitation with his son who is in DCS care. We reviewed the case in the DCS Guardian database and did not find any recent visits with the father and son documented in Guardian. We discussed it with DCS. Agency representatives explained the "child's attorney relayed to the court that he does not want to miss activities to have visits with father and motioned the court to leave visits to the child's discretion." Thus, the court had jurisdiction and responsibility for the decision.

However, we followed up with DCS regarding the child having siblings and asked whether visits were taking place with the siblings because they were not placed together. DCS stated they currently were not taking place. Since child safety laws encourage visits with siblings and require that visits be maintained while children are in care, we asked DCS to resolve this. DCS intervened and got both foster parents to restart visits between the siblings.

2203558. Department of Child Safety (DCS)

A mother stated that the Department of Child Safety (DCS) had recently placed her on its central registry. She claimed DCS erred in doing so. The DCS Protective Services Review Team (PSRT) granted her an appeal in 2019 and sent her a letter stating they had not substantiated the allegations against her, so she thought DCS had cleared her. The mother asked whether the new DCS computer system could be at fault. We reviewed the matter and asked DCS for further information.

DCS said communication issues created the problem, not any change in the DCS computer system. DCS explained that the mother had been a party in two DCS cases. Some of her children had been part of a dependency case while others were not. DCS's PSRT section did not substantiate the case relating to the children who were not involved in the dependency. The letter the mother referred to having received described that situation.

However, PSRT proposed substantiation of the claims about the other children. DCS noted that the final decision would result from pending juvenile court adjudication. The court subsequently substantiated the claims against the mother relating to the dependent children

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and ordered her name placed on the DCS Central Registry. The record showed that the mother consented to this.

DCS explained this to the mother. The mother alleged to DCS staff that her attorney misled her when he advised her not to contest the allegations. She said she had not understood the full ramifications. She thought that by not contesting the complaint against her, she would get her children back faster. She claimed she did not understand that the second part of the agreement meant the judge was ordering her placed on the DCS Central Registry. DCS told the mother they sympathized, but it was not up to DCS as it was a judicial decision to place the mother on the central registry. They confirmed it was her attorney's responsibility to notify her of her options. DCS provided the mother with several resources and encouraged her to explain her situation to the courts for an appeal. DCS said the mother seemed to appreciate the information and thanked them.

2300096. Department of Child Safety (DCS)

Parents alleged the Department of Child Safety (DCS) wrongfully placed them on the central registry and did not notify them beforehand or give them appeal rights. The parents said they had been involved with a dependency and had relinquished rights to their adopted child, but they thought the judge had dismissed the case, so they did not know why DCS had flagged a case and substantiated against them.

Our office reviewed the DCS Guardian case management system and found that the judge had substantiated against the parents a few years ago when they had their rights severed from the child. We asked the DCS Ombudsman's Office to confirm this finding as this would mean the judge and the parents' attorney would be responsible for notifying the parents of their appeals rights rather than DCS. We also asked that, if this was not the case, DCS provide us with the letter of substantiation DCS had provided the parents.

DCS confirmed that the judge had substantiated against the parents when severing their rights. Thus, the parent's attorney would have been responsible for explaining the parents' appeal rights. However, DCS also relayed they did not find appeal decisions from then. DCS asked that we direct the parents to the Board of Fingerprinting (BOF) to obtain a central registry exception.

We relayed our findings to the parents and provided them with information about the central registry exception as well as contact information for the BOF. We encouraged them to return if they needed further assistance. They thanked us.

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Our intervention identified a field practice that was not in accordance with the agency's stated policy/procedure, statutes, or case law as exemplified by:

2301393. Department of Child Safety (DCS)

A father sought guidance regarding a Department of Child Safety (DCS) case. He said the agency had substantiated wrongdoing against him. He said the DCS Ombudsman's Office was unresponsive when he had contacted them.

We reviewed the DCS Guardian System and found that the case manager had proposed substantiation in February of 2023, but the Protective Services Review Team (PSRT) had not made their official decision by the time we spoke with the father at the end of March, over 50 days after the investigation closed. We asked the DCS Ombudsman's Office whom it had assigned to assist the father in its office and also asked them to provide the father with a time estimate for the PSRT determination. The DCS Ombudsman's Office responded to the father and asked PSRT to complete the assessment and provide the father with a determination.

PSRT reviewed the matter and determined that the evidence DCS staff collected did not meet the statutory definition of abuse or neglect, so they asked the case manager to correct and unsubstantiate the allegation. DCS subsequently sent the father a "Notice of Unsubstantiated Child Safety Report" letter in April, over 70 days after the DCS caseworker submitted the completed investigation with proposed substantiation to PSRT.

According to A.A.C. R21-1-501(5), "Completed Investigation" means the case record and the proposed substantiated finding for the report of child abuse or neglect have been reviewed and approved by a supervisor and contains all of the information required to support a finding of proposed substantiation." The Department's rule A.A.C. R21-1-502(B) states, "the Department shall send the Initial Notification Letter to the alleged perpetrator no more than 14 days after the Completed Investigation."

We found that the Department acted contrary to its rules by not sending the notification letter promptly. We notified the agency of our findings and recommended they take steps to ensure they send the letters promptly. The DCS Ombudsman's Office relayed the findings to the DCS PSRT section.

2301898. Department of Child Safety (DCS)

A father alleged the Department of Child Safety (DCS) did not properly adhere to public records law requiring the agency to deliver records "promptly" after a public record request. He said he submitted a records request form in December of 2022 and had not yet received the records by the end of April. He also claimed to have contacted the DCS Ombudsman's Office a week before, but he claimed they had not helped him.

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We reviewed the concerns with the DCS Ombudsman's Office and asked it to speak with the father and respond to the public record request. We also asked how long DCS's Records Department was taking to issue such records.

DCS told us they sent the records to the father two days after our inquiry. DCS noted that they were fulfilling requests from December of 2022, which was approximately four months after receiving the requests. We asked about the DCS Records Section's backlog. DCS relayed that the records section was experiencing delays with their processing due to the DCS Guardian System. They said the Records Section requested assistance from DCS management in improving the records request collection process. We later spoke with the director about our concerns and suggested he consider adding to the agency's confirmation emails acknowledging the delay in delivering records and having the agency state how long one may expect before receiving their records. This would allow the Department to align with the rule A.A.C. R21-1-104 (c) which states if the Department is unable to produce the records within thirty workdays, they shall issue a statement detailing the reason and anticipated timeframe for the records. We also relayed the suggestion to the DCS Ombudsman's Office.

The agency director said that he looked into the record production process and agreed with our assessment that it was not working properly and needed remedial attention. He asked the DCS General Council to head a team to make record delivery a priority and to revamp the process so it would serve people better. He authorized more staff to work in the Records Section so that DCS could produce court and public records faster.

2301938. Department of Child Safety (DCS)

A father sought assistance appealing the Department of Child Safety's (DCS) substantiation against him. He received a letter in March from his case manager proposing substantiation but had not received any further contact from DCS even though it was about four weeks later. The father alleged the DCS Ombudsman's Office was unresponsive as he had contacted them two weeks before to no avail. We reviewed the DCS Guardian system and found that the Protective Services Review Team (PSRT) had not decided on the father's case. We asked the DCS Ombudsman's Office to respond to the father's concerns and we asked that PSRT review the father's assessment and finalize its decision.

DCS told us they reassigned the father's inquiry to their office and contacted him the day after we notified them. They told us they had asked PSRT to review the father's assessment and provided the information to the father. PSRT then sent the father their finding letter later that day and provided him with information on his appeal rights. DCS sent the letter thirty-three days after the close of the investigation. However, A.A.C. R21-1-501 requires the Department to send an Initial Notification Letter within 14 days of the completion of the investigation. We notified DCS of our finding that it was tardy. In turn, DCS provided the findings to its PSRT section.

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2302654. Department of Child Safety (DCS)

A mother sought assistance regarding a Department of Child Safety (DCS) case. She said the case was mostly about her former spouse, but she was not receiving proper communication. We reviewed the matter with the mother and cleared up several concerns, but some issues remained so we asked the DCS Ombudsman Office to review the situation. The DCS Ombudsman's Office did so. They confirmed that DCS had erred in several respects. They noted the case manager did not communicate properly with the mother. The caseworker had not contacted the mother after the initial contact, a period over 60 days. The DCS Ombudsman's Office also said the case manager did not close the assessment promptly because the case was open for more than the 45 days outlined in A.R.S. §8-456(F)(3)(a). DCS claimed its worker notified the mother over the phone of the allegations against the father but also confirmed the worker had failed to provide a Notice of Duty to Inform. DCS admitted was against its policy as the law requires that parents each be given a Notice of Duty to Inform.

DCS provided the mother with various links to their policy manual to assist in the clarification and reminded its case manager of the various policies and laws.

Our intervention shed light on a related matter that was not the subject of the complaint as exemplified by:

2302225. Department of Child Safety (DCS)

A mother alleged her Department of Child Safety (DCS) case manager had proposed substantiation against her in December, but she had not received an official determination of the secondary review from the Protective Services Review Team (PSRT) after five months. She contacted our office in the middle of May, but we discovered that she had not exhausted resources through the agency as required by law. We explained this to the mother and then turned to the DCS Ombudsman's Office.

We asked the DCS Ombudsman's Office to look into the matter because the PSRT process was taking an excessive amount of time. We noted to them that when we had reviewed the case in the DCS Guardian system, we found the mother had a second DCS assessment case which the agency had opened after the close of the original case. The newer case did not have any documentation even though it had been open for over a month. We asked the DCS Ombudsman's Office to research both issues.

The DCS Ombudsman's Office communicated our request to PSRT and asked PSRT to process the mother's case and notify her of the result. DCS also relayed that the case manager was still working on the new case and would upload all notes and documents to the Guardian by the end of the following week.

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Shortly thereafter, PSRT completed its review. PSRT sent the mother a notification letter a few days after our initial contact. We reviewed Guardian and confirmed DCS promptly updated the recent case too.

Our intervention identified a negative trend as exemplified by:

2205139. Department of Child Safety (DCS)

A foster mother complained that the Department of Child Safety (DCS) opened an assessment against her in August 2022 and it was now three months later (November 2022), and she had not received a prompt official determination as required by law. She stated the DCS investigator did not substantiate the claims against her, but DCS had not issued an official determination. The three-month delay had halted the foster mother's adoption of the child she had in her care. The foster mother said several supervisors within DCS told her they were not sure why the investigation was still open. The investigator's direct supervisor claimed the investigator was simply behind on paperwork. The investigator had not spoken to the foster mother in over three months.

Because the foster mother had not “exhausted” attempts to resolve the matter through the agency as required by law, we requested the DCS Ombudsman's Office examine the problem. The DCS Ombudsman's Office, internal to the agency, did not timely respond to us. We inquired again a week later. The DCS Ombudsman's Office noted it had misplaced the communication in its system. The internal DCS ombudsman office was struggling with its backlog and its workers said this was preventing it from adhering to its policy of responding to us (AZOCA) and others (Governor, Legislature) within three business days. However, DCS’s agency management had recently helped by assigning a new position to help the internal ombudsman office reduce its backlog. However, that new employee could not start for four weeks.

The DCS Ombudsman’s Office asked the case investigator to close the assessment. The investigator promised to close the case within a few days (about 14 days after our involvement). However, the assessment was still open when we checked it two days beyond the promised date. We followed up with the DCS Ombudsman's Office to ensure DCS had closed the case. DCS closed the assessment on December 1st.

Arizona Revised Statute (A.R.S.) 8-456(F)(3)(a) states: “An investigator shall...submit a written report of the investigator’s investigation to... the department’s case management information system within a reasonable amount of time that does not exceed forty-five days after the receipt of the DCS report”. We found this investigation was open for 98 days. To determine how frequently investigators failed to close assessments within the 45 days cited in A.R.S. §8-456, we asked DCS for their statistical data on their investigations. DCS directed us to their Monthly Operations and Outcome report listing the number of inactive cases DCS. DCS defined

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inactive cases as the "# of cases that have had no case note documentation entered into Guardian for the last 60 days."

Our office had further questions, however, there was a series of leadership changes within DCS delaying our ability to obtain answers to our questions. DCS later noted they had implemented several measures to decrease the number of open cases they had. They said their measures had resulted in a decrease of approximately 1,600 open cases within approximately six months.

Our intervention provided knowledge of an agency's processes and procedures (or other pertinent information) to assist a citizen as exemplified by:

2300095. Department of Child Safety (DCS)

A mother alleged the Department of Child Safety (DCS) inappropriately interviewed her child at the child's school and then removed the child. She said the DCS case manager had presented her with a court order to remove her child, but the order did not have a state seal and DCS performed the removal after the court's business hours. She claimed the case manager had gone to the child's school without first checking with the principal and that DCS had interviewed the child alone. The mother thought neither was appropriate. The mother was unsure of her next steps and asked for guidance.

We explained that the court order she described sounded like other court orders for removal we have seen in the past, but she should speak with an attorney to confirm. We also let her know that most often there are judges available to sign orders at night, so it is also possible to have an order signed after business hours.

The mother was also upset that the case manager had checked with some school administrators, but not the principal before interviewing her child. We explained that DCS Policy Chapter 2 Section 3 requires DCS to coordinate with administrative staff, but it does not require DCS to notify the principal. We also let her know that DCS can, and often should, interview children in private. We described assorted reasons why it would be necessary to do so. We then provided information about the dependency system. We described to the mother several DCS processes that were likely to occur in the coming days, including Team Decision Meetings (TDM). We suggested she experience the TDM and then return to us if she had further concerns or was unsatisfied with the DCS responses. We also provided her with several resource documents to describe her rights, the dependency process, and DCS obligations and purpose. She thanked us.

2302987. Department of Child Safety (DCS)

A foster father sought to be the placement for his previous foster child. The child was in the foster father's care before the court reunited the child with its mother. The child's mother had

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asked her DCS case manager to contact the foster father immediately after the court returned the child to the custody of the Department of Child Safety. He said the mother provided the foster father's information at court, but things had not progressed.

We investigated the concerns of the foster father. He claimed he had spoken with the child's case manager the day prior, and the worker said she was going to start the Interstate Compact for the Placement of Children (ICPC) process, but he was unclear about his role. We reviewed the process to acquaint the man with the system. We answered his questions and suggested he review the DCS Policy Manual Chapter 5 Section 37, describing the ICPC process. We encouraged the foster father to work with the case manager but return if he needed further assistance and was unsatisfied with DCS. He thanked us.

Our intervention identified a problem that resulted in a change in agency policy as exemplified by:

2301093. Department of Child Safety (DCS)

A mother alleged her child's school had submitted false reports against her to the Department of Child Safety (DCS). She also alleged the Department did not conduct its investigation properly. She said the Notice of Duty to Inform (NDI) that DCS gave her did not state the specific allegations against her but only listed "Physical Abuse" as the allegation. The mother also claimed DCS had failed to notify her about the Department's investigation for many months after the agency received the allegation and took the initial report. She claimed DCS interviewed her child on three separate occasions before telling her of its investigation.

The mother further alleged that DCS forced her child to remove their shoes and socks, which she thought was inappropriate. She also alleged her case was open for an unreasonable amount of time, which was delaying the planned adoption of a child.

In discussing the case with us, the mother revealed she had not yet fully expressed her concerns within DCS, so we told her about the law requiring that she must give the agency the first opportunity to address all the concerns. We encouraged her to work with her case manager and guided her on how to do so.

We provided the mother with information on DCS policy about false allegations. We directed her to A.R.S. §8-807, which directs people to petition a superior court judge if they believe a person made the claims in bad faith or with malicious intent. We provided contact information for the superior court of her county for further guidance about court processes. We suggested she obtain a copy of her records through DCS. We explained DCS must redact the records until/unless a judge orders otherwise. We let her know that school staff are mandatory reporters. Mandatory must notify the Department of any information that might constitute child abuse or neglect by law.

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Separately, we asked the DCS Ombudsman's Office several clarifying questions based on our review of the mother's case in the Guardian DCS system.

The DCS Ombudsman's Office sent our office a copy of the mother's Notice of Duty to Inform, which confirmed the mother's allegation that her NDI only listed the allegations as "physical abuse". The NDI also listed two intake numbers that corresponded to two different hotline reports made against the mother. They confirmed DCS did not promptly inform the mother of the investigation. They noted the original investigator was no longer with the Department, which caused a delay in the investigation. DCS said it reassigned the case on February 10th and notified the mother of the allegations on February 27th.

The DCS Ombudsman told us the investigator conducted three separate present danger assessments. DCS said it commonly performs interviews at the same time that it conducts the present danger assessments, but not always. DCS Policy Chapter 2 Section 3 states that investigators "should make reasonable efforts to inform the parent, guardian, and/ or custodian about the interview before the child returns home from school" if DCS interviews a child at school without prior consent from the parent. The DCS Ombudsman relayed that in this case, its investigator had not conducted interviews during the present danger assessments, and they only asked enough questions to assess whether the child was in present danger. DCS confirmed it first interviewed the child on February 9th, eighteen days before the agency informed the mother of its initial contact.

We asked the DCS Ombudsman's Office if there was a policy or rule about the removal of clothing to determine whether abuse had occurred. DCS noted there is nothing specific in policy relating to clothing, but said it directs its investigators in Chapter 2, Section 5 of the DCS Policy Manual to gather information to determine the extent of maltreatment. Based on the allegations of abuse, it is possible the DCS investigator asked about the child's feet, leading to the removal of the child's shoes and socks.

We confirmed the assessment was open for an unreasonable amount of time. When we reviewed the DCS system, we found DCS opened the assessment on September 7th, and it was still open when the mother contacted us over six months later (March 14th). This means the assessment was open longer than the forty-five days outlined in A.R.S. §8-456 (F)(3)(a) which states: "An investigator shall...submit a written report of the investigator's investigation to... the department's case management information system within a reasonable amount of time that does not exceed forty-five days after the receipt of the DCS report." DCS closed its case later that April, approximately seven months after the initial report.

DCS notified our office that the investigator found the allegations to be unsubstantiated and sent the closing letters to the mother on April 13th. Upon our review of the letter, we found the investigator had issued the wrong letter to the mother. The investigator sent a letter of

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proposed substantiation instead of a letter noting the case had been unsubstantiated. The DCS Ombudsman's Office caught this as well and asked the case investigator to send out a corrected letter. On April 28th, DCS sent our office a copy of the revised letter it sent to the mother. Although DCS indicated the case was unsubstantiated, DCS staff mistakenly sent the letter intended for the hotline reporter rather than the letter intended for the parent who was under investigation. We asked DCS for clarification about the two letters. DCS confirmed the second letter was also incorrect and sent the proper letters out later that day.

Our intervention resolved cases that no one else was able to resolve internally as exemplified by:

2203868. Department of Child Safety (DCS)

A mother sought assistance with her Department of Child Safety (DCS) case. She wanted several things reviewed. She alleged she contacted her case manager's supervisor a week before contacting our office but got no response. We asked DCS to review the communication issue.

DCS confirmed the supervisor had not returned the call or communicated with the mother but noted the supervisor was on leave for a few weeks. DCS's internal ombudsman office then asked the program manager to assist the mother. The program manager reviewed the assessment and contacted the mother to discuss their findings shortly after our inquiry.

2204165. Department of Child Safety (DCS)

A father alleged the Department of Child Safety (DCS) did not send him the proper amount of closing letters. He stated he only received one closing letter after having several investigations opened against him and sought to have the other letters sent to him. He also said a judge ordered DCS to provide records to the father without redaction, but he had not heard further about the records. He relayed that he had told his case manager that he believed the allegations had been false and requested guidance about his next steps.

We provided the father with information about A.R.S. §8-807 and its provisions about false report ramifications. We explained he may wish to consult with an attorney about petitioning a superior court judge if he believes some person filed the allegations in bad faith or with malicious intent. We let him know that if a judge agrees with him, they typically will order DCS to provide information about who made the reports against him in case he wishes to file a civil lawsuit. The father had not exhausted resources through DCS on this concern, so we asked the DCS Ombudsman's Office to assist him.

DCS guided the father about his responsibilities regarding the allegations and the agency noted two assessments were still open, so it was premature for closing letters relating to them. The DCS Ombudsman's Office also noted that the DCS Records Department had not received the

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court order referenced by the father that ordered DCS to release the father's records without redaction. DCS requested the father submit the court order to DCS so the agency's records department could follow the court order to process the records without redaction. The father submitted the court order and the agency responded with the appropriate record about a week after the father provided the order.

2204678. Department of Child Safety (DCS)

A grandmother alleged the Department of Child Safety (DCS) did not ask her to become the placement for her grandchildren when the court made them dependents. She claimed DCS placed her grandchildren in two separate foster homes instead of with kin. Laws require DCS to consider kin for placement and give them preference over unrelated foster parents if kin qualifies. If DCS rules out kin, other laws require they send the ruled-out person a denial letter and offer them the right to appeal.

We reviewed the Guardian DCS system. DCS had not loaded any such letters and we did not find any reference to kinship denial letters, so we asked the DCS Ombudsman's Office to search the "hard file" and provide us with the denial letter sent to the grandmother if one existed.

DCS clarified that the grandmother currently resides with the father, and the agency had safety concerns about him. They noted that it was not clear whether the grandmother could be placement if the father moved out of her home but asked the case manager for clarification. DCS told its case manager to provide the grandmother with a denial letter if the agency was ruling out the grandmother for placement. The DCS Ombudsman's Office later told us this was the case. DCS sent the grandmother a letter saying they could not support her as a placement because she was in the home when the maltreatment of the child took place. Because of this, the agency feared the grandmother was not able to protect the child from harm. The letter provided the grandmother with the process to appeal DCS's decision.

OMBUDSMAN INTERVENTION IN PUBLIC ACCESS CASES

Outreach and Education

Educational Materials

We provided hundreds of our office's booklets on the Public Records Law and the Open Meeting Law directly to elected officials, non-elected public officials, public employees, advocacy groups, and members of the public. This year, we overhauled our comprehensive public record and open meeting law guide booklets. We updated them to reflect statutory changes made in recent legislative sessions, including in 2023. Within each booklet, we also updated and expanded our analysis of each area of law. We also provide digital versions of the booklets on our website. In addition, we continue to share and help develop training materials

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for public bodies and officials. We continue to update our website with publications, training opportunities, and new developments in the open meeting and public records law, such as new case law, legislation, and Attorney General Opinions.

Training

In FY 2023, we provided Public Records Law and Open Meeting Law training both in-person and through remote means, for public and private entities in locations throughout the State. Additionally, since the 2020 pandemic, we have developed public records law and open meeting law training videos for those who cannot attend live training. Demand for the videos has been high. In FY 2023, we conducted live training or provided training videos on at least twenty-two occasions. We conducted training for public bodies in Phoenix, Tucson, Camp Verde, Clarkdale, Dewey-Humboldt, Shonto, Pima County, Coconino County, and Yavapai County. We conducted training for a variety of several types of public officials, such as municipal clerks, county clerks, special taxing districts, community colleges, schools, and independent oversight committees.

In addition to general training in which we discuss public access requirements, we developed and presented customized training to address the specific needs of public officials upon request.

Lastly, we continue to provide recordings of recent open meetings and public records law training we conducted to interested elected officials, non-elected public officials, public employees, advocacy groups, and members of the public.

Newsletters

We continued to publish and distribute a public access newsletter on about a quarterly basis. Our newsletter *The Public Record* touches on interesting and timely open meetings and public records law issues that are relevant to the duties and responsibilities of public bodies and officials throughout the state. For example, we addressed new legislation requiring public access points of contact, several open meeting and public records appellate court decisions, and pending public access legislation.

Inquiries and Investigations

In the past fiscal year, our office handled 296 cases regarding matters related to public access. Of those calls, 164 were public record law inquiries, 113 were open meeting law inquiries, and nineteen concerned both public records and open meeting law. Table 1 provides a breakdown of the number of inquiries received from the public, the media, and government agencies. Table 2 provides the number of inquiries received about state agencies, county agencies, city or town agencies, school districts, and other local jurisdictions.

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Table 1

	Public Inquiries	Media Inquiries	Government Agency Inquiries	Unknown
Number of inquiries	185	11	96	4

Table 2

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquiries	136	33	85	29	26

PUBLIC ACCESS CASE EXAMPLES

2205522. Scottsdale Unified School District

A school district employee contacted our office with a public records law question. He wanted to know if the district could deny a public records request unless the requester provided the district with their legal name. We explained that this is likely not permitted under the public records law.

2205927. Douglas

A municipal employee contacted our office with open meeting law questions. Specifically, she wanted to know whether a particular body is subject to the open meeting law and what its responsibilities would be. We discussed the matter with her and explained why the body is likely a public body subject to the open meeting law. We then discussed a variety of related issues, such as what notice/agenda posting timeframes applied to the body. She thanked us.

2301792. Thatcher

A resident contacted our office about the difficulty she said she was having in obtaining records from the Thatcher Police Department (hereinafter, "Thatcher PD") about a particular murder case.

The agency explained that it could not provide the records because the case was still open. The resident did not think this was reasonable as the case was more than 20 years old.

On multiple occasions, we pressed the agency about the matter. The agency maintained that there were new developments in the case that the agency did not want to publicly disclose for fear it would harm the investigation. Additionally, the agency said there are many, many

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records about the case and it would be unduly burdensome to review, redact, and provide them all.

Eventually, the Thatcher PD Chief asked if the resident would be satisfied with some of the records and interviewed folks at the agency about the matter. We asked him to direct his inquiry to the resident. Later that day, the resident followed up with us. She said, "Not sure what you did but [the Chief] and I are meeting this Wednesday to discuss the report in question. Thank you so so so much."

We explained to her what the Chief had told us and asked her to follow up with us if the matter was not resolved. She did not follow up with us.

2302161. Secretary of State, Office of

A couple contacted our office about the Secretary of State's office. The couple said it had requested a particular entry from a notary public's journal, which is presumed to be subject to disclosure. The notary denied the request on attorney-client privilege grounds. The couple complained to the Secretary's office that the notary was not complying with the law. The Secretary's office did not discipline the notary or require the notary to turn over the entry. The couple also said the Secretary's office never informed them of the outcome of the matter.

We reviewed what the couple sent us and contacted the Secretary's office. We spoke with legal counsel for the Secretary's office. The Secretary's office said it did inform the notary and the couple as to the outcome. The Secretary's office argued that the entry was covered and protected by attorney-client privilege. The agency cited A.R.S. section 41-319 as the reason.

We reviewed the statute and the legislative history of the statute. It was not entirely clear if the language was meant to protect the type of record at issue from disclosure. The Secretary's office seemed to think that the best venue in which to address this matter was a court.

We explained the uncertainty about how the statute applied to the situation to the couple. We said that the Secretary's argument was not unreasonable, although it is possible it would not prevail before a judge. As a result, we said, we cannot conclude that the Secretary's office was acting improperly by failing to discipline the notary.

2303543. Corporation Commission

A resident contacted our office and asserted that the Corporation Commission (hereinafter, "the Commission") improperly denied her request for public records.

According to the resident, the Commission was prepared to discuss and consider new meeting policies/procedures concerning aspects of its public meetings at a public meeting. She asked for the drafts and communications regarding the policies/procedures that were to be considered. The Commission sent her 300+ pages of records, some of which contained

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redactions. The Commission also sent her an index of what it withheld and why, which indicated that some things were withheld on legislative privilege grounds.

The resident asserted that it was unlawful for the Commission to deny access to some of the records on legislative privilege grounds.

We contacted staff and legal counsel (hereinafter, "Commission staff") for the Commission. Commission staff essentially confirmed the resident's assertions, but they asserted it was proper to deny access to some of the records on legislative privilege grounds. We had a meeting with Commission staff in which they explained exactly their reasoning. Both sides cited Arizona case law concerning legislative privilege and made arguments in favor of their position.

Commission staff essentially asserted that the records regarding possible board policies (including communications between Commissioners and advisors about the matter), which it said would affect the public, were "a discretionary, policymaking decision that may have prospective implications," and, thus, were covered by legislative privilege. Commission staff also argued that disclosing such records would create a chilling effect, and Commissioners would no longer feel comfortable communicating with their advisors in writing, which would harm their ability to fulfill their duties properly.

While we were not persuaded that the Commission's position was correct, the law on legislative privilege is vague and subjective enough that we could not conclude that the Commission was acting unlawfully. In other words, the Commission's legal arguments were not unreasonable. Our office was not created and empowered to draw firm legal conclusions about whether an agency is acting lawfully when one can make reasonable arguments to support each side of the argument. Instead, judges are empowered to make such determinations.

We explained our findings to the resident and suggested, that if she still wanted to press the issue, she consults an attorney about her legal options.

2304285. High Knoll Ranchers RIMD

A member of a special taxing district governing board contacted our office with an open meeting law question concerning special taxing districts. She said, "If our board calls for an executive meeting, is the public allowed to attend this meeting? If so, are they allowed to offer any input or are they just to listen and observe?" We explained that executive sessions must be closed to the public. We provided her with additional information.

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2304747. Regional Transportation Authority of Pima County

A resident contacted our office about the Regional Transportation Authority of Pima County. He said he had requested a variety of public records from the agency, but the agency had only disclosed some of them.

We discussed the matter with an agency employee. We went item by item through the request. For every item the resident said he did not receive, the agency employee explained that the agency provided the records or that the records do not exist, with one exception: attorney invoices. Initially, the agency asserted that invoices from its legal counsel were confidential. We challenged the agency on this point. The agency employee agreed that the agency should and would disclose the attorney invoices.

2306341. Golder Ranch Fire District

A Golder Ranch Fire District employee contacted our office with a public records law question. She asked, on what grounds, if any, can the district deny public access to records that contain the answers to tests the district still uses for employees/prospective employees?

We researched the issue and provided her with relevant case law and materials from the Attorney General's office concerning the issue. She thanked us.

2306391. Rio Verde Foothills Standpipe District

The Governor's office contacted our office about the newly formed Rio Verde Foothills Standpipe District. The District had recently formed and would need to start meeting very soon. The Governor's office asked us to provide open meeting and public records law training to the members of the governing board. We touched base with one of the board members and arranged to have the entire board come to our office for training.

2306476. Secretary of State, Office of

A reporter contacted our office about a public records request she said she made to the Secretary of State's office. She said she had requested records related to an employee, but the agency denied the request on state interest grounds. She said the agency did not provide further explanation. She sent us emails that seemed to support what she said.

We contacted the agency about the matter. An agency employee said the agency was indeed denying the request on state interest and privacy interest grounds. He provided no further explanation. He referred us to the agency's legal counsel.

We contacted the agency's legal counsel for an explanation. The agency's legal counsel then told us the agency was now in the process of gathering and providing records to the reporter. We relayed to the reporter what the agency's legal counsel said.

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The reporter said she had received some records from the agency. She suspected some records might be missing. She said she would follow up with us if she had more information. She thanked us. She did not follow up with us.

2306483. Queen Creek

An attorney contacted our office about a public records request she said she made to Queen Creek. She said the town did not promptly respond. She also asserted that the agency did not meet its obligations under A.R.S. section 39-171 to post online its public records law contact. She said the town then improperly denied her request as unduly burdensome, which she did not seem to think was reasonable in this case.

The attorney said, "I am seeking six (6) months of emails from the Director of Department Services involving three (3) Queen Creek employees and their Unit, being Code Compliance, as outlined at the end of this communication, which I do not think is overly broad."

We looked at the agency's website. It seemed that the agency was arguably complying with the statute because it listed an employee's contact information on its public records page.

We contacted the town and asked why the request was overly burdensome. The town's legal counsel explained some of what made the request burdensome to fulfill; however, she said the town was not denying the request. Instead, it was asking the attorney to refine/narrow it. The town made it sound like it would fulfill the request as is if the attorney refused to narrow her request.

The town's attorney then contacted the attorney and said, in part, "As we noted to you on February 28, the Town does not deny your request, but seeks more information. The request is broad and does not include tailored topical guidance. Our initial search for responsive records turned up a volume of emails that I believe will be irrelevant or not responsive to what you are seeking. My response to you, inviting you to narrow your request, was intended to help us narrow that initial batch of emails to a smaller sample that is more likely to contain the results you are looking for."

The attorney and the town's attorney then engaged about whether the request could or even needed to be refined to be manageable and reasonable. The town's attorney then said she would begin reviewing, redacting, and providing the records.

About seven weeks later, the town made available some of the records and said it would have the remaining records for the attorney the next week.

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Our Cases – Statistics of Note INVESTIGATIONS

We managed our investigations in FY2023 as noted in the following tables.

Table 3 – Investigations – July 1, 2022 – June 30, 2023	
Discontinued²	91
Declined³	404
The complaint was withdrawn or resolved during the investigation⁴	26
Investigation Completed	169
Ongoing	16
TOTAL REQUESTS FOR INVESTIGATION	706

Table 4 – Investigative Findings – July 1, 2022 – June 30, 2023		
SUPPORTED/PARTIALLY SUPPORTED⁵		41
Requires further consideration by the agency	17	
Other actions by the agency required	17	
Referred to the legislature for further action	0	
The action was arbitrary or capricious	0	
The action was an abuse of discretion	0	
The administrative act requires modification/cancellation	1	
The action was not according to the law	7	
Reasons for administrative act required	0	
A statute or rule requires an amendment	2	
Insufficient or no grounds for an administrative act	0	
INDETERMINATE⁶		33
NOT SUPPORTED		95
TOTAL COMPLETED INVESTIGATIONS		169

² “Discontinued” is marked when the complainant stops responding and the Ombudsman-Citizens’ Aide Office is unable to proceed with inquiries.

³ “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. By law, we must decline an investigation if we find the complainant is coming to us prematurely. In those cases, we coach the complainant about how to initially proceed with the agency.

⁴ “Withdrawn or Resolved During Investigation” is marked when the complainant asks us to cease an investigation

⁵ 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.

⁶ “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.

Contacts by Agency

The Contacts by Agency table shows the distribution of our contacts with an agency. Cases involving Child Protective Services comprised 22.32% of our total for FY2023 with 1,345 total cases. We note that the Department of Economic Security (DES) Unemployment Insurance (UI) Division had 285 cases in FY2023, which was substantially better than the year before. In FY22, DES had 926 cases, in FY21, DES UI had 3,109 cases, in FY20, they had 933, and in FY19 they only had 55 cases.

A few other agencies we noted had above-average case contacts. ADOT's Motor Vehicle Division (MVD) improved from FY21 when they had 635 cases. In FY22, MVD had 215 cases, and in FY23, they had 136 cases. Effects of the Pandemic hit the agency rather significantly and a problematic computer system conversion seemed to contribute to the MVD difficulties, but they appear to have turned the corner and are now trending in a more positive direction.

The Department of Revenue had 168 contacts in FY21 and slipped a few past that to 208 cases in FY22 and have further increased to 274 cases in FY23.

CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	0	0	1	1
Administrative Hearings, Office of	1	0	0	1
ADOA - Administration, Department of	19	6	6	31
Agriculture - Wt. and Measures	6	0	0	6
Agriculture, Department of	7	3	2	12
Agriculture, Pest Mgmt. Office	0	0	1	1
AHCCCS	89	17	7	113
American Leadership Academy	0	0	2	2
Apache County	1	0	0	1
Apache County Attorney's Office	0	1	0	1
Apache County Sheriff's Office	1	0	0	1
Arizona Fire and Medical Authority	1	0	0	1
Arizona State Hospital	2	0	0	2
ASU -Arizona State University	3	0	0	3
Attorney General, Office of	30	9	7	46
Avondale	0	1	0	1
AZ POST - Peace Officer Standards & Training Board	6	0	0	6
Barbers, Arizona Board of	6	3	3	12

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Behavioral Health Examiners, State Board of	9	2	3	14
Benson	1	0	0	1
Bicentennial Union High School District #76	0	0	1	1
Blue Ridge Domestic Water Improvement District	0	1	0	1
Buckeye Union High School District	3	0	1	4
Carefree	2	0	0	2
Central Arizona Project	1	0	0	1
Central Yavapai Hospital District	0	1	0	1
Central Yavapai Metropolitan Planning Organization	0	0	1	1
Chandler Police Department	1	0	0	1
Charter Schools, Arizona State Board of	11	1	0	12
Chino Valley	1	0	0	1
Chiropractic Examiners, State Board of	1	0	1	2
Chloride Water Improvement District	4	0	0	4
Clarkdale	2	2	0	4
Cochise County	1	0	2	3
Cochise County Board of Supervisors	0	0	3	3
Cochise County Sheriff	0	0	1	1
Commerce Authority of Arizona	0	2	1	3
Commission of Judicial Conduct	2	0	0	2
Community College, State Board of	1	0	0	1
Congress Fire District	0	1	0	1
Continental Elementary School District	1	0	0	1
Copper Canyon Fire and Medical District	0	1	0	1
Corporation Commission	15	2	2	19
Corrections, Department of	56	3	5	64
Cosmetology, Board of	16	1	0	17
Criminal Justice Commission, Arizona	0	2	0	2
DCS - Community Advisory Committee	1	0	0	1
DCS - Department of Child Safety	885	102	354	1341
DCS - Office of Licensing Certification Regulation	0	1	1	2
DCS - Other	0	0	1	1
Deaf and Blind, Arizona School for the	0	1	0	1
Deer Valley Unified School District	2	0	3	5
Dental Examiners, Board of	4	2	2	8
DES - Aging & Community Services	240	1	13	254
DES - Benefits and Medical Eligibility	190	55	39	284
DES - Child Support Service	40	10	8	58
DES - Developmental Disabilities	39	10	4	53
DES - Employment and Rehabilitation	158	78	49	285
DES - Other	79	32	11	122
DES- Adult Protective Services	42	8	4	54
Developmental Disabilities Council	0	1	0	1
Dewey-Humboldt	1	2	0	3
DIFI - Financial Institutions Department	25	5	0	30
DIFI - Financial Institutions, Appraisal Division	2	0	0	2
DIFI - Insurance, Department of	46	1	1	48
Douglas	4	1	0	5

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DPS - Department of Public Safety	36	5	6	47
Duncan	1	0	1	2
Eagar	0	0	1	1
Education, Board of	6	3	1	10
Education, Department of	74	30	2	106
Environmental Quality, Department of	17	3	1	21
Equalization, State Board of	1	0	0	1
Fingerprinting, Board of	3	1	0	4
Flagstaff	1	0	0	1
Flagstaff Unified School District	0	0	1	1
Forestry & Fire Mgmt.(formerly Dept. FBLS)	1	0	0	1
Freedom Academy	0	1	0	1
Game and Fish, Department of	9	2	2	13
Gaming, Dept.	3	0	1	4
Gaming, Racing Department	1	0	0	1
Gila County Sheriff's Office	1	0	0	1
Glendale	1	0	0	1
Golden Valley Fire District	1	0	0	1
Golder Ranch Fire District	0	1	0	1
Governor, Office of	8	0	1	9
Health Services, Department of	128	7	5	140
Health Services, Funeral Directors & Embalmers Div	4	2	0	6
Health Services, Vital Records Office	2	2	1	5
High Knoll Ranchers RIMD	1	0	0	1
Higley School District	0	1	0	1
Homeopathic Board of	1	0	0	1
Hospital District 1 of Mohave County	1	2	0	3
Housing Dept. -Manufactured Housing Office	2	0	0	2
Housing, Department of	23	10	1	34
Independent Prison Oversight Commission	0	0	1	1
Industrial Commission	58	1	3	62
Kearny	0	0	1	1
Kingman Regional Medical Center	1	0	0	1
La Paz	1	0	0	1
Land, Department of	7	3	1	11
Legislature	6	1	0	7
Liquor Licenses and Control, Department of	4	0	0	4
Litchfield Park	2	0	0	2
Lottery	0	1	0	1
Maricopa	0	1	4	5
Maricopa Association of Governments	1	0	0	1
Maricopa County Community Colleges	0	0	1	1
Maricopa County Recorder	1	0	0	1
Maricopa County Sheriff	1	0	0	1
Massage Therapy, State Board of	12	6	4	22
Medical Board, Arizona	35	2	4	41
Mesa	3	0	5	8
Mesa Police Department	0	1	0	1
Mine Inspector	0	1	0	1

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Naturopathic Physicians Board of Medical Examiners	1	0	0	1
Northern Arizona Consolidated Fire District #1	1	0	0	1
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	0	1	0	1
Nursing, State Board of	7	3	1	11
Occupational Therapy Examiners, Board of	2	4	0	6
Office of Economic Opportunity	1	0	0	1
Ombudsman	32	13	1	46
Optometry, State Board of	0	0	1	1
Oracle Fire District	1	0	0	1
Osteopathic Examiners in Medicine and Surgery, Board of	2	2	2	6
Other - Arizona in general	410	1	0	411
Other - Federal	120	0	1	121
Other - Government	331	7	11	349
Other - Private	428	5	10	443
Page	0	1	0	1
Parks, Department of	2	0	0	2
Payson	0	0	5	5
Peoria	1	1	0	2
Personnel Board	1	0	0	1
Pharmacy, Board	11	1	1	13
Phoenix	2	4	2	8
Phoenix Police Department	0	1	3	4
Phoenix Union	1	0	0	1
Physical Therapy Examiners, Board of	3	0	0	3
Pima	3	0	0	3
Pima, Town of	0	1	0	1
Pinal	1	1	0	2
Pinal County Attorney's Office	1	0	0	1
Pine Strawberry Water Improvement District	2	0	0	2
Pinetop	0	0	1	1
Prescott	0	0	1	1
Prescott Police Department	0	0	1	1
Prescott Unified School District	0	1	0	1
Prescott Valley	3	0	1	4
PRIVATE Post-Secondary Education Board	2	1	0	3
Psychologist Examiners, State Board of	10	3	3	16
PUBLIC Post-Secondary Education Commission	1	0	0	1
Public Safety Personnel Retirement System	1	2	1	4
Queen Creek	0	2	1	3
Radiation Regulatory Agency	0	0	1	1
Real Estate Dept. - HOAs	18	0	0	18
Real Estate, Department of	10	0	1	11
Regents, Arizona Board of	2	0	0	2
Regional Transportation Authority of Pima County	0	0	1	1
Registrar of Contractors	74	4	6	84
Respiratory Care Examiners, Board of	4	0	1	5

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Retirement System, Arizona State	2	5	1	8
Revenue, Department of	173	83	18	274
Rio Verde Foothills Standpipe District	0	1	0	1
RUCO-Residential Utility Consumer Office	1	0	0	1
Safford	0	1	0	1
Sahuarita	0	1	0	1
Scottsdale	1	0	1	2
Scottsdale Police Department	0	0	1	1
Scottsdale Unified School District	1	0	3	4
Sec. of State -Library, Archive & Records Dept.	1	0	0	1
Secretary of State, Office of	13	1	5	19
Shonto Preparatory Schools	0	3	0	3
Show Low	0	1	0	1
Sierra Vista	0	0	1	1
Snowflake	1	0	0	1
South Tucson	0	1	0	1
Southwest Leadership Academy	2	0	0	2
Springerville	1	0	0	1
Superior Court	2	0	0	2
Surprise	2	0	0	2
Technical Registration, Board of	1	0	0	1
Tempe	0	0	1	1
Thatcher	0	0	1	1
Timberland Acres Water District	0	0	1	1
Tolleson	1	0	0	1
Transportation, Department of	47	7	5	59
Transportation-Motor Vehicle Division	105	15	16	136
Treasurer, Office of	0	1	0	1
Tucson	1	1	0	2
U of A - University of Arizona	3	0	1	4
U of A, Geological Survey	1	0	0	1
unknown	7	0	0	7
unknown city	4	0	0	4
Unknown Conservation District	1	0	0	1
Unknown Domestic Water Improvement District	0	1	0	1
unknown local jurisdiction	1	0	0	1
unknown school district	1	0	1	2
Unknown state agency	286	2	0	288
Veterans Home	1	0	1	2
Veterans Services Advisory Commission, Arizona	1	0	0	1
Veterans' Services, Department of	3	0	0	3
Veterinary Medical Examining Board	1	0	0	1
Water Resources, Department of	2	1	0	3
Welton	0	0	1	1
WIFA - Water Infrastructure Finance Authority	0	1	1	2
Window Rock Unified School District #8	0	0	1	1
Yavapai County	3	1	0	4
Yavapai County Sheriff's Office	0	1	0	1

OPTIMIZING OUR STATE GOVERNMENT

YCIPTA	1	0	0	1
Yuma County	0	0	1	1
TOTAL NUMBER OF CONTACTS	4676	643	706	6025

Agency Count: 211

About the Ombudsman and Staff

Joanne MacDonnell – Ombudsman-Citizens' Aide.

Joanne became the Arizona Ombudsman-Citizens' Aide on July 1, 2022, following confirmation by the Legislature and Governor. She joined the office as Deputy Ombudsman in 2005 after serving nearly eight years at the Arizona Corporation Commission, as the Director of Corporations. Before working in government, Joanne worked in the private sector at an agribusiness corporation and 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 ADOA 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 and Officer and as a Conference Committee and Outreach Committee Member. She is currently USOA's Secretary/Treasurer and was Chairman of the USOA Children and Family Chapter for four years. She was a member of the Association for Conflict Resolution and qualified in the "Practitioner" category. She was a member of the DCS Citizen Review Panel Committee for seven years and was a member of the Supreme Court's Special Committees on Parent Representation and Guardian Ad Litem Standards. She has served on the Arizona Juvenile Court Improvement Committee since 2011. She has served as a judge for the Central Arizona Better Business Bureau (BBB) Business Ethics Award for the past thirteen years.

Lane Organ – Deputy Ombudsman

Lane joined the office as Deputy Ombudsman in July 2022 after serving almost seven years as the Ombudsman for the Arizona Department of Economic Security (DES). Prior to working at DES, Lane worked for Maricopa County and the Governor's Office of Constituent Services. Lane received her Bachelor of Science degree in Political Science, with a minor in Justice Studies and a certificate in Civic Education from Arizona State University. Lane completed the New Ombudsman Training prescribed by the United States Ombudsman Association (USOA) in 2015, is trained and utilizes the DCS Guardian data system, and is certified as an Investigator / Inspector by the Council on Licensure, Enforcement and Regulation (CLEAR). She is also certified in Mental Health First Aid and as a Certified Trauma Support Specialist (CTSS).

Danee Garone – Staff Attorney.

Danee is a staff attorney for the Ombudsman's Office and specializes in open meetings and public records law matters. He frequently teaches public access courses. He is the author of the Ombudsman Office Quarterly Public Access Newsletter – *The Public Record*. He joined the Ombudsman's office in 2014. Before 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. Danee has a Juris Doctor degree from the Sandra Day O'Connor School of Law at Arizona State University (ASU) and is a licensed attorney. Additionally, he graduated from ASU summa cum laude with a Bachelor of Arts degree in journalism and a Bachelor of Arts degree in political science.

Shante Harvey – Legal Analyst

Shante Harvey joined the Ombudsman team in May 2022 as a Legal Analyst. Before joining the office, Shante began her legal career in Nevada as a civil litigation attorney in the private insurance sector. Shante has a Juris Doctor, with a concentration in Health Law, from William S. Boyd School of Law at the University of Nevada – Las Vegas. Additionally, she graduated from Florida State University with a Master of Science in Clinical Mental Health Counseling and a Bachelor of Science in Psychology. Shante completed the New Ombudsman Training offered by the United States Ombudsman Association (USOA) and the National Certified Investigator and Inspector Training (NCIT) offered by the Council on Licensure, Enforcement and Regulation (CLEAR). She has trained and uses the DCS database “GUARDIAN.”

Frank Rutledge – Senior Investigator Ombudsman.

Frank joined the Ombudsman team in June 2016 after working for almost nine years with the Arizona Department of Economic Security (DES). During his time at DES, Frank worked in the Rehabilitation Services Administration, the DES Office of Procurement, and most recently with the Division of Developmental Disabilities. Frank brings a wealth of knowledge including contracting, procurement, and DES services to the team. Frank has completed the New Ombudsman Training prescribed by the United States Ombudsman Association (USOA) and is certified as an Investigator/Inspector by the Council on Licensure, Enforcement, and Regulation, and certified in Arizona State Public Procurement. He has trained, been certified, and uses the DCS database “GUARDIAN.” Frank has resided in Arizona for over 37 years and is a graduate of Northern Arizona University’s School of Communication, with an emphasis in Journalism.

Jennifer Olonan – Assistant Ombudsman.

Jennifer began working for the Ombudsman’s Office in 2014. She previously worked in the medical field as a team leader and manager, where she obtained extensive clinical experience. She has received a Bachelor of Science degree in Health Science (Healthcare Policy) from Arizona State University. She has a Master of Public Administration with an emphasis in Government and Policy from Grand Canyon University. Jennifer is trained in and utilizes the DCS Guardian data system. Jennifer is proficient in American Sign Language. Jennifer completed the New Ombudsman training by the United States Ombudsman Association (USOA). She has also completed the Council on Licensure, Enforcement & Regulation (CLEAR) training.

John Wicus – Senior Investigator Ombudsman.

John joined the Ombudsman's Office as an intern in January of 2018 while completing his Master's in Politics at Arizona State University (ASU). He previously worked as a Teacher's Assistant at ASU and taught the courses Political Ideology, Problems of Democracy, and Contemporary Political Theory. He received a Bachelor of Science in Politics (Global Studies) and a minor in European History from ASU. John attended ASU and then went to work for the State Ombudsman-Citizens' Aide Office after graduation. John completed the New Ombudsman Training offered by the United States Ombudsman Association (USOA) and the National Certified Investigator and Inspector Training (NCIT) offered by the Council on Licensure, Enforcement and Regulation (CLEAR). He is proficient in American Sign Language. He has trained, been certified, and uses the DCS database "GUARDIAN."

Yvonne Rothblum – Assistant Intake Ombudsman.

Yvonne joined the Ombudsman team in November 2016. Previously, she worked at the Arizona Commerce Authority (formerly known as the Arizona Department of Commerce) and the Arizona Department of Revenue. She has a Bachelor's Degree in Communication with a minor in Spanish from Arizona State University. Yvonne completed the New Ombudsman training prescribed by the United States Ombudsman Association (USOA) and has taken the Council on Licensure, Enforcement & Regulation (CLEAR) training.

Alicia Nugent – Assistant Ombudsman.

Alicia began working at the Ombudsman's Office in January 2020 as an intern. In May 2020, she was promoted to Assistant Intake Ombudsman and then to an Assistant Ombudsman position. Alicia earned a Bachelor of Arts in Philosophy from Arizona State University (ASU) in 2020. She is in a master's program at ASU in Legal Studies. Alicia completed the New Ombudsman Training through the United States Ombudsman Association (USOA). Alicia is trained and utilizes the DCS Guardian data system.

Brandon Rosas – Assistant Intake Ombudsman

Brandon Rosas joined the Ombudsman's Office in January 2021. Brandon studied at Arizona State University (ASU) and received a bachelor's in Criminology and Criminal Justice with a certificate in Law and Human Behavior. He started as an intern with the ASU Legislative Internship Program and was promoted to an Assistant Intake Ombudsman position. Brandon completed the New Ombudsman Training through the United States Ombudsman Association (USOA). Brandon is a Spanish speaker.

Connor Mueller – Assistant Intake Ombudsman

Connor Mueller joined the Ombudsman team in January of 2022. Connor studied at Arizona State University (ASU) and received a bachelor's in Political Science. He joined our office as an intern with the ASU Legislative Internship Program and was promoted to an Assistant Intake Ombudsman position. Connor completed the New Ombudsman Training through the United States Ombudsman Association (USOA).

Cynthia Patchen - Investigator Ombudsman and Education Specialist

Cynthia joined the office in October 2022 after serving almost seven years with the Arizona State Legislature running the southern Arizona legislative office. Before working at the Legislature, she worked in both the private and public sectors. She has two bachelor's degrees, and a master's degree, and is certified as an Investigator/Inspector by the Council on Licensure, Enforcement and Regulation (CLEAR).