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# ANNUAL REPORT

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Submitted by Arizona Ombudsman-Citizens' Aide, Dennis Wells  
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# OPTIMIZING OUR STATE GOVERNMENT

## OUR MISSION

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

## OUR ROLE

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

The office is given its authority by Arizona Revised Statutes §§41-1371 through 41-1383 and operates under Arizona Administrative Code Title 2 Chapter 16.

## Aiding Citizens

### HOW WE HELP

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

We group responses into three categories:

### COACHING

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

### ASSISTANCE

Sometimes coaching is not enough and residents need our office to communicate with government agencies directly. Most complaints are the result of a miscommunication or a simple mistake. In these circumstances, we contact the appropriate agency on the citizen's behalf, facilitate communication between

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the parties, or coordinate an action between agencies. Our investigators are working on a continual basis to foster relationships with agency personnel in every state agency to enable efficient resolution of complaints prior to escalation.

## INVESTIGATION

Some complaints are more serious and do not lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. We work with the impacted individuals and agency personnel to ensure that the agency is complying with the law and offering optimal public service. Although we have no authority to compel an agency to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring them to their attention. If the allegations are unsubstantiated and the agency performed correctly, we stand up for the agency and explain our findings to complainants. If necessary, we write investigative reports of our findings and recommendations. When final, we send the report to the agency investigated, the legislature, the governor, and the complainant(s).

## OUTREACH

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

- We have made the Ombudsman website (<http://www.azoca.gov/>) more robust in the past few years. We have expanded our public resource list, posted electronic copies of our public record and open meeting booklets, deployed a "How to file a complaint" tutorial, expanded our FAQs, created an electronic complaint form, and taken other measures to expand our services to the public.
- State of Arizona website – the Ombudsman-Citizens' Aide Office has been placed as a tab on the AZ.GOV website.
- Distributed our brochures at our office, at meetings and speeches, at public access trainings, and with various groups who distribute our brochure for us to their clients (i.e., Maricopa County Bar Association).
- We have published comprehensive guide booklets regarding public record and open meeting law. We distribute public access materials to elected officials and the public throughout the state. Additionally, we provided copies of our public records law booklets to attorneys at a State Bar continuing legal education class on public records law.

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- Media Interactions – We provided guidance to journalists in and out of the state who had questions about the public records and open meeting law. Additionally, various news publications quoted our office about the public records and open meeting law on several occasions.
- Quarterly public access newsletter – public access attorney Danee Garone writes a quarterly newsletter that we post to our website and electronically distribute to interested parties. Arizona State Library, Archives and Public Records distributes it on our behalf to its extensive listserv.
- Public access trainings 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 regarding public record and open meeting law. In 2017, we conducted twenty-five training sessions to a variety of state and local government officials and public bodies and other organizations in Phoenix, Safford, Show Low, Tucson, Peoria, Tempe, Kingman, Sierra Vista, Marana, and Cottonwood. Additionally, we conducted several trainings for non-traditional governmental and quasi-governmental entities, like the Arizona Prosecuting Attorneys' Advisory Council, the State Bar Association, and the Arizona Municipal Clerks Association.
- We have begun providing on our website, a high-quality recording of a recent open meeting law training we conducted to interested elected officials, non-elected public officials, public employees, advocacy groups, and members of the public.
- Ombudsman Dennis Wells met with many legislators to discuss our office operations.
- We work with DCS to identify and resolve acute and systemic problems in the child safety agency. DCS is required to note OCA on its website, in its Notice of Duty to Inform, in its Temporary Custody Notice, and notes OCA in its parent handbook.
- OCA staff as speaker or participant
  - Forums with legislative assistants – orientation meetings, one-on-one
  - Forums with legislators – orientation meetings, one-on-one
  - Various speaking engagements – State Archives trainings, civic groups, various state agencies.
  - DCS Citizen Review Panel – Deputy Joanne MacDonnell served as member until DCS Director McKay disbanded the panel.

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- Host training programs for DES and DCS ombudsmen.
- Better Business Bureau – Deputy Joanne MacDonnell serves as an ethics judge for the annual BBB Torch Award Ethics program.
- Court panels - Arizona Court Improvement Panel, Parent Representation Standards committee – Deputy Joanne MacDonnell serves on these committees.
- Outreach, speeches, open house events via Grand Canyon University, ASU (Main, Downtown & West campuses) work with professors and interns.
- United States Ombudsman Association (USOA) – extensive involvement.
  - Network – take referrals from other jurisdictions in USA. Send representation to conference.
  - Participate in training – new ombudsman training, continuing education, and our staff often teaches seminars.
  - Deputy Joanne MacDonnell served as 2016 - 2017 Chair the Family and Children Chapter of USOA. She produced two annual child safety seminars, issued periodic news postings to child safety ombudsmen around the country, and conducted a child safety survey of national members of the USOA Family and Children Chapter and posted results.
- We met with officials from the United States Small Business Administration, including the Director and Deputy Director of the Arizona District about what resources and services our office might provide for the agency’s clients.
- We co-host the Arizona Ombudsman Group with the SRP Ombudsman Office. The group is comprised of government, education, and private ombudsmen in AZ. We participate in meetings, host seminars, and network with ombudsmen offices that have different constituencies. We refer citizens to one another as jurisdictions dictate.
- We assist other ombudsman offices around the country. Established ombudsman offices will often ask our methodology for handling situations or ask to see our laws for comparison purposes. States, counties, and cities forming new ombudsman offices will often ask us to mentor them as they get started, or they request our opinion on various topics. Examples of jurisdictions we assisted: Maine Child Safety Ombudsman Office, Oregon Public Record Ombudsman, Iowa Ombudsman Office, Colorado Child Protection Ombudsman, the African Ombudsman Research Center, Portland City Ombudsman,

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Alaska Ombudsman, Michigan Child Safety Ombudsman Office, Spokane Police Ombudsman, and Montana Department of Justice Child and Family Ombudsman.

- We work with the Attorney General's office as it refers many matters to our office when it cannot take a case. Example: Consumer Division, open meeting and public access guidance, general complaint assistance.
- The Self-Help Desk/Law Library Resource Center at the Maricopa County Courts – We provide it with information about our office so it may distribute to the public.
- We post our public access training on YouTube.
- Information about our office is on the DCS website as a resource for the public.
- Information about our office is on many state websites where agencies perform investigations - pursuant to A.R.S. §§ 41-1001.01 and 41-1009.
- We work with the Arizona Library and Archives at Secretary of State's office regarding public records and archives. We collaborate with Library and Archives to present discussions on public records retention discussion at conferences.
- We distribute our Point of Contact Google doc to various government agencies. This resource is useful to the agencies.

## CUSTOMER SATISFACTION

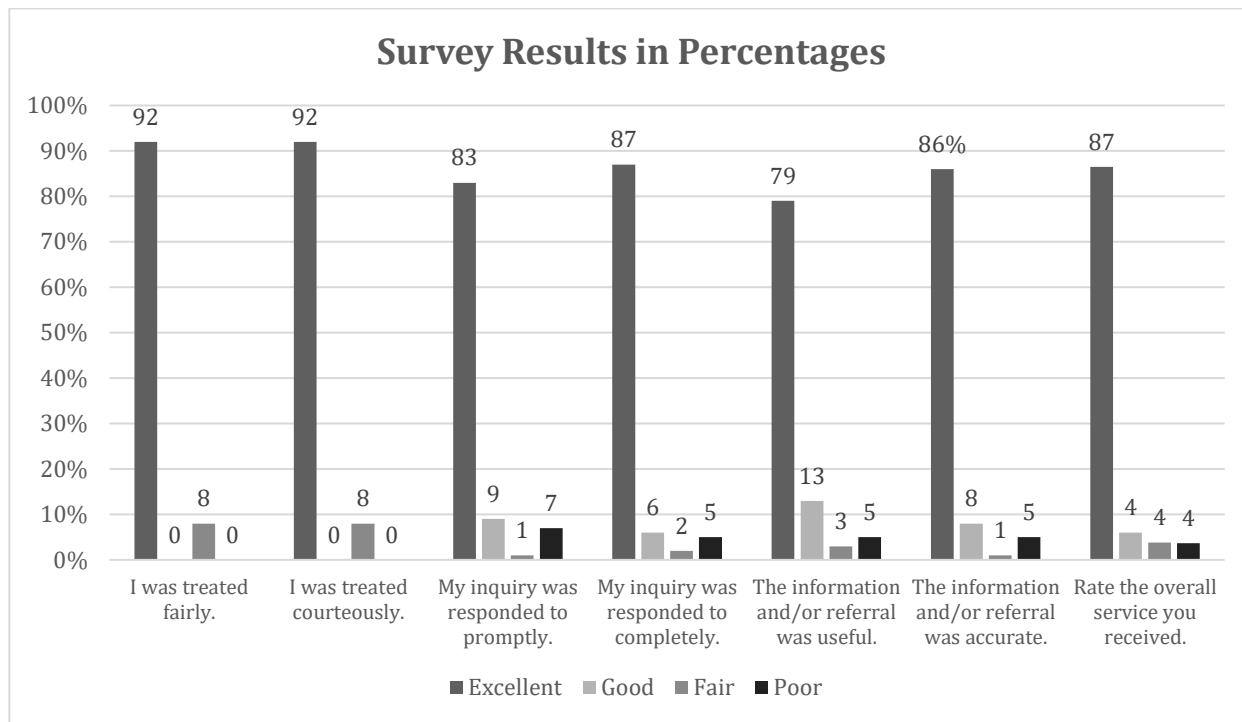
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing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

These standards are:

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

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The following chart and comments summarize the results of the survey for 2017.



## WE WELCOME FEEDBACK

The following comments are from citizens who used our services between January 1 and December 31, 2017:

“I am writing this because, in a broken system where money reigns, it was this office alone who took the time and provided hope that perhaps there are still honest divisions that are not corrupted and are dedicated to help people without regard to financial status. I am beyond thankful for it being in existence and feel other departments would benefit from taking note of the dedication and integrity serving justice that I have witnessed.”

“It was nice to be a state agency requesting information and to be treated as well as a citizen constituent. Thank you for the great service.”

“After 3 years of being ignored by DCS case managers, the ombudsman came through and fixed issues within 8 days.”

“Thank you for quick response to my question.”

“What a pleasure to deal with an Arizona agency that actually responds promptly to a consumer enquiry.”



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"Danee handled my case promptly and with fantastic communication. I truly appreciate his efforts, which led to a successful resolution of my matter with a large local school district."

"If not for Jennifer, I doubt I would have my grandson now. Excellent and extremely efficient employee."

"Good job, Keith - Thank you."

"Frank provided excellent service."

"I spoke to Joanne and she was great. She listened to everything I had to say and answered all of my questions. I've never had that kind of treatment dealing with anything doing with the government."

"Philip was very responsive to my issue and it was successfully resolved. He also followed up to ensure the issue was resolved. He acted very promptly and took steps to make sure I was helped and satisfied."

"I continue to be very grateful that this office exists and is responsive to citizens and their concerns and questions. I try not to abuse it."

"Yvonne is an angel!!!! Keep up the good work our public need more people like her."

"Thank you, Aimee, for helping us through this we finally got responses after we notified you thank you so much and God bless you."

"Very helpful with finally getting a response and documents from police. Thank you"

"So grateful for the help!"

"Very helpful. Thank God, we finally had an avenue to go through after all the hardship with DCS."

"I am very pleased with the service extended by this office."

"Danee was very courteous. We have had an ongoing problem with local municipal government (town of Prescott Valley); my neighbors and I have been given helpful direction and explanations regarding AZ statutes."

"As a member of the public I appreciate the quick actions taken, and the prompt, polite communications I received from your office."

"In this day and age, we are often frustrated by the substandard level of service received from various agencies, whereas in this case, it was so refreshing to have experienced quite the opposite."

"Thank you for your service to our great state!"

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"My thanks go to the members of the Arizona Ombudsman Office and in particular the person who handled my enquiry."

"Danee exceeded expectations by providing a number of useful resources in response to my request."

"I'm glad to know that there is someone out there that is willing to help and aid a person that runs into a wall when dealing with complicated issues."

"I would like to especially thank Jennifer for taking the time to go over my case and seeing it through. Although it's not over yet, I can finally see the light at the end of the tunnel. I really hope that this case helps make it easier for others in similar situations."

"I received an answer within minutes of emailing."

"I was provided a clear description of the statute related to executive session minutes and gained a much better understanding of the rules as they relate to this very comprehensive law."

"I just want you (Joanne) to know I sincerely appreciate you taking the time to respond to me and for all the helpful information you forwarded to me. This is the most help I have received from anyone in the last 2 years. Thank you!"

"Thank you so much for this extremely valuable service."

Danee followed through and really helped my son resolve his transcript issue he was having from his old High School to the new High School. Top-notch excellent help!

"Staff are professional, efficient, informed and very willing to help. Thank you for your expertise and prompt attention to the citizens of Arizona."

"Fast response with good information."

"Jennifer was fantastic. She was very responsive and took the time to understand our case and offer advice as applicable." She also went above and beyond to check in on the progress of the case. Our case is on the right track now and we are so thankful!"

"This was the first time I had ever used this service and I must say I was very impressed. My question was answered within hours of my email being sent. They were thorough, knowledgeable and very friendly."

"Danee provided excellent training on the Open Meeting Law and Public Records Law. He was knowledgeable and a terrific speaker."

"Aimee rocked!"

"Frank was excellent. He was very helpful and saved me a lot of time and anguish."

"This lady is an asset to your organization. I was well educated and informed."

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"Danee did a great job at the Tucson event. His presentation was very helpful and the audience was very engaged."

"Thank you for your quick follow-up."

"Keith was able to solve a problem and get the answer in minutes compared to the weeks of runaround and waste of time I encountered with the ASRS. I appreciate his help."

"Thank you very much people. This is a great and exceptional service for seeking inquiries and consultation."

"Very caring workers."

"Open, helpful, helpful - - -more than I imagined. When I contacted the service there was an automatic response with the exact information I requested. And I have a now wider view of what to do thanks a lot!!!!!!"

"I was truly happy with my interaction with your office."

"I was expecting to be dropped off to a Voicemail where I would be required to leave a message and then someone would return my call. Thank you for having people in your office that are courteous and follow through with what they tell you they are going to do."

"My first contact with Ombudsman. I was very pleased with the help I received."

"Thank you for assisting with a more than two month battle for public records."

"Your office explained the law in layman's terms, thank you. Thank you."

"Thank you so much for having two great team members that have great customer service."

"Jen was wonderful she responded within 24 hours of my submission for request for assistance. She kept me informed and advised me of options I had and the outcome was great."

"This is one of the most helpful efforts (for ordinary citizens) in state government."

"Danee has been amazing in helping to answer all of my questions and inquiries."

"Excellent service! Thank you!"

"I didn't know who to turn to so I was more than pleased to find an Ombudsman for Arizona! Thank you!"

"The representative was knowledgeable and extremely capable."

"Thank you Joanne!"

"I had been completely stonewalled for months BEFORE I contacted the Ombudsman's office. My only regret is that I didn't find out about your office earlier."

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## Compelling Cases

The following case summaries are examples taken from the 5,255 cases we handled in 2016.

### GENERAL COMPLAINTS ABOUT STATE AGENCIES

**Example where our intervention resulted in a correction of a financial error that had adversely affected a small business:**

#### **1703328 DES - Other**

A previous complainant business owner said that DES had again not paid his company for an excessive amount of time. We told him we would contact DES and ask them to address the situation so it does not keep happening.

We contacted DES and reviewed the matter. DES acknowledged they erred and the errors caused payment delays. They said they would fix the current problem and have managers determine why the problem keeps occurring.

We thanked them and asked them to keep us apprised. We monitored the situation for 10 months and found the businessperson had no further problem with late payments.

**Example where our involvement helped to resolve a case that no one else was able to resolve internally.**

#### **1704810 DES - Benefits and Medical Eligibility**

A DES worker refused to speak with an authorized representative for a DES FAA case. The complainant said her uncle has various medical ailments that make him too sick to fend for himself. She also said that DES had incorrectly noted some key items regarding her uncle's case in the DES system. The complainant said her uncle's birth date was suddenly showing an incorrect date and her power of attorney designation paperwork was now missing from the DES file. The complainant said this caused the DES staff to balk at interacting with her on behalf of her uncle.

#### Our Three Focus Areas

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

1. General complaints about state agencies;
2. Child Protective Services (CPS) cases and
3. Public access cases.

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

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We reviewed the documentation for the case and discussed it with DES. DES confirmed that there was an error on the part of a DES/FAA worker. The DES ombudsman office emailed the signed Authorized Representative form to their FAA Advocate Unit on September 13th; however, the person they sent it to did not upload it into the client's file. DES ombudsman staff corrected the problem and made sure the client's file included the form. They spoke to the manager and then reminded the entire unit to upload such forms into clients' files.

The FAA Advocate Unit Supervisor reviewed the client's file, and the birth date was correct. They determined that the customer service representative likely typed in the information incorrectly at the time of the call. The agency said it may have also been some type of system error too, but they have not seen other instances of the problem.

## **Example where our intervention helped to resolve a grievance against a state agency:**

### **1703061 Arizona Registrar of Contractors**

A Phoenix-area homeowner contacted our office wanting to complain about the Arizona Registrar of Contractors (ROC). A homeowner was trying to rid his residence of black mold, so he hired a local contractor to perform remediation treatment. The homeowner claimed that the contractor cut corners, did not perform the work he had hired them to do, and abandoned the job. The homeowner claimed that the contractor was not returning the homeowner's phone calls. The homeowner filed a complaint with the ROC against the contractor. The ROC conducted an investigation, but the homeowner was not happy with the ROC's decision regarding his case. The homeowner also claimed that the ROC Investigator assigned to his case was unqualified to evaluate black mold and improperly handled his case.

Our office reviewed the homeowner's documentation. The ROC's Directive Order sided with the homeowner. It ordered the contractor to finish the job per contract and work orders. Our office was confused as to why the homeowner was upset with the ROC when the ROC had apparently taken his side in the dispute. We requested the homeowner clarify his complaint, detailing the reason he was upset with the ROC.

Our office did not hear from the homeowner again until weeks later when he contacted our office again to say the ROC was closing his case. The homeowner claimed the letter stated all unfinished work listed in the ROC's previously sent Directive Order had been completed by the contractor. The homeowner was furious because the contractor had never returned to his home, so he could not have possibly completed the work.

We requested that the ROC provide our office with all relevant documentation about the case.

We reviewed the ROC's and the homeowner's documentation and found the homeowner and

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the contractor never executed a formal contract. Thus, there were no written requirements of the contractor. Without written requirements, the ROC could not determine what work remained incomplete and the ROC was unable to enforce compliance. We found the ROC had correctly issued the contractor a warning for a violation of A.R.S. § 32-1158(A), for failing to include the Minimum Elements of a Contract when entering into an agreement with the homeowner.

Next, our office questioned the actions of the ROC Investigator during the initial inspection. At the time of the initial inspection, the homeowner refused to accompany the ROC Investigator into the home to identify his allegations. Therefore, the specifics of the homeowner's allegations were unknown to the ROC Investigator. However, the ROC Investigator went inside the home and took photos, even though he was unable to identify the homeowner's specific allegations. Although the ROC Investigator seemed to have concluded that work remained unfinished inside the residence, without specific details, the ROC Investigator did not know what to require the contractor to complete. Despite not having specific problems to cite, the ROC Investigator wrote vague language when developing the ROC Directive Order to the contractor. This vague language failed to provide any actual specifics to the contractor, other than "Finish the job per contract, and per all work orders." We found the ROC should not have issued the Directive Order without the ROC Investigator reviewing the existing contract and comparing such contract with the homeowner's allegations of unfinished work. The ROC acknowledged that the ROC Investigator erred, and said their office should not have issued the ROC Directive Order.

Next, our office questioned the actions of the ROC investigator when he issued the Closing Letter to the homeowner advising, "The investigator determined that all items listed in the ROC Directive Order had been completed by the contractor." The homeowner was adamant that the contractor never returned to the residence, so no work was completed. Based on this claim, our office requested that the ROC identify what and why the work "failed to meet minimum workmanship standards" as stated in the ROC Directive Order. In addition, our office requested that the ROC explain what remedy was performed by the contractor in response to each item identified, and thus what convinced the ROC Investigator that the ROC Directive Order to the contractor had been satisfied. The ROC was unable to produce any of this information because of the previously mentioned errors of the ROC Investigator, and the fact that the contractor never returned to the homeowner's residence. It is unknown why the ROC Investigator chose to issue this Closing Letter. This was the third error made by the ROC Investigator.

Next, our office reviewed other language contained in the original ROC Directive Order letter itself. The language required the contractor to submit, "Satisfactory written proof of compliance." Since the ROC was requiring written proof submitted by the contractor, our office requested the ROC provide us with a copy of the contractor's written proof. The ROC

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responded that the ROC did not enforce this “written proof” requirement in these situations, and was instead accepting verbal acknowledgment from the contractor. The ROC said moving forward they had changed the language on all ROC Directive Orders, to require contractors to “notify” the ROC.

In sum, our office determined that the ROC made errors during their handling of this complaint. The ROC acknowledged these errors and undertook corrective measures to avoid similar errors in the future. Our office also recommended that the ROC stress the importance of written contracts to contractors and homeowners. Our office suggested the ROC investigator receive additional training to avoid these errors in the future.

Although the ROC acknowledged the errors, the homeowner’s complaint against the contractor could not proceed because the homeowner had failed to obtain a written contract to specify particulars of the agreement.

## **1704667                      Department of Insurance**

A homeowner with a broken air conditioning unit in her home contacted our office. The woman filed an insurance claim for the unit's replacement to her insurance company. The insurance company denied her claim, stating that the old unit failed for a cause not covered under her policy. The woman disagreed with the insurance company's finding, so she hired a local air conditioning company to evaluate the broken unit and provide their findings of why the unit failed. The air conditioning company's evaluation of the broken unit contradicted what her insurance company had claimed. In addition, their findings determined the unit failed due to a covered insurance reason. The woman presented the findings of the local air conditioning company to her insurance company, but they still refused to reverse the denial of her claim. Upset, the woman contacted the Arizona Department of Insurance (ADOI) and filed a complaint against her insurance company.

Acting on the complaint, the ADOI contacted the woman's insurance company and requested they provide a written explanation of their investigation into the woman's claim. Upon review of the documentation provided by the insurance company, the ADOI determined that the insurance company acted properly and did not violate any laws. The ADOI notified the woman of their findings.

Upset, the woman disputed the ADOI's determination and contacted our office to file a grievance against the ADOI. The woman sent our office copies of all letters she had received from both her insurance company and the ADOI.

Upon reviewing the facts and examining the applicable Arizona Revised Statutes, Arizona Administrative Codes, and the Arizona Constitution, our office determined that the ADOI acted

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properly in processing the woman's complaint. Our office informed the woman that the ADOI acted properly. Our office also explained the role and responsibility of the ADOI to the woman, and that the ADOI did not have the authority to overturn the insurance company's decision.

We advised the woman that if she still wished to pursue the matter further and have an independent party interpret her policy, she could consult with an attorney to explore legal options.

## **Example where we resolved a case involving more than one agency or more than one level of government:**

### **1702526                      Department of Administration**

The AZ Peace Officer Safety and Training Board (AZPOST) had submitted three requests over three months to have their directory updated, but the Arizona Department of Administration (ADOA) had not responded. They asked us for assistance in getting their web information updated.

We contacted the ADOA webmaster and she said they could not find the requests, but would get the changes done. They also said they would get with their IT to figure out why the requests were not routed to them.

We asked the ADOA webmaster to contact AZPOST for the latest agency information and to find where they routed the work requests. We checked back and verified that ADOA made the changes to the website.

## **Example where our intervention led to a change in an agency's practice and corrected a systemic problem:**

### **1704144                      Department of Transportation-Motor Vehicle Division**

A motorist complained MVD did not properly administer a medical advisory clearance assigned to her license. She admitted to driving under an expired medical evaluation, experienced a medical incident and had an accident. She said MVD had failed to notify her of a required medical exam with the Medical Advisory Board and that it was just lucky no one was injured because of the incident. She had since voluntarily canceled her own driver license.

We ask MVD to review the situation. MVD informed us the medical advisory program had been out of compliance for about a year and a half, including during the motorist's accident period. MVD said they recently brought the medical advisory program up to date under the agency's



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process improvements program. MVD said they were now in compliance.

We let the motorist know about the administrative process undertaken by MVD.

## **1703760 Department of Health Services**

A citizen complained the Department of Health Services (DHS), Vital Records, responded to her request for the death certificate of her brother by sending information to a stranger. She said she received the paperwork from the stranger whom she said was honest enough to send everything to her. She was upset because Vital Records shared a lot of her personal information inappropriately, including her driver license information. She worried that the mailing error could have turned into an identity theft situation.

We asked DHS to review the situation. DHS informed us they were responsible for the mailing error. DHS said they examined their quality assurance process and they discussed the matter with the individual responsible for the quality check. The agency agreed it was important to ensure they sent mail to the correct recipient. DHS also said they already attempted to contact the citizen and left a voice message and would make contact to apologize for the error.

We contacted the citizen to let her know DHS was taking steps to address her issue and to keep it from happening again. We told her that DHS would also contact her to apologize for the error.

## **Example where our intervention stopped an unfair financial burden on a citizen:**

### **1703950 Other – Private, DES Long-Term Care Ombudsman, Department of Health Services**

A family member's mother was in a care facility after a hospital surgery. The family brought the mother's dentures to her care facility room so she would have her teeth available. After a room move, the dentures were missing. The care facility told the family they would pay for the missing dentures. However, upon dismissal, the facility later reneged and said they were not responsible.

We asked the DES Long-Term-Care Ombudsman for direction. The DES Long-Term-Care Ombudsman cited the Code of Federal Regulations "the Code," which required the care facility to have a policy identifying those circumstances when the loss or damage of dentures was the facility's responsibility.

We let the family member know about the Code, suggested he inform the care facility, and asked them to provide an explanation or replace the missing dentures. We suggested that if the care facility fails to respond appropriately, he should contact the licensing agency for the

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care facility, the Department of Health Services, and file a complaint. We let the family member know to contact us again for any further needed assistance.

## OMBUDSMAN INTERVENTION IN DCS CASES

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

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

**Department of Child Safety cases were over 42.55% of our total caseload.**

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

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

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

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The following chart shows who and where some of our DCS calls come from as well as what some of the complainants' concerns were.

<b>DCS Complainant Information Chart – January 1 – December 31, 2017</b>	
<b>DCS Complaint Source Relationship</b>	
Parent	1192
Kin	415
Service Provider	12
Child	13
Foster	134
Attorney	4
Agency Worker	13
Other	64
<b>DCYF Region</b>	
Central	246
Southwestern	86
Southeastern	12
Northern	30
Pima	51
<b>Type of Complaint</b>	
Removal Issues	213
Service Issues	140
Visitation Issues	188
Communication Issues	441
Record Issues	127
Placement Problems	291
Investigation Issues	302
Inadequate efforts towards case plan goal	54
False Allegations	100
DCS Process Questions	317
Other	228

# OPTIMIZING OUR STATE GOVERNMENT

## DCS CASE EXAMPLES

**Example where our intervention identified a problem in the agency interpretation of a statute, rule, or policy as demonstrated by:**

### **1700479                    DCS – Department of Child Safety**

A maternal Aunt alleged the Arizona Department of Child Safety (DCS) verbally refused to consider her for kinship placement of her nephew. We discussed the case with DCS and asked them to clarify whether or not the agency gave the aunt proper consideration as set out in statute.

DCS responded to our inquiry and admitted they had not properly considered the aunt for placement. DCS said that although they had proper reason for not changing the child's placement because he was already in another kinship placement, the agency had not properly denied the aunt with a letter of explanation as required by law. We asked DCS to follow the statute and issue the denial letter required by law. Subsequently, DCS informed our office they had created a formal denial letter and sent it to the maternal aunt.

### **1704548                    DCS – Department of Child Safety**

An Aunt contacted our office after the Department of Child Safety (DCS) had denied her request to visit her niece during an upcoming visit to Arizona. The Aunt was unsure why DCS was refusing to let her visit with the child as DCS had previously allowed such visits and it would be good for the child to see family. We contacted the Department of Child Safety (DCS) and reviewed the matter with the agency. We reminded them that children in care may visit with family who do not put the child at risk. ARS §8-513(C) says, "A child placed in foster care has the right to maintain contact with friends and relatives unless the court has determined that contact is not in the child's best interests as determined pursuant to a court hearing."

Subsequently, DCS informed the aunt that they changed their decision and would allow the visit. Though the immediate matter had been resolved, we requested DCS management look further into the matter to ensure that DCS staff members were not arbitrarily refusing visits with family and acting contrary to law.

### **1704237                    DCS – Department of Child Safety**

A foster parent complained DCS would not respond to her about placing a child with them even though DCS had previously placed the child in their home. She asserted it was in the best interest of the child to be placed with them since they already had a relationship with the child. She said "Jacob's law" required DCS workers to first contact any previous foster care providers when the child came back into DCS custody before placing with any other family. She said DCS had not adhered to Jacobs Law in this instance.

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We reviewed Jacobs Law [A.R.S. §8-530.01] and found DCS was required by the statute to notify all foster homes in which the child previously resided upon the child again being removed from his home.

We found DCS violated the law. We asked DCS to address the foster parent's concern and to provide a denial letter if the agency had a lawful reason to not return the child to the original foster parent.

DCS informed us they contacted the foster parent and would send a denial letter with an appeal. DCS also said they understood the error and, moving forward, would have all Placement Coordinators in the state be required to document their efforts for contacting previous placements in order to comply with Jacob's Law. They would have them enter case notes in CHILDS under "Locate Efforts." They also said the case note would include the full name of the person contacted, phone number and the result of the call. DCS said they would document if a previous foster family was interested in accepting placements and notify the case manager so the manager could promptly make a determination as to the appropriateness of the placement.

## **1702250                      DCS - Department of Child Safety**

A foster parent was upset that the DCS caseworker said he was going to remove a child from her without following the laws about changing foster placements. The foster mom said that the caseworker is not supposed to issue an ultimatum about removing a child, but he is supposed to schedule a meeting to have the child's case team consider a move. The case participants and attorneys can then review any problems and make a group decision about whether or not a move is in the child's best interests or otherwise called for. There are exceptions to such case conferences as they are not required under certain circumstances. The foster said none of those exceptional circumstances was relevant to this case.

We identified A.R.S. §8-515.05 as the statute most relevant to the case. We identified 10 issues and reviewed them with DCS.

DCS reviewed the case and decided they had not handled it properly, but disagreed with us regarding expectations of caseworkers interpreting the law. They went over each of the ten points with the foster mom and with our office. They agreed DCS should not move the child. They agreed the caseworker did not communicate well and that he did not follow the statute A.R.S. §8-515.05. They found the same for the supervisor. They agreed that DCS management needed to emphasize to caseworkers how to avoid Adverse Childhood Experiences. They had not had other complaints about the caseworker as claimed by the foster but said they would work on the other problems.

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We largely agreed with DCS's conclusions. However, we disagreed with the DCS ombudsman about DCS staff understanding and application of child safety laws. Our office believes DCS employees are responsible for understanding and applying the law as it pertains to DCS and child safety. The DCS ombudsman claimed that was unreasonable. Specifically, the DCS ombudsman said, "Our staff are not equipped to interpret statute or law, policy interprets this law for them and they are to follow policy." "I believe that it is unreasonable for the expectation that staff should have knowledge of the law and know how to interpret that law in the everyday work that they do." We disagree with the DCS ombudsman and think that every DCS staff person should be familiar with the child safety laws along with DCS policy.

DCS informed the foster parent and us and agreed to our other recommendations to prevent the identified problems in the future.

## **Example where our intervention settled a problem that was causing a negative ripple effect in a child permanency case.**

### **1704178                      DCS - Department of Child Safety**

An adoptive dad said that various service providers and people from the Dept. of Health Services (DHS) told him to come to us because they did not think that the DCS caseworkers were handling his case well -- they were slowing the adoption and not delivering critical paperwork to him. The foster dad noted the court had legally severed the child from her parents already. The adoptive foster and his spouse claimed that the delay in getting the birth certificate is problematic for many reasons. For example, they said it meant this little girl's adoption cannot proceed, and it has hindered the caregivers from applying for the child's long-term care services she needs.

We reviewed the case information and then communicated with the DCS Ombudsman office. We told DCS that the family had claimed that the caseworker and supervisor had failed to produce a birth certificate for the foster child despite the foster parent's numerous requests over the course of the past 12 months. We also told them of the observations by the third parties. We asked DCS to address the concerns and get the documentation to the family.

The DCS Ombudsman Office confirmed that the lack of birth certificates had delayed applying for ALTCS. They had the specialist reach out to DDD to verify that the agency had recorded the child's birth so the agency could submit the application for ALTCS. They noted that DCS has worked with DHS to improve the process for requesting and receiving Vital Records. They said there is a specific and structured process in place for DCS to request birth certificates, but DCS has no control over the speed in which DHS processes and completes these processes.

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DCS staff obtained the birth certificate shortly thereafter and took it over to the adoptive home. The adoptive dad thanked us and said, "Things got rolling once they spoke to (us)."

## **Example where our intervention resulted in better service for the public:**

### **1701901                      DCS - Department of Child Safety**

A mother stated her daughter went into DCS (Department of Child Safety) care because of her own daughter's actions. The mother stated her daughter went into independent living through with the assistance of DCS by her own choice and that the DCS was not substantiating against her. The mother stated she never received any communication from DCS about them substantiating her case until her employer checked her background. She said she was then informed that they identified she was substantiated against.

The DCS informed us that the court substantiated against the mother, and it was not an act by DCS, meaning she would have to appeal through the courts and not DCS.

We asked DCS for the letter they sent to the mother, but they stated that they do not keep the originals of those letters and did not have one on file. The DCS stated they would have to print a new one and some of the information on the letter would be different from the original, like the demographics and the date.

We recommended to DCS that they should be retaining their records per statute by saving the original letters (communications). DCS agreed and stated that the Protective Services Review Team will now be retaining the original letters.

### **1703948                      DCS - Department of Child Safety**

A mother informed us that she was confused as to why she is on DCS's (Department of Child Safety) Central Registry when she has not had a case in several years with DCS. The mother further explained that she has a fingerprint clearance card. She recently found out, however, she is on the Central Registry.

We suggested the mother request her closure letters from the DCS, as those would explain the specific factors that put her on the Central Registry. DCS should keep those letters in the official record and make them available to a party by via a request from the DCS Records Department. We sent the mother the record request form. We later found out that DCS did not keep the letters; however, they kept the information. They could recreate the letters, but they would have the current date on them, not the date they were actually sent.

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We were troubled by this. DCS decided to change their policy. They informed us changed their policies that week. Thus, in the future, the Protective Services Review Team (PSRT) will be retaining the original letters they send out to alleged perpetrators.

## **1703264. Arizona Department of Child Safety**

A man and his wife contacted our office. Apparently, the man's children recently went to visit their birth mother, the man's ex-wife, in another state. When the children returned, the man and his wife had concerns about what happened to the children while under the ex-wife's care. They were so concerned; they called the other state's child protection agency and made a report. Unbeknownst to them, the other state's child protection agency notified Arizona DCS, who initiated their own investigation that included the man and his wife.

When a DCS Investigator arrived and presented the man and his wife with the Notice of Duty to Inform documents, the allegation identified on both forms simply read "Neglect." Not only were the man and his wife concerned that DCS had focused on them when they were the ones who had initially made the report, but the man and his wife were also upset that the Notice of Duty to Inform did not provide any details of why DCS was investigating them. They both felt that DCS should have included more detail. For this reason, they had contacted our office.

Our office had many times voiced our concern about inadequate statement of reasons for investigation and/or removal to DCS's attention. We requested that the couple send our office examples of what they received from DCS so we could review the matter. Our office also reviewed the current Arizona Revised Statutes on this topic.

A.R.S. § 8-803(A)(2) regarding DCS's duty to inform says,

"A. On initial contact with a parent, guardian or custodian under investigation pursuant to this article, a child safety worker shall inform the family, both verbally and in writing, making reasonable efforts to receive written acknowledgment from the parent, guardian, or custodian, of receipt of all of the following information:

1. That the family is under investigation by the department.
2. The specific complaint or allegation made against that person."

Our office reviewed both of the Notice of Duty to Inform documents and found that DCS had failed to identify the "specific complaint or allegation made against that person" as required by A.R.S. § 8-803(A)(2).

Our office contacted DCS and requested that DCS revise both of the Notice of Duty to Inform



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documents to include the specific complaint or allegation as required by A.R.S. § 8-803 so they conform to Arizona law.

DCS responded a few days later to advise us that they removed the man and his wife both from the report. Only the mother, who resided in the other state, was now the subject of their investigation. DCS also advised that they would NOT be revising the Notice of Duty to Inform document, claiming that a sufficient explanation was provided during their interviews. We do not agree that DCS staff can excuse themselves from following the law in this way.

Our office contacted the man and informed him of what DCS had advised. Our office also explained to the man that he should be receiving a letter from DCS stating that the allegations have been determined to be "unsubstantiated."

## **Example where our intervention revealed a field practice that was not in accordance with a judicial order:**

### **1704982                      DCS – Department of Child Safety**

A Father contacted our office and expressed concern with several aspects of his Department of Child Safety (DCS) case. We discussed the Father's concerns at length and were able to narrow his complaints down to three main allegations. First, the Father alleged DCS had misrepresented two occurrences that took place during visits with his son. Second, the Father alleged DCS failed to comply with a court order by not providing four visits per week. Lastly, the Father alleged DCS violated state law and his own parental rights by excessively vaccinating his child. Further, the Father expressed concern that DCS was still involved as he and the mother had allegedly complied explicitly with everything requested of them for the previous fifteen months.

We looked into the Father's allegations via the DCS database. We expressed concern over discrepancies between the DCS record regarding visits and what DCS had reported to the court on the same topic. In response, DCS submitted an addendum to the Juvenile Court to rectify its mischaracterization. As DCS had misrepresented material evidence to the court, in turn adversely affecting the Father, we substantiated the Father's first allegation.

Subsequent to DCS submitting its addendum, it became apparent the agency failed to comply with a previous court order, mandating the father receive four supervised visits per week. We emailed DCS to question why the visits had not been provided. Before a response was received from DCS, our office was made aware the agency had been held in contempt of court for its failure to provide four visits per week to the Father. To rectify the missed visits, the court ordered DCS to provide makeup visits to the Father within five weeks. As a result, the Father

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was given thirty to forty hours of supervised visitation per week for five weeks. Though burdensome to the Father due to missed work, DCS adequately rectified its previous failure to provide court-ordered visitation. As DCS violated a court order and was later held in contempt of court, we substantiated the Father's second allegation.

In investigating the Father's third allegation, we emailed DCS and requested the child's vaccination records. Upon reviewing the child's records, DCS policy, and age-appropriate vaccination guidelines, we found DCS had not acted against the ordinarily prescribed vaccination schedule for a child the age of the Father's son. We closed the Father's third allegation as unsubstantiated.

After nearly six months of investigation, our office closed the Father's case without report. Though two of the three allegations made by the Father had been substantiated, DCS acted appropriately to rectify its misdoings at the recommendation of our office.

## **1703957**                      **DCS - Department of Child Safety**

A father stated he is receiving conflicting information from DCS (Department of Child Safety) and the Courts. The father explained that DCS substantiated his case against him but the Courts stated that the case was unsubstantiated.

We reviewed the documents that father sent us from DCS and the Court, and we asked the DCS to review them as well and to reconsider the finding of substantiation against this father. DCS reviewed the records and they agreed with father and our office to change the finding to unsubstantiated.

## **1703887**                      **DCS - Department of Child Safety**

A father said that the DCS case against him had many errors and false allegations. The father sent multiple documents outlining his case. The father believes that the investigator who investigated his case was not eligible to investigate the case. He sent our office a spreadsheet of 37 complaints that he had in regards to the investigation into his DCS case.

Our office worked with the DCS ombudsman office to review the father's complaints. We reviewed the relevant documentation, laws, and policies. We found that four of his complaints were substantiated, two were partially substantiated, six were indeterminate and 25 unsubstantiated. DCS agreed to all of our findings.

Specifically, we found the investigator should have included all the allegations on the first Notice of Duty to Inform. DCS did provide a second, updated Notice of Duty to Inform with the

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complete list of allegations after it had been reported to the Hotline, but it should have been provided immediately according to law.

We also found that at the time of the initial interview, the criminal allegation had not yet been made by the witness, therefore it was not a joint investigation with law enforcement at the time, and the interview did not need to be recorded. The allegations of criminality came later. Two subsequent interviews then occurred with law enforcement, one of which was recorded and one was not. DCS should have recorded both of these later interviews according to the Maricopa County Multidisciplinary Joint Protocols.

We also found the DCS worker asked certain questions that could be construed as leading or closed-ended questions during the Family Centered Strengths and Risks Assessment Interview and Documentation Guide. Instead, she should have avoided leading questions and asked open-ended questions, according to best practice interviewing protocols. We do not believe it affected the general soundness of the information gathered or ultimately the outcome of the report. This investigator is no longer with DCS.

We also found the same investigator should have discontinued the interview when it veered into criminal matters, as she was not a criminal investigator. For those types of circumstances, DCS's policy is for basic investigators to limit the interviews to 20 minutes and ask who, what, where, when questions to determine whether the child has suffered or will imminently suffer abuse or neglect and to determine whether the child will be in danger if the child returns home that day. They are to assess for child safety only and are not supposed to conduct full interviews with the child in criminal cases.

We partially substantiated two items. In one circumstance, we found there are two portions of DCS policy that include procedures when witnesses disclose new allegations or criminal conduct during the course of an interview. In one section, the DCS policy says to contact law enforcement and the Hotline immediately. In the other section, it just says DCS investigators are to contact law enforcement and the Hotline, but it does not give a time period. Thus, the policy is inconsistent. Our office recommended that DCS amend these steps in their policy and procedure to correct the inconsistency and to align with law. In addition, we found that the DCS investigator only noted the date of an interview when she also should have noted the time of the interview in accordance with DCS policy.

We informed the father and told him that none of these factors would materially alter the overall DCS case against him. DCS had substantiated abuse against the father.

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**Examples where our intervention revealed a field practice that was not in accordance with statutes, rules or case law:**

**1702247                      DCS – Department of Child Safety**

A foster mother contacted our office because she was concerned that DCS removed her foster and adopted children without adequate reason and in an inappropriate fashion. Additionally, the foster mother alleged the Notice of Duty to Inform DCS provided to her was not filled out appropriately. She provided the Notice of Duty to Inform to our office.

Upon further review, we found the Department of Child Safety (DCS) failed to provide the foster mother with an adequate statement of reasons, pertaining to the de facto removal of her adopted daughter through the creation of an "optional" safety plan. When confronted about the matter, DCS expressed they would not provide any statement of reasons to the foster mother as they were waiting on direction to be given by the involved law enforcement agency. After some discussion, we recommended that DCS provide a revised notice of duty to inform as well as an adequate statement of reasons.

**1702631                      DCS - Department of Child Safety**

A long-time foster mom said that DCS placed a child with her and failed to give her a placement packet about the child. The caseworker only gave a Notice to Provider form to her and no other paperwork. The foster mom explained the DCS caseworker failure was especially concerning because she was told by a prior foster placement that the child needs surgery in two months. The foster mother said that DCS failing to provide her with the placement's medical information means that she was not able to look out for the best interests of the child.

We then contacted DCS and reviewed the situation with them. DCS confirmed they did not give the placement packet to the mother. DCS initially said the worker had left the agency, but then they determined they had reassigned the worker. They said they would have the new caseworker deliver the placement packet. We noted to DCS managers that the placement packet was largely blank. We asked that DCS enter the child's information into the packet so the foster mother's packet would have meaningful and helpful medical and other required information. DCS said they would do so and would get it to the foster parent promptly. DCS then said they got the packet to the foster parent's licensing agency within a week and that they informed the foster parent.

The foster parent said the packet was empty. DCS said they would get the vaccination list, list of doctors, and other required items to the foster

We informed the foster parent. DCS got the missing information to the family.

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**1701644**

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

A step-mother alleged that DCS (Department of Child Safety) did not comply with Arizona law by failing to properly inform the step-mother of her right to appeal DCS's proposed finding of substantiation of the neglect allegation made against her. She also alleged that DCS did not provide her with important communication and was otherwise unreasonable.

We investigated the complaint and the compiled facts. Our subsequent investigation revealed five primary issues related to DCS's handling of the case. In a public report, we made five findings.

We found:

1. DCS acted contrary to law because it did not provide timely written notice as specifically required by A.R.S. § 8-811.
2. DCS acted inefficiently by having the worker assigned to the case send the Complainant a letter of the proposed substantiation despite the agency having assigned the agency's responsibility for complying with the written notice requirement of A.R.S. §8-811 to its Protective Services Review Team (PSRT) section.
3. DCS was unreasonable when, months after DCS sent the Complainant a letter proposing substantiation of the allegation against her, DCS subsequently sent the Complainant a second letter stating DCS "unsubstantiated" the same allegation. DCS's second letter did not explain whether this second letter superseded the previous letter or why DCS changed its finding.
4. DCS did not provide a legally sufficient explanation for why it initially proposed to find that the Complainant had neglected the children by posting a video on social media of one child feeding another child blended food. DCS's proposed substantiation of "neglect" in this case was unsupported by an adequate statement of reasons and contrary to law.
5. DCS acted contrary to law, unreasonably, unfairly, and/or unsupported by an adequate statement of reasons by not examining and/or retaining the video evidence that constituted the basis for a proposed finding of neglect against the Complainant.

We recommended that DCS comply with the notice and time requirements set out in A.R.S. § 8-811 for every case in which it proposes a finding of substantiation. Additionally, we recommend DCS examine its process for issuing the notice required by A.R.S. § 8-811 and consider modifying its process, so the Department will be more likely to meet the time requirements set out in the statute.

We recommended that DCS shift responsibility for meeting the notice requirements laid out in A.R.S. § 8-811 to the case specialist or supervisor assigned to the individual cases.

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In cases in which DCS sends a notice indicating a proposal to substantiate, but later sends another notice superseding that decision, we recommend that DCS provide a thorough explanation so that people like this Complainant can fully understand what has occurred.

We recommended that DCS review the Complainant's matter to see how and why the worker assigned to the Complainant's case arrived at the conclusion that the Complainant's conduct constituted neglect. Additionally, we recommend DCS look into how and why the worker's supervisor approved a finding of neglect that did not meet the statutory definition for neglect.

Additionally, we recommended that DCS review how it handled the Complainant's case and act to prevent DCS employees from proposing findings of neglect, abuse, or abandonment when the facts of a particular matter do not meet the statutory definition of these terms.

We recommended that DCS provide additional training to the employees assigned to the Complainant's case who did not obtain and/or retain a copy of the video on which the Department based its initial proposed finding of neglect.

Additionally, we recommended that DCS review its procedures and policies for obtaining and retaining evidence and complying with record-keeping laws. DCS should see whether modifications or additional oversight might be necessary in order for DCS to comply with its statutory responsibilities relating to these two areas. Retaining evidence is very important to due process and should be a basic tenant of investigation recordkeeping.

## **Example where our intervention resulted in a financial remedy for a citizen:**

### **1700288                      DCS – Department of Child Safety**

A foster mother contacted our office and explained that the Arizona Department of Child Safety (DCS) had promised her financial assistance for taking care of foster children, but had not received any funds. We discussed the case with DCS. We asked what type of assistance had been promised, as well as why it had not yet been provided to the foster parent.

DCS admitted the agency had inaccurate information for processing the financial assistance payments and admitted it had not paid the foster parent. DCS contacted the foster mother and got updated information. Subsequently, DCS processed the payments and provided the proper funds to the foster mother.

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## OMBUDSMAN INTERVENTION IN PUBLIC ACCESS CASES

### OMBUDSMAN INTERVENTION IN PUBLIC ACCESS CASES

#### Outreach and Education

##### Educational Materials

We provided hundreds of our office's booklets on Public Records Law and Open Meeting Law directly to elected officials, non-elected public officials, public employees, advocacy groups, and members of the public as well as providing digital versions of the booklets on our website. In addition, we continue to share and help develop training materials 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.

##### Trainings

There is a significant demand for training throughout the state. In 2017, we conducted twenty-five training sessions to a variety of State and local government officials and public bodies and other organizations in Phoenix, Safford, Show Low, Tucson, Peoria, Tempe, Kingman, Sierra Vista, Marana, and Cottonwood. Additionally, we conducted several trainings for non-traditional governmental and quasi-governmental entities, such as for Arizona Prosecuting Attorneys' Advisory Council, the State Bar Association, and Arizona Municipal Clerks Association.

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

Lastly, we have begun providing a high-quality recording of a recent open meeting 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 a public access newsletter on a quarterly basis. Our newsletter *The Public Record* touches on interesting and timely open meeting and public records law issues that are relevant to the duties and responsibilities of public bodies and officials throughout the State. For example, we provided a summary of a new appellate court public records law case touching on whether records created on private devices and accounts can constitute public records. We also provided an overview of the Arizona Supreme Court's decision to subject the Arizona State Bar to open meeting and public records law-type requirements. Additionally, we

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provided analysis on common open meeting and public records law issues. We also provided up-to-date summaries and analysis of pending Arizona public access legislation.

Arizona State Library, Archives and Public Records sends our newsletter to a listserv of public officials and employees throughout the State. Additionally, we also send our newsletter to our own list of public officials and employees who have contacted our office directly to receive our newsletter.

## Inquiries and Investigations

In the past year, our office handled 495 cases regarding matters related to public access. Of those calls, 287 were public record law inquiries, 184 were open meeting law inquiries, and 24 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.

Table 1			
	Public Inquiries	Media Inquiries	Government Agency Inquiries
Number of inquiries	337	26	132

Table 2					
	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquiries	188	44	86	111	67

## Public Access Case Examples

### 1702378. Casa Grande Union High School District

A reporter contacted our office about difficulty she said her newspaper was having in obtaining public records from the Casa Grande Union High School District (District).

She said she had requested work-related emails from a District board member's personal email addresses, but the District was not providing them in a reasonable amount of time. She said she had spoken with an information technology employee at the District. She said the employee told her he was working on getting the emails from the board members.



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She wanted to know what would constitute a reasonable amount of time for the District to provide the records and what recourse would be available to her if the District did not provide the records in a reasonable amount of time.

We explained that the District must provide the records promptly, and what constitutes prompt depends on the facts. We explained that filing a special action in superior court would be the only method available to her legally to force the District to provide records. We offered to contact the District about the matter. She accepted our offer.

We contacted the District Superintendent's office about the matter. In response, the District's Information Technology Director (IT Director) responded to us. He was same person with whom the reporter had spoken. He made it sound like he had acquired emails for some of the Board members and was reviewing them with the District's attorney; however, he was having trouble acquiring emails from some of the other board members. He made it sound like the matter would be resolved soon.

The reporter followed up with us several weeks later and explained that she still had not received the records. We followed up with the IT Director. He said he had received the rest of the emails a week prior and was working on redacting the records. Again, he assured us this would be done relatively soon.

About two weeks later, the reporter again informed us that she still had not received the records. We tried to follow up with the IT Director, but he did not respond. After a couple more weeks elapsed with the reporter not having received the records, we contacted the Superintendent directly. He acknowledged that the District had not provide the records in an acceptable amount of time. He said the District's attorney had redacted the records in a manner the District had not expected. He said he would have a meeting that day about the issue and follow up with us.

Later that day, the Superintendent said the District would provide the records to the reporter within the next three days. The reporter followed up with us two days later and said she had received the records. She thanked us.

## **1702712. Department of Child Safety**

A resident contacted our office about two issues she said she was having with the Department of Child Safety (DCS).

First, she said she had requested all DCS records that mention her name. She said she submitted a notarized DCS form.

Second, she said she requested that "false allegations" against her be expunged from DCS's Central Registry. She said the case is from March of 1998.

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She said DCS sent her a letter in which it denied her requests. We asked her for a copy of the letter. She provided a copy of her request and a letter from DCS in which DCS denied her request, apparently because her daughter had turned 18.

We contacted the DCS Ombudsman's office. We explained the allegations. We asked that DCS explain why it denied her request for records, because, as far as we could tell, the resident had requested her own case record, and she was entitled to it under law. Additionally, we asked DCS whether the resident is still in the Central Registry.

DCS followed up with us. It explained that it had erred by denying the record request. DCS explained that it was now in process of redacting and providing the records to the resident. DCS also explained that the resident is not listed in the Central Registry and explained how we could check. We checked the Central Registry and found no entries for the resident. DCS told us we could relay what DCS told us and what we confirmed on our own to the resident, so we did so. DCS did not assert that it had complied with the statutory requirement that the agency provide, in writing, that it had purged her identifying information from the Central Registry.

The resident confirmed that she received the records she request, but she was unhappy that DCS had not sent her something on DCS letterhead confirming that her information had been purged. We spoke to DCS once more. Eventually, DCS sent the resident an email confirming that it had no substantiation records for the resident in the Central Registry.

The resident was not satisfied.

Soon after, a DCS records supervisor emailed the resident a formal letter explaining that she was not in the Central Registry. Additionally, the supervisor informed her that DCS would be mailing the resident the letter as well.

## **1702979. Hereford Natural Resource Conservation District**

An employee of the Hereford Natural Resource Conservation District (District) contacted our office and requested that we conduct a public records law training for the District. The employee said the District had received a voluminous request for records, and, because few of the District's employees were educated about the public records law, the District was in urgent need of training.

We agreed to conduct the training several days later and did so.

## **1703890. Buckeye Police Department**

A Buckeye resident contacted our office about difficulty she said she was having in obtaining public records from the Buckeye Police Department (BPD).

She provided evidence to show that she had submitted requests for records to BPD on October 4, 2016, and October 19, 2016. She alleged that she did not receive records for either of the requests.

# OPTIMIZING OUR STATE GOVERNMENT

We contacted BPD's records department about the requests. The records employee we spoke with seemed to have trouble locating the requests and was unable to provide a sufficient explanation for why the requests had not been fulfilled. She made it sound like it had something to do with case investigations not having been completed until several months prior. We provided the employee with copies of the requests.

Regardless, the employee said she would compile the records responsive to the requests and have them available for the resident by Tuesday. We relayed this to the resident. The resident thanked us.

## **1704268. Kyrene Unified School District**

A resident contacted our office about difficulty she said she was having in obtaining public records from the Kyrene School District.

She said she requested a variety of records/information from the District, including an anonymous letter sent to and discussed by the District governing board and a record containing the names, salaries, and job titles of District employees. She said the District was not communicating with her well and had only provided some of the requested records. Specifically, she noted that the District did not provide her with employee names to go with the salary and job title information the District provided to her.

We spoke with the District's attorney about the matter. He said the District had provided the resident with a record that included employee salaries, but the District had withheld employee names. He also explained that the District had provided the resident with the anonymous letter and some of the rest of the requested records. He also said the District explained to the resident which requested records do not exist and, thus, could not be provided to the resident.

The District's attorney provided us a copy of an email from the District to the resident that supported what he had said. In the email, the District cited A.R.S. § 15-341(A)(29) as the reason the resident could not have the employee names in addition to the other employee information.

We reviewed the statute and relevant public records law and came to the conclusion that it likely did not exempt employee names and the related information from disclosure under the public records law. We followed up with the attorney and presented our view of the relevant law. At first, the District's attorney opposed our view. He said he thought the District had provided enough to satisfy the District's responsibility under the public records law. He requested that we let him know if we planned to proceed toward a formal public report on the matter.

We followed up with the resident about what we had heard and received from the District's attorney. She seemed to have never seen the email the attorney had forwarded to us. We forwarded the email to the resident and explained that it seemed to mostly satisfy her request.

# OPTIMIZING OUR STATE GOVERNMENT

She had various troubles receiving and reading the email once we sent it to her, indicating that she may have simply missed it when the District may have originally sent it to her.

We once again contacted the District's attorney. We continued to press the employee names issue and explained we would likely progress toward a formal public report if the District did not provide the resident with the employee names. He said he would consult with the District governing board.

Soon after, the attorney followed up with us and explained that the District would provide the unredacted employee information to the resident. The District eventually provided the resident and our office with the unredacted record.

# OPTIMIZING OUR STATE GOVERNMENT

## Our Cases - Numeric Results

Table 3 - Total Requests for Help January 1 – December 31, 2017			
Coaching	Assistance	Investigation	TOTAL CASES
3,549	1,345	337	5,231

Table 4 - Investigations January 1 – December 31, 2017	
Discontinued	16
Declined*	54
Complaint withdrawn or resolved during investigation	10
Investigation completed	218
Ongoing	39
<b>TOTAL REQUESTS FOR INVESTIGATION</b>	<b>337</b>

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

Table 5 - Investigative Findings – January 1 - December 31, 2016		
<b>SUPPORTED/PARTIALLY SUPPORTED</b>		61
Requires further consideration by agency	19	
Other action by agency required	44	
Referred to the legislature for further action	0	
Action was arbitrary or capricious	0	
Action was abuse of discretion	0	
Administrative act requires modification/cancellation	3	
Action was not according to law	17	
Reasons for administrative act required	3	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	0	
<b>INDETERMINATE</b>		16
<b>NOT SUPPORTED</b>		141
<b>TOTAL COMPLETED INVESTIGATIONS</b>		<b>218</b>

# OPTIMIZING OUR STATE GOVERNMENT

## CONTACTS BY AGENCY

Between January 1 and December 31, 2017 our office handled cases involving 278 agencies. The following table shows the distribution of our contacts by agency. Cases involving the Department of Child Safety comprised 42.55% of our total for 2017.

Agency	Coaching	Assistance	Investigation	Total
Academy of Excellence Charter School	0	0	1	1
ADOA - Administration, Department of	15	3	2	20
Agriculture - Wt. and Measures	4	0	0	4
Agriculture, Department of	3	1	0	4
Agriculture, Pest Mgmt. Office	0	0	1	1
AHCCCS	60	52	2	114
Alpine Elementary School District 7	2	1	0	3
American Heritage Academy	0	0	1	1
AmeriSchools	0	1	0	1
Apache County	1	0	0	1
Apache County Attorney's Office	0	1	0	1
Apache Junction	0	1	0	1
Arizona Center for Youth Resources	0	0	1	1
Arizona College Prep Academy	0	0	1	1
Arizona State Hospital	1	0	0	1
Arts Academy at Estrella Mountain	1	1	2	4
Ash Fork Sanitary District	0	1	1	2
ASU -Arizona State University	1	0	0	1
Athletic Training, Board of	1	0	0	1
Attorney General, Office of	37	3	2	42
Auditor General	1	3	0	4
AZ Conservatory for Arts & Academics Elementary	0	0	1	1
AZ Conservatory for Arts & Academics Secondary	0	0	1	1
AZ POST - Peace Officer Standards & Training Board	1	0	1	2
AZ Prosecuting Attorney Adv. Council -APAAC	4	2	0	6
Barbers, Arizona Board of	2	0	0	2
Basis Charter Schools	0	1	0	1
Behavioral Health Examiners, State Board of	5	1	1	7
Ben Franklin Charter School	1	0	1	2
Benson	0	1	2	3
Bisbee	3	0	0	3

# OPTIMIZING OUR STATE GOVERNMENT

Buckeye	3	0	0	3
Buckeye Police Department	0	1	1	2
Calibre Academy	0	0	1	1
Camelback Academy	0	0	1	1
Camp Verde	0	1	0	1
Camp Verde Unified School District	0	1	0	1
Casa Grande Union HS	0	0	1	1
Caurus Academy	0	0	1	1
Central Arizona Fire and Medical Authority	0	1	0	1
Central Arizona Project	0	2	0	2
Central Yavapai Fire District	1	0	0	1
Challenge Charter School	0	0	1	1
Champion Schools	0	0	1	1
Chandler	0	1	0	1
Chandler Police Department	0	1	0	1
Chandler Unified School District	1	0	0	1
Changemaker High School	0	0	1	1
Charter Schools, Arizona State Board of	1	1	0	2
Chiropractic Examiners, State Board of	2	0	0	2
Choice Academies, Inc. Governing Board	2	1	1	4
Cochise County	1	0	0	1
Cochise County Attorney	5	0	0	5
Cochise County Board of Supervisors	0	0	1	1
Commerce Authority of Arizona	1	0	0	1
Commission of Judicial Conduct	5	0	0	5
Compass High School	0	0	1	1
Congress Fire District	0	0	1	1
Constable Ethics, Standards & Training	1	0	0	1
Coolidge	1	0	0	1
Corporation Commission	20	5	4	29
Corrections, Department of	36	4	0	40
Cosmetology, Board of	226	5	2	233
Cottonwood	1	1	0	2
Crown Charter School	0	0	1	1
DCS - Community Advisory Committee	10	2	2	14
DCS - Department of Child Safety	1350	713	146	2209
DCS - Office of Licensing Certification Regulation	5	6	0	11
DCS - Other	5	1	0	6
Deaf & Hard of Hearing Commission	1	0	0	1
Deaf and Blind, Arizona School for the	2	1	0	3

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Deer Valley Unified School District	2	0	0	2
Dental Examiners, Board of	10	2	2	14
DES - Aging & Community Services	152	6	1	159
DES - Benefits and Medical Eligibility	93	124	1	218
DES - Child Support Service	29	59	3	91
DES - Developmental Disabilities	19	16	0	35
DES - Employment and Rehabilitation	24	27	1	52
DES - Other	36	12	1	49
DES- Adult Protective Services	7	6	3	16
Desert View Academy	0	0	1	1
Desert View Middle & High School	0	0	1	1
Developmental Disabilities Council	0	1	0	1
Discovery Plus Academy	1	0	0	1
Douglas	0	0	1	1
DPS - Department of Public Safety	14	2	1	17
Dysart School District	0	1	0	1
Eastpointe High School	0	0	1	1
Education, Department of	19	6	3	28
Educational Opportunity Center Charter High School	0	0	1	1
El Mirage	0	0	1	1
Elfrida Elementary School District #12	2	0	0	2
Eloy Fire District	1	0	0	1
Environmental Quality, Department of	3	3	0	6
Ethos Academy	0	0	1	1
Financial Institutions Department	3	1	0	4
Fingerprinting, Board of	1	0	0	1
Flagstaff	3	1	0	4
Florence	1	0	0	1
Funeral Directors & Embalmers, State Board of	7	1	0	8
Game and Fish, Department of	2	2	1	5
Gaming, Dept.	1	1	0	2
Gaming, Racing Department	1	0	0	1
George Gervin Prep Academy	0	1	0	1
Gila County	0	0	1	1
Gilbert	0	1	0	1
Gilbert Public Schools	1	0	0	1
Glendale Police Department	1	0	0	1
Globe Police Department	0	1	0	1
Golden Shores Volunteer Fire Department	1	1	0	2



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Golden Valley Fire District	3	0	1	4
Golder Ranch Fire District	1	0	0	1
Goodyear	0	0	1	1
Governor, Office of	7	0	1	8
Governor's Council of Aging	2	2	0	4
Graham County	0	1	0	1
Great Heart Academies	1	0	0	1
Griffin Foundation School District	0	0	1	1
GRRC	1	0	0	1
Happy Valley School	0	0	1	1
Happy Valley School East Campus	0	0	1	1
Health Services, Department of	55	5	2	62
Health Services, Vital Records Office	3	2	2	7
Hereford Natural Resource Conservation District	2	1	0	3
Hirsch Academy	0	0	1	1
Housing Dept. -Manufactured Housing Office	1	0	0	1
Housing, Department of	17	3	0	20
Incito Schools	0	0	1	1
Industrial Commission	36	7	2	45
Insurance, Department of	16	2	1	19
Judicial Conduct, Commission on	3	1	0	4
Juvenile Corrections, Department of	3	1	0	4
Khalsa Montessori School	0	0	1	1
Kingman	0	0	1	1
Kyrene Unified School District	0	0	1	1
La Paz	0	1	0	1
Lake Havasu City	0	1	0	1
Lake Havasu Unified School District	1	0	1	2
Lake Havasu Unified School District EBT	2	0	0	2
Lake Mohave Ranchos Fire District	0	1	0	1
Land, Department of	1	0	0	1
Legislature	14	3	0	17
Liberty Elementary School District #25	4	3	1	8
Liquor Licenses and Control, Department of	5	2	0	7
Lottery	6	2	1	9
Marana Drainage and Water Improvement District	10	1	0	11
Maricopa	2	0	0	2
Maricopa County Attorney	1	0	0	1
Maricopa County Medical Examiner	0	0	1	1

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Maricopa County Planning and Development	0	0	1	1
Maricopa County Sheriff	2	0	1	3
Massage Therapy, State Board of	2	0	1	3
Mayer Fire District	1	0	0	1
Mayer Water District	0	0	3	3
Medical Board, Arizona	27	5	5	37
Mesa Police Department	0	0	1	1
Mesa School District	1	0	0	1
Mescal J-6 Fire District	0	1	0	1
Milestones Preschool & Charter School	0	0	1	1
Mohave	1	2	1	4
Mohave Community College	1	0	0	1
Mohave County Sheriff's Office	0	2	0	2
Mohave Valley Fire District	0	0	1	1
Montessori Education Centre	0	0	1	1
Montessori House Elementary Charter School and Pre	0	0	1	1
Murphy School District	0	2	0	2
Naturopathic Physicians Board of Medical Examiners	1	0	0	1
Navajo County Attorney's Office	0	0	1	1
Nogales	0	0	1	1
Northern Apache County Special Health Care District	2	0	0	2
Nosotros Academy	0	0	1	1
Nursing, State Board of	6	3	1	10
Nutrioso Fire District	4	0	0	4
Ombudsman	64	18	0	82
Optometry, State Board of	2	0	0	2
Oro Valley	1	0	0	1
Other - Arizona in general	56	6	0	62
Other - Federal	75	7	1	83
Other - Government	226	18	13	257
Other - Private	390	19	13	422
Page	1	0	0	1
Paradise Valley	1	0	0	1
Paradise Valley School District	2	1	0	3
Parks, Department of	0	0	1	1
Patriot Academy	0	0	1	1
Pensar Academy	1	0	0	1
Peoria	0	1	0	1

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Peoria Unified School District	2	0	0	2
Pharmacy, Board	8	3	0	11
Phoenix	3	3	1	7
Phoenix Fire Department	0	0	1	1
Phoenix Police Department	2	3	0	5
Physician Assistants, AZ Regulatory Board of	2	1	0	3
Pima	1	2	0	3
Pima Community College	1	0	0	1
Pima County Attorney's Office	0	0	1	1
Pima County Elections Integrity Commission	1	1	0	2
Pima County Sheriff's office	0	1	0	1
Pima Natural Resource Conservation District	2	0	0	2
Pinal	1	0	0	1
Pinal County Sheriff's Office	0	2	1	3
Pine Strawberry Water Improvement District	1	0	0	1
Pinetop-Lakeside	1	0	0	1
Pinetop-Lakeside Police Department	0	1	0	1
Podiatry Examiners, State Board of	2	0	0	2
Porter Creek Domestic Water Improvement District	1	0	0	1
Prescott	1	1	0	2
Prescott Valley	2	1	0	3
Prescott Valley Police Department	1	0	0	1
Psychologist Examiners, State Board of	0	0	1	1
Public Safety Personnel Retirement System	1	4	0	5
Puerco Valley Fire District	1	0	0	1
Queen Creek	1	1	0	2
Radiation Regulatory Agency	1	0	0	1
Real Estate Dept. - HOAs	3	0	0	3
Real Estate, Department of	14	2	4	20
Red Rock Road Enhancement District	2	0	1	3
Regents, Arizona Board of	4	0	1	5
Registrar of Contractors	13	12	2	27
Respiratory Care Examiners, Board of	1	0	1	2
Retirement System, Arizona State	5	8	2	15
Revenue, Department of	17	17	2	36
Rincon Valley Fire District	0	0	1	1
Rising School, The	0	0	1	1
Sahuarita	1	0	0	1
San Luis	1	0	0	1
San Simon Unified School District	1	0	0	1

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San Simon Volunteer Fire District	0	1	0	1
Scottsdale	2	1	0	3
Scottsdale Unified School District	2	1	0	3
Sec. of State -Library, Archive & Records Dept.	1	0	0	1
Secretary of State, Office of	1	0	2	3
Sedona	1	0	0	1
Sedona Charter School	0	0	1	1
Sequoia Charter School Elementary	0	0	1	1
Sequoia Deaf School	0	0	1	1
Sequoia Pathfinder Academy at Eastmark	0	0	1	1
Sequoia Pathway Academy	0	0	1	1
Sequoia Village School	0	0	1	1
Sierra Vista	2	0	0	2
Sierra Vista School District	1	0	0	1
Skyview School	0	0	1	1
Southern Arizona Community Academy	0	0	1	1
Southgate Academy	0	0	1	1
Starshine Academy	0	0	1	1
Statewide Independent Living Council	0	1	0	1
Student Choice High School	0	0	1	1
Superior Court	7	0	3	10
Supreme Court	3	0	0	3
Surprise	0	1	0	1
Tapadero Domestic Wastewater Improvement District	0	1	0	1
Technical Registration, Board of	2	5	0	7
Tolleson	1	0	0	1
Transportation, Department of	9	3	3	15
Transportation-Motor Vehicle Division	40	30	6	76
Treasurer, Office of	1	1	1	3
Tucson	0	1	1	2
Tucson Police Department	2	4	0	6
U of A - University of Arizona	1	0	1	2
unknown	6	0	0	6
unknown charter school	5	1	0	6
unknown city	4	0	0	4
unknown fire district	1	0	0	1
unknown school district	7	2	0	9
Unknown state agency	16	1	0	17
Various Cities/Towns	0	1	0	1
Verde Natural Resource Conservation District	1	0	0	1

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Vernon Fire District	1	0	0	1
Veterans Home	0	2	0	2
Veterans' Services, Department of	3	2	0	5
Veterinary Medical Examining Board	1	0	1	2
Water Resources, Department of	1	1	0	2
Whetstone Water Improvement District	4	0	2	6
Yarnell Fire District	0	1	0	1
Yavapai County	1	0	1	2
Yuma City	1	0	0	1
Yuma County	1	1	0	2
Yuma Police Department	1	0	0	1
<b>TOTAL NUMBER OF CONTACTS</b>	<b>3549</b>	<b>1345</b>	<b>337</b>	<b>5231</b>

Reflecting cases received January 1 through December 31, 2017

## About the Ombudsman and Staff

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

Dennis became the Ombudsman-Citizens Aide on July 2, 2012, following confirmation by the Legislature and Governor in 2012 and was re-appointed for a second five-year term during the legislative session of 2017. Dennis holds a Masters Degree in Public Administration from Northern Arizona University and a Bachelor of Science in Geology. His educational background also includes a fellowship at Harvard regarding studies in State and Local Government. He has ombudsman training prescribed by the U.S. Ombudsman Association (USOA) and is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). In the public sector, Dennis was an elected supervisor and chair of the Coconino County Board of Supervisors, State Land Commissioner for Arizona, a member of the Arizona State Parks Board and served as City Manager for Williams, Arizona. Dennis' public service also includes serving on the Board of Directors, Foundation for Flagstaff Medical Center and as a board member of the Arizona City and County Managers Association. In the private sector, Dennis began his career working in the family business, The Williams Grand Canyon News, which was continuously published by the Wells' family for 100 years. Following graduation from NAU, Dennis worked for firms in oil exploration and drilling in Texas, Louisiana and overseas (Africa and Middle East). Dennis has experience in public management, intergovernmental relations, public planning and dispute resolution.

### **Joanne MacDonnell - Deputy Ombudsman.**

Joanne joined the office as Deputy Ombudsman in 2005 after serving nearly eight years as the Arizona Corporation Commission, Director of Corporations. Prior to working in government, Joanne worked in the private sector at FCC Investors, Inc. serving on the Board of Directors and as an accountant. She also worked in real estate as a licensed Realtor associate and real estate appraiser. Joanne has Bachelor of Science degrees in Business Administration and Real Estate from the University of Arizona, is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR) and completed mediation training through South Mountain Community College. She has additional training including the Executive Course, Project & Investment Justification Training, the Leadership Module through Rio Salado College and Arizona Government University; and ombudsman training prescribed by the U.S. Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, having served multiple years as a Board Director/Officer and as a Conference Committee and Outreach Committee Member. She was Chairman of the USOA Children and Family Chapter. She was a member of the Association for Conflict Resolution, qualified in the "Practitioner" category. She was a member of the DCS Citizen Review Panel Committee, the Arizona Court Improvement Committee, and the Court Parent Representation Committee. She has served as a judge for the Central Arizona BBB Business Ethics Award for the past seven years.

### **Danee Garone – Staff Attorney.**

Danee is a staff attorney for the Ombudsman's office and specializes in open meeting and public records law matters. He joined the Ombudsman's office in 2014. Prior to joining the Ombudsman's office, Danee completed a legal internship with the Arizona House of Representatives. Additionally, he completed a legal externship with the United States District Court for the District of Arizona and interned for the United States Small Business Administration.

Danee has a Juris Doctor degree from the Sandra Day O'Connor School of Law at Arizona State University and is a licensed attorney. Additionally, he graduated from Arizona State University summa cum laude with a Bachelor of Arts degree in journalism and a Bachelor of Arts degree in political science.

### **Philip Gough-Stone – Intern and Assistant Ombudsman**

Philip Gough-Stone joined the office as an intern in June of 2016 and then hired as an assistant ombudsman. He studied Business Management, and Pre-Law at Grand Canyon University and graduated with honors in May 2018. He plans to attend law school in the future. Philip is a certified mediator. Philip has extensive experience in customer service and nonprofit industries.

### **Aimee Kearns – Assistant Ombudsman.**

Aimee joined the Ombudsman office in 2014. She received her Bachelor of Arts degree in 2000 from Adams State College in Alamosa, Colorado. Before joining the Ombudsman office, Aimee worked for in Vancouver, Washington as a case manager for homeless individuals and families in transitional housing. Prior to that, she worked for the Jobs Program with MAXIMUS in the Phoenix area assisting families who received state cash assistance. She also has extensive experience in customer service in the non-profit, financial and mortgage industries. She has completed New Ombudsman training prescribed by the United States Ombudsman Association (USOA) and is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). She has clearance for investigatory purposes into the Department of Child Safety Children's Information Library & Data Source (CHILDS) Program after completing training with the Child Welfare Training Institution and Department of Economic Security.

### **Keith Meyer – Senior Investigator/Writer Ombudsman.**

Keith joined the Office of the Ombudsman in 2014. He has 20 years of public experience in Arizona State and County governments. He served in the Arizona Department of Corrections Director's Office, the Arizona Department of Agriculture, the Arizona Land Department, and Arizona State University. In Maricopa County government, he worked at the County Attorney's Office coordinating restitution issues with citizen victims of crime. Other service

includes volunteering on several homeowner association boards. He has ombudsman training prescribed by the U.S. Ombudsman Association (USOA) and is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR). Keith earned a Master's degree in Public Administration and a Bachelor of Science degree in Agribusiness, with a minor in Sociology, from Arizona State University.

**Jennifer Olonan - Assistant Ombudsman.**

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

**Frank Rutledge – Investigator/Writer Ombudsman.**

Frank joined the Ombudsman team in June 2016 after working 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 in Arizona State Public Procurement. Frank has resided in Arizona for almost 35 years, and is a graduate of Northern Arizona University's School of Communication, with an emphasis in Journalism.

**Carmen Salas - Assistant Ombudsman.**

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