State of Iowa

Annual Report of the Citizens' Aide/Ombudsman

2011

This annual report about the exercise of the Citizens' Aide/Ombudsman functions during the 2011 calendar year is submitted to the Iowa Legislature and Governor pursuant to Iowa Code section 2C.18.

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Ombudsman's Message

Ruth H. Cooperrider
Iowa Ombudsman

It is hard for me to believe nearly a year has gone by since the Iowa Legislature approved my appointment as the Citizens' Aide/Ombudsman. The year has gone by fast, and perhaps it is reflection of the popular quotation, "Time flies when you're having fun." While my job has not been pure fun, the work has been and continues to be enjoyable. The variety of issues our office receives and the opportunity to assist citizens and to improve government policies and practices make the work both interesting and challenging in positive ways.

One of the challenges was not having a Deputy Ombudsman to assist with management of the office and other responsibilities I used to perform when I held the Deputy position. Not having that assistance has necessitated adjusting when and how staff's casework is reviewed and also prioritizing various projects. Our Assistant Ombudsman positions were also not fully staffed in that one became vacant and had to be filled and another person was gone during parental leave. That means other staff must take on additional cases and may not be able to complete work on cases as quickly. Nevertheless, I chose not to limit what types of cases we accepted nor change how we conducted investigations. It is important to me that we try to maintain our same level of services to Iowa citizens. One thing I plan to do in 2012 is to hold a special meeting with staff to discuss ways to make our intake, case assignment, and investigative procedures more efficient.

Case Statistics

During 2011 we opened 4,684 cases. The contacts we received came from members of the general public, inmates in Iowa's correctional system, and government officials across the state. Of those cases:

- 3,191 were complaints about state or local government agencies within our jurisdiction.
- 549 were requests for information about government agencies within our jurisdiction.
- 873 were complaints or information requests about matters outside of our authority.
- 71 were treated as special projects for other activities related to the work of the office.

The time spent on each case varies greatly, depending on the challenges and complexity of the case. Some issues only affect just the complainant, while others may also impact many other people or may concern how an entire government program or system of services operates.

Published Report

Investigation and resolution of most complaints are done informally through communications or discussions with the agencies involved and explanations to the complainants. Occasionally, when a case concerns an important issue or systemic problem that I believe legislators and other government officials should be aware of, I may choose to publish a report about the case.

One of our more significant investigations resulted in a public report that criticized the actions of a city's former mayor and some council members. My report determined that, while the serial meetings held by these officials at various council members' home did not technically

violate Iowa's Open Meetings Law, they acted contrary to the spirit of openness intended by the law. You can read more about this case report on page 5. The full report is also available on our office website: https://www.legis.iowa.gov/Ombudsman/index.html

Open Meetings and Open Records Matters

Issues such as the legality of serial gatherings (also known as walking quorums) by members of a governmental body are one of many concerns that are brought to our office by the public related to the Open Meetings Law or the Open Records Law. Some of these issues are clearly addressed in those laws. However, application of those laws to some issues, like walking quorums, draft documents, and advisory bodies which make recommendations on policy matters, is not clear.

To address some confusion and different treatment of advisory bodies, I proposed a bill during the 2011 legislative session that would make advisory bodies, created by governmental bodies to make recommendations on policy matters, subject to the Open Meetings Law. The proposal was not enacted in 2011, and so I proposed the bill again in 2012. As of the publication date of this report, the bill did not pass. Until the law is clarified, I believe government officials and the public will continue to have questions about what advisory bodies are covered under the law.

Because questions and concerns about what the Open Meetings Law and Open Records Law require, several legislators last year asked our office to develop a website that could serve as a resource to government officials and the public. We have worked on the design of the website with the Legislative Services Agency and have developed questions and answers on a number of issues. I hope we can get the main portion of the website up and running by April of 2012.

Workgroups

As I mentioned earlier, our staff is involved in other activities or projects besides investigating complaints. Our statute states we may also be involved with improving or strengthening an agency's procedures and practices. One way we can accomplish this is by serving on workgroups that include representatives from the agency and other interested parties.

Workgroups may be formally created by the Legislature or informally by agencies to study and make recommendations on ways to improve policies or practices. During the 2011 session our office was asked to participate on three workgroups resulting from legislative directives.

Assistant Ombudsman Linda Brundies served on one workgroup that was part of the large effort to redesign Iowa's mental health and disability service system (see article on page 13).

I and Assistant Ombudsman Barb Van Allen, our child welfare specialist, participated in another workgroup to develop and implement improvements to the child abuse registry placement and appeals process. The purpose was to ensure the due process rights of persons alleged to have committed child abuse are addressed in a timelier manner while also ensuring that children are protected from abuse. Some improvements have already been implemented by the Department of Human Services and the Department of Inspections and Appeals, which preside at the appeal hearings. Others changes requiring legislative action or additional study are currently being addressed in a bill during the 2012 legislative session (see House File 2226). You can see the workgroup's entire report that was submitted to the Legislature at: http://www.dhs.state.ia.us/docs/2011_Recommendations_Child_Abuse_Registry.pdf

I was also asked to serve on a workgroup mandated by the Legislature to review the role of the Department of Human Services and county attorneys in representing the interests of the state in juvenile court proceedings. That issue is also now being considered by the Legislature in a bill, House File 2424, during the 2012 session. You can see the workgroup's entire report at: http://www.dhs.state.ia.us/docs/2011_County_Attorney_Representing_DHS.pdf

South Korean Fellowship

This year our office is honored to be hosting Jinhong Lim, an official of the South Korea's Anti-Corruption and Civil Rights Commission (ACRC), which includes an ombudsman component. During his two-year fellowship from 2011 to 2013, Mr. Lim is studying the single-ombudsman system, including the Iowa office functions, and comparing it to South Korea's ombudsman system. We previously hosted another ACRC official, Heeeun Kang, during his fellowship study from 2009 to 2011. You can see Mr. Kang's article about the ACRC in our 2009 Annual Report.

These fellowships help to foster positive governmental relationships with another country, mutual appreciation and understanding of different cultures, and improvements of ombudsman functions around the world. Our office is pleased to have been selected to host these

The Ombudsman's Authority

Iowa law gives the Ombudsman the authority to investigate the administrative actions of most local and state governments when those actions might be:

- Contrary to law or regulation.
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
- Based on a mistake of law or arbitrary in ascertainments of fact.
- Based on improper motivation or irrelevant consideration.
- Unaccompanied by an adequate statement of reasons.

By law, the Ombudsman cannot investigate the Iowa courts, legislators and their staffs, the Governor and his staff, or multi-state agencies.

Extra Miler

Public employees we recognize as special because they deliver top quality service

Michael Wilkinson, Division Administrator for Unemployment Insurance Services, Iowa Workforce Development—for intervening on numerous IWD complaint inquiries during 2011 and timely and favorably resolving each concern. In addition to setting up an efficient and speedy complaint/inquiry system with the Ombudsman staff to timely address complainant case problems, he came to our office to explain changes taking place within IWD that might impact individuals who contact the Ombudsman for assistance.

Eight Steps for Resolving Your Own Complaints

"What steps have you taken to resolve the problem?" That is often one of the first questions we ask people who contact us with a complaint.

Under law, one of the scenarios in which the Ombudsman is not required to investigate is when people have available "another remedy or channel of complaint which [they] could reasonably be expected to use." [Iowa Code section 2C.12(1)] And it is not just the law, it is also simple common sense. Disputes and grievances can be resolved with simple, honest communication. Certainly not all the time, but enough that it is almost always worth trying *before* filing a complaint with our office.

Here are some basic, important guidelines to follow when you are trying to resolve any "consumer" problem, whether it involves a government agency or not.

1. Be pleasant, persistent, and patient. The wheels of government usually move, but not always quickly. We have found the citizens who are best able to get problems resolved have three core traits in common: they treat everyone with respect and courtesy; they don't give up easily; and they realize that most problems are not resolved overnight.

2. Exercise your appeal rights. Does the problem involve a decision or action that has a formal appeal process? If you are not sure, ask the agency. The right to appeal usually has a deadline. Respond well before the deadline and consider sending your appeal by certified mail. If you cannot write before the deadline, call to see if you can get an extension or if you can appeal by telephone.

3. Choose the right communication mode. If you are not filing a formal appeal, decide whether you want to contact the agency in person, over the phone, or through a letter or e-mail. Go with the mode you are most comfortable with, unless the problem is urgent, in which case you will probably want to rule out a letter or e-mail.

4. Strategize. Before making contact, consider who your likely audience will be. Will it be someone who can actually fix the problem to your satisfaction? If not, your initial goal might be along the lines of patiently explaining your concern, listening to the response, and then politely asking to speak with a supervisor—perhaps even more than once!

5. Plan your questions. Write down your questions before calling or visiting the agency. Be sure to specifically ask which law, rule, or policy authorized the agency's actions. Then ask for a copy of the law, rule, or policy (so you can read it for yourself, to see whether you agree).

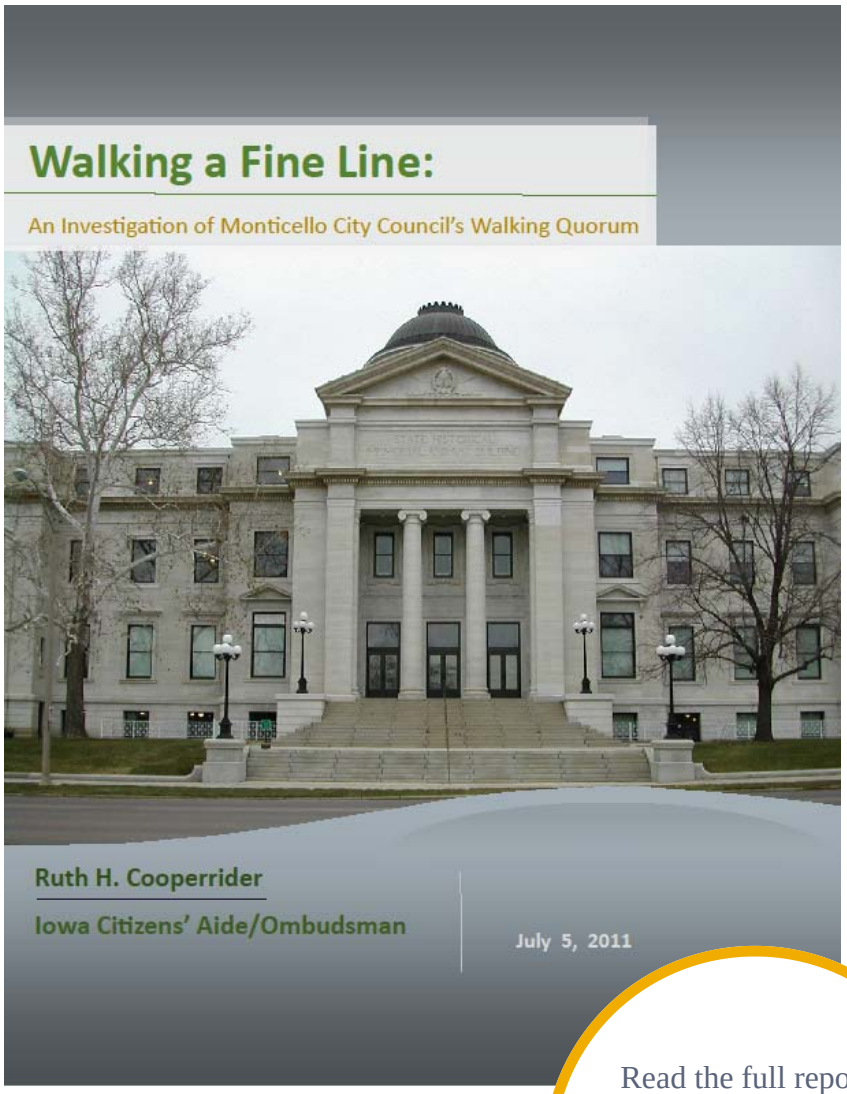
6. Be prepared. Be sure to have any relevant information available before contacting the agency. If you are wanting face-to-face contact, we recommend you call first. A short phone call could save headaches and wasted time, such as finding that the person you need to talk to is sick that day.

7. Keep records. Take good notes of all conversations. This should include the person's name and title, the time and date, and what they told you. Keep all records received from the agency, even envelopes. Also keep copies of any letters, faxes, or e-mails you send to the agency.

8. Read what is sent to you. Carefully read everything from the agency, front and back including the fine print!

If all that fails, contact us. Our office has authority to investigate complaints about most agencies of state and local government in Iowa. Major exceptions include the courts, the legislature, and the Governor. We do not have authority to investigate any federal agency.

Investigation Results in Published Report



Current and former members of the Monticello City Council and the city's former mayor violated the spirit of Iowa's Open Meetings Law when they privately discussed plans to oust their city administrator.

The Open Meetings Law generally requires a government body to conduct its business in public if a majority of its members deliberate on a subject within its policy-making duties. A government body may vote to close a discussion of a job performance review only if the employee requests closure, and if the closure is deemed necessary to prevent "needless and irreparable injury" to the employee's reputation.

In a 27-page report released publicly, we criticized elected officials who went house to house in February 2010 to seek a written pledge from individual council members to fire their city administrator if he did not resign. We found that council members privately discussed their opinions of the city administrator's work performance, rather than in a formal council meeting, as would be expected. However, we did not find that city officials' actions violated the letter of the Open Meetings Law, since the law does not expressly prohibit a minority number of a government body's members from discussing its business in private. In addition, there was no pre-arranged, concerted effort by a majority of the council members to circumvent the law.

Read the full report: https://www.legis.iowa.gov/DOCS/CAO/Invstgtv_Reports/2012/CIRHC000.PDF

In the report, Ombudsman Ruth Cooperrider urged the Iowa Legislature to consider new legislation that would address the issue of serial meetings. The Ombudsman proposed legislation in 2005 and 2009 to stop the practice, but the bills did not become law. City officials responded to the report with an acknowledgement that "the process could have and should have been handled in a more business-like and open fashion." The city council agreed to implement our recommendations to review publications about the Open Records and Open Meetings Laws, and to undergo training.

Much Ado About Open Meetings and Open Records Laws

By: Angela McBride, Assistant Ombudsman

Complaints and information requests about Iowa's Open Meetings Law and Open Records Law are always interesting, but just when you think you have heard it all, another public official tries to find a loophole in the law or shrugs off complying with the laws. To avoid violations of the laws, I implore every public official to use the resources available to you (see insert on page 20) and get some training.

Top on this year's list of errant actions by public officials were serial meetings conducted by the former mayor and several city council members from the City of Monticello. They went door to door discussing whether or not to retain the city administrator, asking each council member to sign a document indicating their support for his removal. During my investigative interviews, it became clear the public officials did not fully understand what they can and cannot do under the law. For that reason, the Ombudsman recommended they receive training about the law. In addition, the Ombudsman recommended the Legislature consider closing the serial meeting loophole. In the meantime, we will continue to hope that if government bodies err, they err on the side of openness or transparency.

When dealing with public records and open meetings, public officials should not be careless, presumptuous, or impulsive. **Take time to consider the issue before taking action and get it right**. Consult with legal counsel if in doubt. Or, contact our office for assistance.

Legislation

Several substantive changes were made to the Open Meetings Law and Open Records Law in 2011 with the enactment of Senate File 289 on May 12, 2011.

Changes to the Open Meetings Law

- Dictates how to provide proper public notice for reconvened meetings and their subunits.
- Removes the public notice exemption for township trustees, making township trustees fully subject to the law.
- Clarifies that a closed session is allowed for the sale and purchase of real estate.

Changes to the Open Records Law

- Specifies what information is not considered personal personnel information under Iowa Code section 22.7(11).
- Clarifies how much information must be released regarding settlement agreements.
- Allows appraisal information to be kept confidential for a short period of time.

Changes to the Enforcement Provisions of the Laws

- Increases the maximum fine from $500 to $2,500 if you are found to "knowingly" violate the law.
- Removes the criminal sanctions for violations of the Open Records Law making it a civil violation (and consistent with the Open Meetings Law).

- Raises the bar in documenting advice from attorneys. Bottom line—get it in writing.

In addition, in 2011 the Iowa Senate passed Senate File 430 which would create a new "Iowa Public Information Board" to handle complaints and information requests about the Open Meetings Law and Open Records Law. The House of Representatives is considering the bill during the 2012 legislative session, but has reduced the staff to one full-time administrator. I do have reservations about the ability of the Board to perform all its functions with the assistance of only one person. The House has also added a provision to make preliminary draft documents confidential. The Governor has indicated his support for the bill.

The text and history or progress of these two bills can be found on the Legislature's website at https://www.legis.iowa.gov using the Bills Quick Search box.

Website

At the conclusion of the 2011 session, several legislators asked the Ombudsman and the Attorney General's Office to work together to develop an informational website about open meetings and open records matters. We plan to issue a public announcement when the website is live—hopefully before the conclusion of the 2012 legislative session.

Education

Last year, 435 people attended my educational sessions about open meetings and open records issues. I was able to accomplish this with minimal travel time. When travel was necessary, we only asked entities to reimburse the office for mileage. I especially appreciated the help of the Henry County Attorney in hosting a training session for all county and city officials. I believe compliance by government bodies improves when their attorneys take on a proactive role.

Statistics

In 2011, we had a total of 263 cases dealing with open meetings, open records, and privacy issues. Of those there were 150 complaints, 97 information requests, and 16 special projects. Special projects usually include things such as legislative initiatives, trainings, and other projects. The following table shows a nine year comparison of our statistics.

Calendar Year	Information Requests	Complaints	Special Projects	Total
2003	13	57	5	75
2004	67	116	8	191
2005	106	150	3	259
2006	99	172	10	281
2007	98	206	14	318
2008	106	186	11	303
2009	108	190	17	315
2010	84	180	9	273
2011	97	150	16	263

Foster Care Placement Notification for Parents

By: Barbara Van Allen, Assistant Ombudsman

A child can enter foster care in two ways. One situation is when parents voluntarily agree to give the Department of Human Services (DHS) custody of their child. The other situation is when DHS obtains legal custody of a child through a court order. This is done through a child in need of assistance (CINA) proceeding.

Some might assume that when a child is placed in foster care a parent would have the right to know who was providing foster care for the child and where that foster care home was located. Others might assume that the foster care parents and the location of the foster home would be kept confidential and protected from parents. In one of our investigations, we discovered that DHS employees and attorneys who represented parties in CINA cases were not all aware of an existing DHS administrative rule governing placement notifications, even though the rule had been in effect since 1977.

The rule stated "parents shall be notified of the location and nature of the child's placement, unless it is documented in the child's case record that to do so would be disruptive to the placement." While the rule appeared simple, we found it did not provide clear criteria and guidance to DHS employees responsible for evaluating whether or not a parent would be informed of the location of the child's placement. We discovered that the preference of the foster care parent to remain anonymous might be the controlling factor.

Some of the other problems presented by that rule included lack of clarity regarding where the decision to withhold the information from a parent would be documented, who was to get notice of the documentation, and whether or not the decision was subject to be reviewed.

The problems we identified appeared to conflict with DHS' family-centered model of practice implemented in the 2003 redesign of Iowa's child welfare and juvenile justice system. The practice model created transparency expectations between all the parties in the CINA cases in juvenile court system. It also would engage the parents in foster care planning for their children.

As a result of our investigation, we determined the existing administrative rule and departmental policy needed to be amended to state more clearly the following:

- The type of harm that would justify the decision to withhold the foster care placement location from a child's parent.
- How DHS employees would document a decision and the reasons to withhold information about the child's location from the parent.
- When DHS should review whether to continue withholding the location information from the parent.

Upon the request of our office, DHS worked with us to develop amendments to the rule and policy. We believe the amended rule and policy provide needed criteria and guidance to all parties involved in a CINA case about what DHS employees need to do and what parents can expect regarding parental notification of a child's foster care placement location.

The new administrative rule, 441 IAC 202.12(2)**,** states the following:

202.12(2) Placement notification.

a. The parents shall be notified of the location and nature of the child's placement, unless the conditions of this subrule are met.

(1) The department evaluates the situation and determines that notifying the child's parents of the location of the placement would be detrimental to the child's safety and well-being and to the stability of the child's placement due to:

1. Evidence of a direct or indirect threat to harm the foster child or the foster family; or

2. Credible third-party information of a threat of harm to the foster child or the foster family.

(2) The department includes a statement in the child's case permanency plan explaining the decision not to disclose the location of the child to the parents.

b. The decision not to disclose the location of a child's placement shall be reviewed at least every six months when the child's case permanency plan is revised.

Our office and DHS also worked on amending the departmental policy manual to ensure that DHS employees had substantive criteria and guidance on how to implement and evaluate evidence of "threat of harm" and how to document a decision to withhold the location information in the child's case permanency plan. The case permanency plan is a document that all parties in a CINA case proceeding receive. Under the revised policy, employees now must also include the evidence used to support a decision to withhold the location information from a parent; this rationale is provided to all parties, including the court, in the case permanency plan. The decision is subject to review at least every six months. The amended policy is in the DHS Employees' Manual, XIII-J-80c and 80d, available online at: http://www.dhs.state.ia.us/policyanalysis/PolicyManualPages/SocialServ.htm

We believe the amended administrative rule and departmental policy are a substantial systemic improvement in enabling DHS to be transparent in its efforts to protect children and at the same time to engage parents in foster care planning for their children.

After careful investigation, research, and analysis, the Ombudsman makes recommendations to resolve complaints that are found justified. Additionally, the Ombudsman may provide information and answer questions relating to government.

Corrections Corner

By: Eleena Mitchell-Sadler, Assistant Ombudsman

As the Ombudsman's specialist for correctional issues, I serve as a resource person to our staff and also as the point person in our working relationships with correctional agencies.

Outreach and Trainings
In 2011, I continued with my outreach efforts at prison and jail new employee training courses. I shared information about the Ombudsman office and complaint statistics with approximately 120 new prison and jail employees during ten training sessions. A few trainings were canceled due to low participant numbers at the facilities or the inability to safely release officers from their posts to conduct the trainings.

Board of Corrections Meetings
I attended seven of the ten scheduled Iowa Department of Corrections (DOC) Board meetings held in various locations throughout the state. These meetings allow me to stay informed on facility or program issues coming before the Board and to offer comment on matters of interest on behalf of the Ombudsman.

Late in the year, I expressed concern about the Board's agenda because I believed the agenda was too vague and did not sufficiently apprise people of what the topics of discussion would be. The Board's Chairman was receptive to my concern and placed this issue on the Board's agenda for discussion. The Board appeared open and supportive to an agenda that would reasonably inform the public—which is encouraging. The assistant attorney general who advises the DOC said the agenda "should reasonably inform the public" and "more notice is always better." This is in accord with the 2002 Attorney General's Sunshine Advisory Bulletin which says, "*Officials and citizens alike should remember: Meeting agendas are the public's invitation to watch government in action. So, agendas should take care to describe the specific actions to be taken and matters to be discussed in public meetings.*" The Chairman said the Board will continue to be mindful of this issue.

Jail Complaints
Complaints received by our office about Iowa's jails were down 15 percent in 2011 from 2010. Although complaints about visits and property increased significantly, complaints about use of force, releases, and health services decreased. The number of complaints we substantiated increased by 8 percent in 2011, in comparison to 2010.

Prison Complaints
Prison complaints in 2011 increased by 4 percent from the previous year. The increase was due to complaints related to the Iowa Supreme Court ruling in *Anderson v. State, 801 N.W.2d 1* (Iowa 2011), which is detailed below. Complaints about legal resources and religion declined, while complaints about time computations, discrimination, and use of force increased. We substantiated 15 percent of the prison complaints we received in 2011, compared to the 12 percent substantiated in 2010.

Focus Group on Prison Disciplinary Process
The Director of DOC invited our office to participate in a four day event with DOC staff about the offender discipline process in prisons. The group worked to design an efficient disciplinary process that would foster institutional safety and security while encouraging long-term behavioral change.

One focus of the group was to make the process for writing informal or minor violation reports as easy to write as a major violation report. Minor reports were written up on hard copy, unlike major reports, which are generated electronically and are easier to complete. One of the perceived causes for the

high number of major reports is that staff may opt to write a violation as a major and leave it up to the administrative law judge to reduce the report to a minor violation at hearing. DOC officials are continuing to explore improvements to address this issue.

Policy changes were also looked at, such as dividing the disciplinary policy into two parts—informal and minor violations, and major violations. The group believed current policy placed an emphasis on addressing violations as major violations, thus discouraging staff to handle violations at a lower level. Timeframes set by policy for when a hearing would take place, when an appeal is to be filed, and when an administrative law judge reviews continued hearings are being reviewed and changes are expected.

It has been a long process, with several follow-up meetings, but I believe DOC is taking progressive steps to bring about more positive behavior by offenders by encouraging better staff and offender communications and by addressing offender violations more immediately and at appropriate levels.

Credit for Probation

The Iowa Supreme Court decision on July 29, 2011, *Anderson v. State*, garnered the most attention among correctional issues in 2011. The court interpreted Iowa statutes to require that offenders who had been revoked from probation and sentenced to prison be given credit for time served while on probation. Prior to that decision, when offenders had probation revoked, the practice was not to give them credit unless they had been housed in a residential or treatment facility—otherwise known as "head on a bed" credit.

We anticipated receiving complaints from offenders after this court decision, so I contacted the DOC spokesman to inquire of DOC's plan to address this change in calculating an offender's time credit. I was informed DOC was treating this issue as a priority and was welcomed to participate in a work-training session to address the changes. DOC proved they made these calculations a priority, because by the end of October its staff had completed the calculations on over 3,500 offenders.

The calculations resulted in 253 immediate releases from prison, 33 immediate releases from work releases or other community facilities, and 265 immediate releases from parole, which amounted to an overall reduction of 551 offenders under prison and community supervision. In addition, 2,588 offenders had their tentative discharge dates (TDD) changed to an earlier date. According to a fiscal note released by the Legislative Services Agency on February 22, 2012, the fiscal impact of the *Anderson* ruling is $766,000 in net cost avoidance for FY2012 and an estimated cost avoidance of $212,500 for FY2013. Proposals are being considered by the Iowa Legislature in 2012 to change the law to reverse the *Anderson* ruling and revert to "head on a bed" credit only.

We received 49 complaints in 2011 specifically about the probation credit issue. Of those, we identified three cases which had errors we addressed with DOC. In one case, we discovered while the probation time had been calculated correctly, it had been applied to an incorrect effective date. When we contacted DOC about this, they recognized the error and corrected it. This correction resulted in the offender's TDD changing from June 2012 to November 2010, which meant this offender was in prison over a year longer than he should have been. In another complaint, an offender was adamant he should be credited with probation time, but DOC had not given him any. I thought DOC should have already reviewed his case, so I checked his records myself. Sure enough, somehow this offender had been missed. Once I contacted DOC, they immediately realized this offender should have received probation credit and completed the calculation. This resulted in his TDD being that same day and he was released without delay.

Redesign of Iowa's Mental Health and Disability Service System

By: Linda Brundies, Assistant Ombudsman

At the time I wrote my column for our annual report last year, Iowa was just beginning to contemplate a redesign of the mental health and disability services system. There are many reasons Iowa's system needs to be redesigned.

- Under the current system, inequities exist for receiving services depending upon where an individual lives in Iowa.
- There is a shortage of acute care inpatient beds. Consumers are often sent far from family and local community support in order to receive inpatient treatment.
- County sheriff departments must expend money, time, and manpower transporting consumers all over the state to find inpatient beds.
- Consumers remain in higher levels of care longer than necessary because Iowa lacks step-down or lower level of treatment facilities.
- Iowa lacks crisis intervention services, which are needed to address mental health situations before inpatient care or criminal intervention is necessary.
- Lack of adequate funding has forced many counties to create waiting lists for services. Funding was provided by the Legislature to counties last year to eliminate waiting lists, but this year some counties, including Polk County, had to re-establish their waiting lists.
- Iowa lacks a sufficient workforce to adequately serve the mentally ill in their communities, especially in rural Iowa.
- A direct result of the flaws in the current system is a large and growing population of mentally ill individuals in our jails and prisons.

In order to address these problems in the current mental health and disability services system, the Legislature in 2011 directed the Department of Human Services (DHS) to establish work groups to provide recommendations to a legislative interim study committee.

As the Ombudsman's mental health specialist, I was a member of the Judicial Branch and DHS Workgroup. We had six meetings and discussed issues mainly dealing with the civil mental health commitment process. I also attended the meetings of Adult Mental Health System Redesign Workgroup. The other groups were the Best Practices and Program for Persons with Brain Injury Workgroup, the Adult Intellectual and Developmental Disability System Redesign Workgroup, the Children's Disability Services Workgroup, and the Regionalization Workgroup.

The report of the preliminary recommendations by the workgroups, as well as the final report DHS submitted to the legislative interim committee in December 2011 is on DHS' website: http://www.dhs.state.ia.us/Partners/MHDSRedesign.html.

The legislative interim committee was made up of equal numbers of Representatives and Senators and equal numbers of Democrats and Republicans. The committee met for three all-day sessions and worked on incorporating the work groups' recommendations into legislation.

Several bills were proposed for consideration by the Legislature in 2012. They resulted from the workgroup recommendations, the interim committee meetings, and numerous subcommittee meetings. Many consumers, providers, local and state government staff, and legislators have worked tirelessly to get to this point.

The proposed redesign would require counties to form 5 to 15 regions serving targeted populations of 200,000 to 700,000 people. Each region would have a governing board made up of elected supervisors or their designees from each participating county along with at least three consumer or family representatives who would be non-voting members. The Senate's redesign bill would allow providers on the regional board, but they are non-voting members. The House's redesign bill would not allow providers to be on the regional boards. The regions would be made up of contiguous counties that enter into partnering arrangements and use an accounting system that limits administrative burden while facilitating public scrutiny of financial processes.

The redesign bills provide for core mental health and disability services or core service domains, which each region must provide. These are the services or service domains recommended by the workgroups.

Both the House and Senate redesign bills do away with the concept of legal settlement and define residency as the county of residence. This means the county a person has established an ongoing presence and good faith intention of living in when they apply for and receive services.

The recommendations of the Judicial Branch and DHS Workgroup are contained in separate bills from the main redesign legislation. Both the House and Senate bills require law enforcement training in mental health once every four years. They create a pre-civil commitment application screening assessment which would hopefully result in fewer unnecessary commitments. They also provide for more study of jail diversion programs, mental health courts, and the current patient advocate program.

Below are the major redesign bills for consideration by the Legislature in 2012:

Senate File 2315: A bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

Senate File 2312**:** A bill for an act relating to persons with mental health illnesses and substance-related disorders.

House File 2421: A bill for an act relating to persons with mental health illnesses and substance-related disorders.

House File 2431**:** A bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions, making appropriations, and including effective date and applicability provisions.

It should come as no surprise that not everyone is happy with the redesign bills. The biggest issues involve disagreements about how to adequately fund the system and whether a regional system will provide equity in services and funding or simply add another layer of bureaucracy. Some believe property taxes should no longer be used to fund the system; others believe the system cannot be adequately funded without local property tax dollars. Disagreements aside, what matters is the system be adequately funded to provide evidence-based mental health and disability services to individuals no matter where in Iowa they live. There is much more work to be done.

Iowans who have personal stories about their experiences with the current system or ideas about the new system can contact their legislators as well as DHS Mental Health and Disability Division. They can also consider attending upcoming workgroup meetings, which will continue to meet throughout 2012. Consumer involvement has been encouraged by both legislators and DHS staff. Speaking out on the redesign of Iowa's mental health and disability system is not an opportunity that should be wasted because we all can benefit from improvements in the system.

Help for Business Owners
Navigating the Maze of Rules and Regulations

By: Kristie Hirschman, Senior Assistant Ombudsman

Business owners know there is no escaping rules and regulations, but there are resources available to assist them in navigating the regulatory maze. And when business owners hit a dead end, our office may be able to help by investigating complaints about a government agency's application, interpretation, and enforcement of its rules.

The Rulemaking Process

The Code of Iowa may delegate to state agencies authority to implement policies or regulations through administrative rules. The rulemaking process requires the agencies to give public notice of their intent to adopt, amend, or rescind a particular rule. The process also requires the agencies to seek public comment about the proposed change(s).

As the small business specialist for the Ombudsman's office since 1995, I have been involved in commenting on various administrative rules affecting small business owners. I believe it is critically important that business owners themselves participate in the rulemaking process if they wish to deter the implementation of rules they believe to be burdensome and costly. They can best provide evidence or information to show the impact a rule will have on their business.

A great resource about the rulemaking process can be found at http://www.adminrules.iowa.gov/. From this website, anyone can search the administrative rules, sign up to be notified when rulemaking of specific interest is taking place, and get answers to many of the questions frequently asked about administrative rules. The website also explains how to petition for rulemaking and what the process is for requesting a waiver from a rule.

Complying with Rules and Regulations

Where can a business go to find out what rules and regulations apply to their operations? Fortunately, there is a searchable database—the Iowa Small Business Assistance Gateway at https://www.iowa.gov/business/—for finding licenses, permits, and occupational requirements for operating legally in Iowa. This website connects small businesses with the resources to start, manage, and grow their business. Another helpful resource is the Iowa Business and Regulatory Assistance Network (Network) at http://regassist.iowa.gov/. This Network consists of representatives from various state agencies who act as the primary contacts for regulatory affairs with the Iowa Economic Development Authority. The Network seeks to ensure access and responsiveness to requests from citizens, small business, industry, and local units of government.

Problems with Enforcement or Application of Rules and Regulations

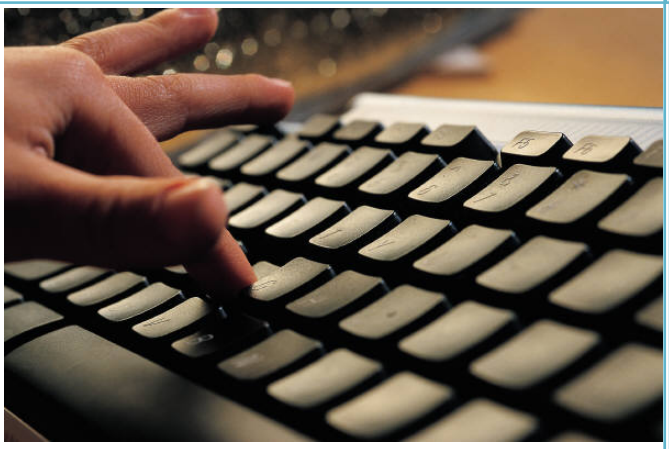
What happens when a business owner believes an agency is acting outside its statutory authority or a government official is not applying the administrative rule correctly and consistently? The business owner can file a complaint with the Ombudsman's office. Our office can investigate complaints about any policy or action taken by state and local

government agencies in Iowa. We can also investigate an agency's failure to act pursuant to law. We perform this service in an independent and, when appropriate, confidential manner.

Our office has reviewed complaints about topics such as permit delays, tax collection, and payment for services provided by businesses. We have also reviewed complaints about government official's interpretation and application of statutes and rules. In one situation, we asked the agency to update its rules to match the provisions in its handbook.

Top Ten Government Web Sites

We have put together a list of ten web sites that will quickly put you in touch with almost any facet of state and local government in Iowa. This is certainly not an exhaustive list, but one that should help you get started in finding whatever you might be looking for.



1. Official State of Iowa website—www.iowa.gov
2. State agencies—http://phonebook.iowa.gov/agency.aspx
3. Legislative—www.legis.iowa.gov
4. Judicial—www.iowacourts.gov
5. Cities—www.iowaleague.org
6. Counties—www.iowacounties.org
7. Public school districts and Area Education Agencies—www.ia-sb.org
8. Iowa law—www.legis.iowa.gov/IowaLaw/statutoryLaw.aspx
9. "Sunshine Advisories"—www.iowaattorneygeneral.org/sunshine_advisories/ (primers on the Open Meetings and Public Records laws)
10. Citizens' Aide/Ombudsman—www.legis.iowa.gov/Ombudsman

From the Ombudsman's Case Files

Public Records, Open Meetings, and Privacy

Perhaps We Were Not Heard The First Time

A library board held an illegal closed session when a majority of members kept the public out and failed to post an agenda that a closed session would be held at the meeting. That was the third substantiated complaint our office received about this particular board despite assurances from the board president it would never happen again.

On that particular afternoon, the board president received a phone call two hours before the scheduled board meeting. She learned the library's budget was probably going to be cut drastically in the near future. After learning that, but before the meeting was officially brought to order, the president asked members of the general public to leave the room. She told us she closed the meeting to tell the board about the phone call she received a couple hours earlier. She also wanted to tell the board she was going to eliminate a paid position at the library. The city council, however, made no final budget decisions until two weeks after the library board's illegal meeting.

We concluded the board failed to post an agenda as required by Iowa Code section 21.4. They also failed to give proper notice of the closed session citing one of the acceptable reasons for holding a closed session listed in Iowa Code section 21.5(1). In addition to these violations, the board failed to:

- Enter into the minutes and announce publically the vote of each of the members present, including their individual specific legal reason for closing the session before the closed session began. Iowa Code section 21.5(2).
- Take whatever final action concerning the matter discussed in the closed session, immediately, after going back into open session. Iowa Code section 21.5(3).
- Take detailed minutes of the closed session, tape record the session, seal the recording, all according to Iowa Code section 21.5(4)

Most of the members interviewed were not even aware such procedures exist, even after the president vowed never to violate open meeting laws again. **It is important for state and local government policymakers to know the Open Meetings Law and their duty to comply with it**. As in other regulated arenas, not knowing what the law says is not a valid defense. Relying upon the advice of the governmental body's attorney is, however, and should be exercised as a reliable resource.

We reminded the board in addition to these directives, there is a remedy available to citizens to seek enforcement of this chapter in district court. Under Iowa Code section 21.6 (1), sanctions may be levied upon **each member** of a governmental body that violates this law. *Id.* Each member of the governmental body who participates in an illegal meeting can be fined anywhere between $100 and $500 plus court costs and attorney fees. The court also has the authority to void any action taken as a result of the illegal closed session, and more importantly to the members of the agency, remove them from office.

We referred the matter to the Attorney General's office. We recommended the Library Board comply with the Iowa Open Meetings Law. We also referred the board to several sources for information concerning the Open Meetings Law, including their own *The Iowa Library Trustees Handbook,* and training available through the state. All members of the offending board with the exception of one who is no longer sitting, agreed in writing to implement our recommendations.

Meeting Notices Leave Much to be Desired

A city council in southwest Iowa sought to remove its library board's president because of perceived problems with his communication skills and attitude. The council also believed the board president's term had expired.

The president requested a public hearing and enlisted an attorney to help. The city notified the attorney of the June 29 meeting but neither the president nor his attorney appeared. The agenda for the hearing simply gave the time and date for the hearing under the heading "public hearing." The city held the hearing and decided to hold a special meeting the next day to finalize the vote to remove the president. On June 30, a vote was taken to remove the president and its meeting minutes were published thereafter.

The president asked us to investigate whether the notices were sufficient under the state's Open Meetings Law. We determined the notice for the June 29 meeting was not adequate to notify the public of what was to be discussed. Furthermore, the notice for the June 30 meeting did not provide the public 24 hours' notice, as required by law.

We recommended the city council provide proper notice in all its future meetings and asked the council and city clerk to receive training.

The Ombudsman investigates complaints against agencies or officials of state and local governments in Iowa. We perform this service, without a fee, in an independent and, when appropriate, confidential manner.

Repeat Problems with Public Meeting Minutes

A citizen in a small Iowa town called in March to complain the city clerk was not publishing city council meeting minutes as required by law. The clerk told us she was sending the minutes to the newspaper, but because she did not subscribe to the newspaper, she did not know if the minutes were being published. The newspaper's publisher admitted they only occasionally put the minutes in print as a courtesy because they did not think the city met the 200 population publication threshold found in section 372.13(6) of the Code of Iowa. We advised the publisher the city's population was over 200 and state law required publication of its council meeting minutes. We suggested both the clerk and the newspaper contact each other to straighten things out.

Regardless of the newspaper's contribution to this problem, we still had concerns about the clerk's response to our inquiry. The clerk should have received a bill and proof of publication from the newspaper if the minutes were published as required by law. In addition, the same clerk was criticized in a state audit (when a clerk for another community) for not publishing minutes. Our concerns were justified when the complainant re-contacted us in June to inform us only the March minutes had been published after we contacted the clerk. We later contacted the newspaper publisher and were informed they had received just two sets of minutes from the clerk for the months of April through September.

We sent a letter to the clerk requesting she submit all unpublished minutes for the period of July 2010 through October 2011 to the newspaper. We also advised the clerk that future violations could result in referral to the appropriate authorizes for prosecution as provided in section 2C.19 of the Code of Iowa.

The complainant later called to thank us as all the missing minutes were published in a December edition of the newspaper.

Clerk Wrongly Makes Records Request Low Priority

A resident in a small town in southeast Iowa came home to find construction flags sticking up throughout her yard. She tried unsuccessfully to get information from the city about the work that would take place, and was told only that the city had the right to do the work on her property. When the resident requested minutes from the last city council meeting that would provide some insight on the intended work, the city clerk told her she was busy and would get to them at some point.

We spoke to the resident over a week after she had filed her written request with the city clerk, and she had yet to receive a response. When we called the clerk to ask about the status of the request, she said she had more important priorities than responding to records requests. We took issue with this response, as it had already been 11 days since the resident's initial request. Under Iowa law, even in cases where the confidentiality of a record might be in question, a delay in response should last no more than ten days.

The city clerk replied that she was not aware of this provision of the Open Records Law and she agreed to provide the records within the next day or two.

Ombudsman Helps Cut Records Bill by 34%

You are the mayor of a small town. You send a public records request to another government agency. In response, you get a stack of records and a bill for $376. You like the records, but not the bill. What to do?

One option is to call the Ombudsman's office—we can investigate complaints from public officials. We received such a call from a mayor of a south central Iowa town that was modernizing its sewer system. The project was being managed by a regional intergovernmental agency that was created to help "unsewered communities" with the costly task of building modern sewage treatment systems. These are typically unincorporated towns and clusters of rural homes where outdated septic tanks can cause untreated wastewater to seep into rivers, streams, and lakes.

The mayor expressed concerns about various issues involving the organization, particularly the amount of the monthly fees that were being billed to homeowners. To learn more about the agency, the mayor submitted a letter requesting copies of meeting minutes going back several years, among other things.

In response, the mayor received 224 pages of information, along with a bill for $376. The bill broke down like this: $56 for copying fees (224 pages at 25 cents per page) and $320 for staff time (eight hours at $40 per hour).

The mayor and city attorney did not challenge the charge for copying fees or the claim that processing the request took eight hours. But they did question the $40-per-hour fee. We contacted the agency and asked how the $40 rate was calculated. The agency said the employee's salary, plus benefits, totaled $33 per hour; they also added $7 per hour for office overhead.

We pointed the agency to a section of the Iowa Open Records Law that allows charges only for actual costs. Iowa Code section 22.3(2) states "Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian."

In response, the chairman of the organization's board of directors agreed to reduce the fee charged to the mayor. The revised bill was $248, a reduction of $128. At the chairman's request, the board revised its records policy to ensure that fees are charged only for actual costs of processing a request.

Public Records, Open Meeting Resources

- The Attorney General's office has published easy to read "Sunshine Advisories" which interpret the basic nuts and bolts of Iowa law. Go to: http://www.state.ia.us/government/ag/open_government/Open_and_Sunshine.html
- The Iowa Freedom of Information Council provides some training and publishes the Iowa Open Meetings, Open Records Handbook. Fourteenth edition copies can be obtained (for a fee) by calling the Council at 515-271-2295 or go to: http://www.drakejournalism.com/newsite_ifoic/.
- Local government officials can get information and training from the Iowa League of Cities, the Iowa State Association of Counties, and the Iowa Association of School Boards.
- For legal advice or more formal oral or written opinion, contact your attorney or the attorney working for the governmental body.
- If these resources do not answer your questions, contact our office at 515-281-3592 or 1-888-426-6283.

You're Having a Meeting About What?

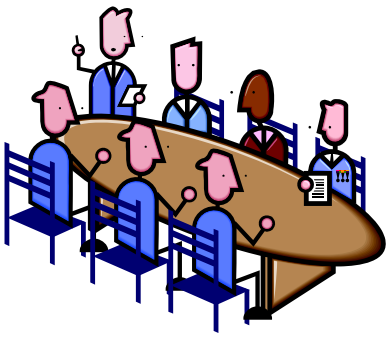
While perusing a meeting agenda of a city council in central Iowa, we noticed the document was terribly short on detail. One item up for discussion at the council meeting included only the name of a person. The agenda also included items for "new business" and "old business," without any indication of what specific subjects might be discussed.

Iowa's Open Meetings Law requires government bodies to give notice of its tentative agendas "in a manner reasonably calculated to apprise the public of that information." We did not believe the agenda, as written, provided any member of the public with enough information to understand what the city council planned to discuss.

We discussed our concerns with the city manager, who immediately agreed with our analysis. He said the council's item on "new business" was typically used to take comments from the public. We suggested the city reword its regular "new business" item to "open forum," and provide more detail in the future for "old business" and other agenda items. The city manager implemented the changes immediately.

City Closes Meetings Without Explanation, Recordings

A citizen from western Iowa alleged a city council had improperly conducted closed sessions on two separate occasions. We requested documentation from the council so we could assess the situation for ourselves. It quickly became evident to us the complaint was right. The city could not produce a recording of one meeting, although the law requires it, and the council did not advise the public of the reason for the closed session at the second meeting, which is also required by law.



We advised city officials of the legal mandates and suggested the council get training regarding the Open Meetings Law. The city responded favorably, acknowledging the violations and accepting our suggestions.

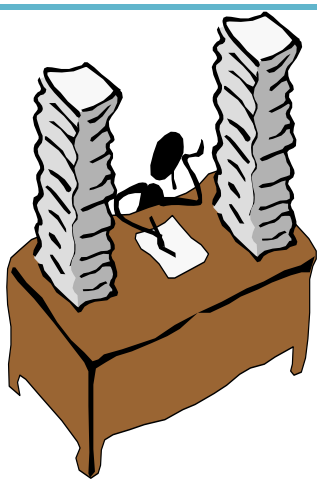
Excessive Fees Charged to Reporter

A frustrated and astute reporter called us after he failed in his attempts to convince a county in central Iowa that its fees for a recurring public records request were excessive. The county had been charging the newspaper 50 cents per page for an electronic report on mortgages and deeds that he requested regularly. We recommended the county reconsider its fee policy to be consistent with the Open Records Law and a "Sunshine Advisory" from the Iowa Attorney General which said that "expenses and fees for office personnel should be based on the hourly wage of the staff providing the service multiplied by the hours actually spent."

The county attorney adamantly disputed the practice was contrary to law, believing it was not required to be provided at all, since it had to be compiled in a special report. In the same response, however, the county accepted our recommendations and agreed to change its policy, which effectively cut future requesters' cost in half. We reviewed the new policy and were satisfied its fee provisions more accurately reflected the county's "actual costs."

Human Services

Delay in Processing Food Stamp Applications Common



Our office received complaints from people in two separate counties about delays in getting their food stamps. One complainant was a new applicant; the other was simply providing updated information to the state.

In both cases, agency officials told the complainants their information and applications were received, but they could not say when their paperwork would be processed or when they would receive benefits. In reviewing these cases, we were aware the agency was required to process the applications within 30 days under Iowa rules.

We made inquiries with the agency to ask about the reasons for the delays. We were told the offices were short-staffed and workers were behind in entering paperwork. There had also been a greater number of applications filed due to the recent downturn in the economy. Shortly after we made the calls, both complainants received their food stamps. The agency told us it continues to look at how it can resolve staffing shortages and improve office efficiencies.

Citizenship Issues Involved in Driver's License Application

Shortly after moving to Iowa and receiving her Iowa driver's license, a 72-year-old Massachusetts woman was told she had provided insufficient information to the state agency that had processed the license. An agency supervisor told her she had 60 days to prove she was a citizen or her license would be revoked. According to the woman, the agency said it needed more documentation because she was born in Canada.

We reviewed the U.S. Immigration and Customs website and learned the woman was technically considered a U.S. citizen because her mother and father were Americans. We provided copies of the woman's Canadian and U.S. birth certificates and other identification to the state agency in the belief this would clear up any confusion.

The agency explained that federal authorities had asked the agency to obtain more information because the woman initially provided only her Canadian birth certificate and her expired Massachusetts driver's license. The woman's parent's birth certificates, which proved she was born to U.S. citizens, resolved the problem and the woman was allowed to keep her Iowa driver's license.

Quick Fix With Agency Cooperation

Medicaid clients can be reimbursed for the expenses they incur to travel to a doctor's appointment. In the alternative, transportation is arranged and billed directly to Medicaid. In either case, patients must get approval in advance from state contractors.

Last summer, we heard from a Medicaid recipient from northeast Iowa who usually rode with a friend to her to doctor's appointments. Her friend's travel expenses would then be reimbursed. In one case, however, the woman's friend was unavailable to take her to a scheduled surgery. The woman requested transportation through the state contractor, which arranged for a driver and provided her with a confirmation number. Two days before the surgery, however, the woman was informed she could only be reimbursed for her travel and the contract transportation was revoked.

After we heard about this turn of events, we contacted the state agency responsible for the transportation program and asked for a clarification of the rules pertaining to this specific patient. By the next morning the contractor reversed itself and agreed to provide the transportation after all.

The Quality of Mercy is not Strained

A great-grandmother of two disabled boys who provides daycare for them while her son is at work could have lost her ability to care for the children. The boys' father gets daycare reimbursement for the boys, but the state issues the check to the grandmother. She also has a debt to the state for past due taxes that she previously set up a payment plan for. She had not missed a payment. Regardless, state officials started taking the entire monthly reimbursement check to pay down the money she owed.

She contacted us frantic because the reimbursement check was her sole means to care for the boys when they were with her. Without that money, she would have to work elsewhere which would leave the children alone and make the older boy vulnerable to becoming a ward of the state, she said. She also told us she was appealing the decision to offset the reimbursement check despite being told by staff at the department the success of her appeal was unlikely.

We contacted the state agency handling the situation. Department officials located the great-grandmother's appeal and decided to stop the offset for a year. The department stated they would have to make an annual determination whether or not to resume applying the offset. We contacted her with the department's new decision. Her tears were evidence of her relief.

Unfounded Allegations Go Public

A couple who adopted each other's children from prior relationships found themselves accused of child abuse. When state authorities decided to investigate, they prepared a notice informing the parents of their intentions, as state law requires. However, instead of the notice going solely to the adoptive parents, one copy went to one of the parent's former partners, whose rights to the adopted children had been terminated long before. Iowa law makes most child abuse information confidential and available only to parties with a direct involvement in the case.

The agency that handled the assessment notice confirmed the worker who entered the information was unaware of the protocol for ensuring the document went to the right people. To resolve the problem, the agency now requires its workers to document their review of parental-rights terminations prior to sending out notices. Administrators also took steps to prevent workers from pasting sensitive investigative information into the notices that are mailed out. The agency also agreed to apologize to the parent who was affected by the breach of confidentiality.

Corrections

Prison Denies Visitor a Breath of Fresh Air

The mother of a prison inmate told us she was denied a visit with her son because she arrived at the institution with a metal oxygen tank. The 75-year-old woman required oxygen constantly under doctor's orders, but her stated reasons were disregarded by prison staff, which cited security concerns.

We conducted some research to see whether, in our view, the oxygen tank presented a legitimate risk to the safety of prison inmates and staff. While we did find that oxygen tanks can explode under high heat or extreme pressure, we had no reason to believe those conditions were present in the prison visiting room. We also learned trains and buses routinely allow passengers to use the tanks. Even airlines allow the tanks to be used in flight, although they provide the canisters. When we checked with other prisons around the state, we could find none that prohibited visitors from bringing in oxygen tanks.

We persisted in our efforts to understand why this particular prison took a different stance on the issue than its counterparts. Eventually, after three months of discussion, prison officials relented and now allow visitors to bring in oxygen with a doctor's order.

Marriage is a Right, Not a Privilege

The fiancée of a prison inmate contacted us after the institution's secretarial staff told her the couple's marriage request was denied. They were also told they had no avenue of appeal.

We had fielded similar complaints in the past from this same prison. Our previous investigations led us to conclude offenders have a constitutional right to marry, subject to any security concerns. Courts throughout the country have explained marriages are an exercise of religion that are protected by the First Amendment.

We reminded the warden of our past advice on this subject and he visited with state attorneys. Eventually he concluded he must allow the marriage to go on, and the couple took their vows shortly thereafter. The warden did not explain why he denied the marriage in spite of our prior concerns.

Point of Order

A prison inmate given a report for false statements and misuse of the phone alleged the administrative law judge failed to aggravate the charges correctly. Policy allows a judge to aggravate or raise a sanction to a higher classification if it is determined the circumstances are more serious than those of a lower class of violation. If a law judge does this, he or she must specify in writing the aggravating circumstances that prompted him or her to change the violation's classification.

We reviewed the underlying report and decision that prompted the inmate to contact us. The judge did not specify any reasons for raising the classification in the case. After discussing our concerns with the judge's supervisor, the decision was made to lower the classification of sanctions in both instances and reduce the original sanctions. The supervisor further agreed to review our concerns with other administrative law judges and remind them of the requirement to specify their reasons for aggravation every time a violation is raised in classification.

Resident Sent to Prison on Unfounded Allegations

A resident of a state work-release facility asked us for help after he was revoked to prison on what he said were false accusations that he had assaulted and robbed a former girlfriend.

We reviewed the documentation from the disciplinary hearing that led to the man's revocation, and we were immediately concerned—not only about the lack of evidence in the case, but also by the procedures that had been used by staff at the work-release facility. By law, offenders who are accused of serious rule infractions are entitled to hearings where they can raise a defense and request witnesses before an impartial decision maker. Before officials can extend an offender's time in prison, they must find that "some evidence" exists to support the allegations against them.

Officials wrote a disciplinary report against the resident after his former girlfriend called the facility, claiming he had been to her apartment, where he punched and slapped her, then stole $20. The man was supposed to have been at a doctor's appointment at the time of the alleged assault. Facility officials directed the woman to call police, and then discussed the matter with the officer after he concluded his investigation.

A facility official's account of that conversation indicated the police officer believed an assault had taken place. However, a copy of the officer's report said just the opposite: there was no evidence any assault had occurred.

We also noted problems with witness statements in the case. A handwritten statement from the alleged victim was not signed, nor was it witnessed by a staff member, as protocol requires. Further, we found a second statement in the offender's file, also reportedly written by the victim, which appeared in different handwriting than the first. It also lacked the victim's signature and that of the staff member who took the statement. Bringing further intrigue to the case was the fact the alleged victim had twice reneged on promises to visit with facility officials to show them her bruises.

The accused offender insisted he was at his doctor's office at the time of the assault, and he asked the facility to check his alibi. There was no indication that was done. Nor did facility officials take any steps to try to corroborate the woman's allegations by interviewing her neighbors or requesting her apartment be fingerprinted.

Despite all of these uncertainties, the hearing officer in the case found the resident guilty of assault, making threats, and being at a location without permission. The violations convinced facility supervisors to seek the man's revocation to prison, which was approved by corrections officials.

When we pointed out the questionable evidence and poor investigation to a high-ranking corrections official, he agreed to launch an internal investigation. He quickly reached the same conclusions we did, and ordered the offender receive a new disciplinary hearing.

During the investigation of the new case, the alleged victim recanted her allegations, and the offender was found innocent of the allegations. Prison officials quickly responded by recommending the man's parole, which was granted.

After receiving a complaint about a prison or jail, we review the relevant information and decide whether staff:

- **Followed the law and institution policy**
- **Acted reasonably and fairly**

Prison Holds Offender Without Authority

Last summer, we heard from an offender who had received an out-of-state parole two months earlier but who remained in prison.

When we contacted prison officials, we learned the inmate's parole was placed on hold because he was under investigation for an alleged prison rule violation. Records clearly showed the prison had not contacted the Board of Parole to request postponement of the offender's release, and we questioned whether the prison had the authority to detain him. We had addressed a similar issue months earlier at a different prison, so we shared our work from that case.

Prison officials admitted confusion regarding the parole hold and said they have since informed staff of the proper process to have an offender's release rescinded.

Other Agencies

A Licensing Catch-22

A medical doctor called us in frustration because he felt he was caught in a Catch-22 situation with a state licensing board. Following allegations of misconduct not involving a patient, the doctor had agreed in a settlement with the board to five years of probation on his license to practice. The settlement agreement contained several conditions for him to meet, including forwarding regular reports of peer reviews to the board. However, his malpractice insurance rates rose significantly because he was on probation which made it financially impractical for him to maintain his private practice or be hired elsewhere.

The doctor allowed his five-year probation period to pass, but when he requested reinstatement of his full license, he was denied because he had not provided the reports on peer review. The doctor told us he was unable to get the peer reviews because he had not worked as a doctor during his probation.

We reviewed the licensing board's policies and asked its staff about the doctor's situation. We noted the settlement agreement did not indicate the doctor's probation could be extended beyond the original five years. The board's attorneys, however, opined a probation could be extended when conditions were not met.

We reiterated our concerns that no policies or rules seemed to allow for an extension to probationary periods ordered by the board. In response to our questions, the licensing board agreed to consider the matter. After some discussion, the board agreed to drop the continuing restrictions on the doctor's license.

We were satisfied the end result was appropriate under the circumstances of this case.

Veteran's Spousal Benefit Forgotten

The daughter of a nursing home resident asked us to figure out why the state had stopped payment of a $90-a-month personal needs allowance to her mother. The elderly woman was the surviving spouse of a World War II veteran and had been told she qualified for the payment.

We contacted the agency and asked under what authority it was retaining the money. The agency promptly responded the money had been kept in error—federal law indeed allowed the widow to continue receiving the benefit. A reimbursement was immediately mailed to the nursing home resident.

To Fee Or Not To Fee

Nearly 40 people were due a refund after it was discovered their license application fee was illegally retained as a processing fee. The Iowa Legislature passed a law during the 2006-2007 legislative session that established a statewide electrical licensing and inspection program. The law required the state to license all electricians and electrical contractors by January 1, 2008.

One person who wanted to comply with the law applied for an electrical license in 2010 and submitted the $25 application fee. The applicant was later told he did not need a license for the type of work he did. He filed a complaint with our office after an agency official told him the $25 application fee he submitted was a non-refundable "processing fee."

We could not find any statutory authority that allowed the agency to charge a processing fee. Upon inquiry, the agency agreed. We asked the agency to review and identify other applicants who should have received a refund from their application fee. Thirty-seven applicants who were ultimately identified by the agency received refunds.

A Questionable Penalty

A classified ad for an apartment opening got a southeast Iowa landlord in hot water after they received a test call from a state commission. By law, landlords need to make reasonable accommodations for those with a disability, which includes waiving no-pet policies and pet deposit fees. The state commission contracts with a non-governmental entity to make "test calls" to check for compliance. Violators can find themselves in court with heavy fines.

In lieu of going to court, the commission sent this landlord a letter to advise of the violation and potential consequences. The landlord was also sent a "predetermination settlement agreement," which requested a $500 voluntary contribution, among other things.

One landlord enlisted an attorney's help. The attorney contacted our office and said: "it is a crime to threaten criminal prosecution as means of inducing a settlement or donation." In a preliminary review, we found the commission has broad discretion to order nonmonetary penalties, but cannot order punitive damages. We contacted the commission, but they did not budge. We referred the issue to another state agency for a second opinion. The other agency agreed with us and recommended the commission should stop the practice. The commission agreed.

Time Kept Ticking Away

A state agency's slow response left a citizen's driving privileges in limbo for several months. An attorney contacted our office in November because after five months and multiple letters, he still could not get a state agency to release a judgment against his client. Until the judgment was released, the attorney's client could not get a driver's license.

The attorney explained the state agency was responsible for releasing the judgment since the insurance company awarded the judgment went out of business. The first letter the attorney sent in May included a check to pay the judgment and a release form. Two additional letters and three phone calls later, the judgment was still not released. Agency officials assured the attorney during every phone call that he would have the release in a couple of weeks. But "nothing ever happens," the attorney said.

We shared the facts of the case with the agency the same day the attorney contacted us. We were advised the following day that agency officials executed a Release and Satisfaction of Judgment. Copies were mailed to the local clerk of court and the attorney.

What You Guano Do?

A woman contacted our office to report that the picnic tables at a state park in central Iowa were covered in bat droppings, also known as guano. The picnic tables were located in a stone shelter inhabited by bats. The complainant was concerned that the droppings, which are toxic, could affect the health of visitors.

When the woman contacted the agency responsible for the park and asked that the tables be cleaned and moved outside the shelter, she was told the park had only one ranger and two helpers, all of whom were busy mowing.

We contacted the agency, which confirmed the shortage of staff. We were told, however, the picnic tables had been moved outside of the shelter and the problem was resolved. To ensure this was the case, we visited the park, where we unfortunately found picnic tables still inside the shelter, covered in bat droppings. We told the agency of our discovery and asked again that the tables be cleaned and placed outside the shelter.

Later that day, we were notified by agency staff the tables were removed from the shelter and cleaned. We visited the park twice more and confirmed the tables remained outside the shelter and were free of bat droppings.

Our Services Are Available to:

- **All residents of the State of Iowa, including those confined in state institutions.**
- **Persons from other states and countries who may have complaints against agencies of Iowa government.**

Agency Corrects the Consequences of its Bad Advice

The demands of caring for a seriously disabled child can weigh heavily on parents and guardians. This is the reason why many parents occasionally hire experienced and trained caregivers to provide "respite care," to have a few hours or a couple of days a month to themselves.

Last winter, a family contacted us with fears that their child's respite hours would be terminated, even though the child had been eligible for the care for years through Medicaid. The problem came about a year earlier when a worker suggested the family apply for Medicaid with a Brain Injury (BI) Waiver rather than an Ill and Handicapped (IH) Waiver. The family had applied for the BI waiver and was approved. However, upon further review, state workers determined the child was not eligible for the BI Waiver and it never should have been approved. The family argued to us that it was not fair to lose respite hours since they had acted on the advice of the worker.

We contacted the agency and asked officials to look into the situation. The agency reaffirmed the child was not eligible for the BI waiver. However, the agency agreed to allow the family to stay on the waiver until other sources of assistance could be found. The family was extremely relieved. The agency further said it had clarified with its medical staff the appropriate use of the BI waiver so this problem could be avoided in the future.

Unemployment Claim Approved After E-Mail to Ombudsman

For a married couple, fears of bankruptcy disappeared a day after sending an e-mail to our office. The woman had a full-time job with a school district, but was laid off at the end of the school year. She applied for unemployment benefits.

A week later, she received notice that she needed to reapply because her annual review date had passed. She reapplied and then waited. A few weeks later, she received notice that a hearing needed to be scheduled because her application failed to mention a substitute teaching job she had held for one day. Her husband tried calling the agency, but was put on hold and could not wait until a worker was able to take the call.

That evening, the couple sent an e-mail to the agency's "Claims Help" unit, with a copy to our office. The e-mail described their efforts to receive unemployment benefits. "Is there anything that can be done to expedite this or to file a complaint/appeal?" their e-mail asked. "We are hoping something can be done before it drastically affects us and we may have to resort to filing bankruptcy."

In response to the e-mail, an agency employee the next morning wrote, "Unfortunately there is no way to speed up the process … every claim goes through the same process." That response was also copied to our office.

After reading the couple's e-mail and the agency's response, we found the response lacking, and asked an agency supervisor to review their concerns. The supervisor responded later that day. He discovered information that allowed him to approve the woman's unemployment claim that same day. He also spoke with the woman and apologized for the agency's original short answer to her e-mail.

After we notified the woman of the agency's favorable response, she confirmed she had received an apology and reported that "things are under control."

Local Government

County Employees Make Personal Use of County Discount

We received word from a whistleblower that some county employees in south central Iowa were using a government discount to buy tires for their personal vehicles and those of their families. The whistleblower said the county's board of supervisors and county attorney were notified of the activities, but had failed to address the matter.

We were concerned the personal use of the discounts was likely illegal or, at a minimum, unethical. We contacted several county officials, including the county attorney, who looked further into the matter and confirmed that four employees had used the county discount for personal gain. We suggested the employees make restitution for the full price of the tires, including taxes. We also suggested the county expressly prohibit its employees from benefitting personally from county discounts in the future. Our suggestions were accepted.

We requested and later received copies of receipts showing that the full price was paid for the tires. We also received a copy of a resolution passed by board of supervisors to prohibit the purchase of personal items by county employees using the county discount.

Singled Out

A central Iowa woman asked for our help in restoring snow plow service along her dead-end street after the city council declared the roadway a low- or no-maintenance street. The council's actions followed a long-standing dispute the homeowner had with city officials, including the employee who plowed the town's streets. The street in question ended just past the complainant's home and was the only home on the dead end that was reclassified by the city. We made several attempts to get the city to explain its legal basis for cutting the resident out of its snow route, as we believed Iowa law allows only counties—not cities—to classify its streets for maintenance purposes. The city's failure to maintain the street would have made it difficult or impossible for her to enter or leave her home by vehicle, and might also prevent fire and rescue teams from gaining easy access to the property in the event of an emergency. The city ultimately acknowledged our concerns and rescinded its resolution.

City Gives Business $25,000 Without Considering Public Benefit

A small-town resident in northern Iowa asked us whether it was appropriate for his city council to have given a local business $25,000. The council's approval of the payment was reflected in meeting minutes published in the local newspaper, but the minutes gave little detail about the basis for the decision.

Iowa law allows cities to pay private businesses a fair price for services provided, or to give economic-development incentives if they serve a public purpose. Cities are obligated, however, to explain what public purpose is served when they give money to private enterprises.

We asked the city for copies of any resolutions, agreements, or contracts the council had approved in conjunction with the payment to the out-of-state construction company. The city explained it had no such documentation. Through our investigation and interviews, we learned the city had agreed to a company request for $25,000 after the company had purchased property in a private industrial park. Shortly after moving in, the company built a large parking lot at the site and experienced resulting drainage problems. The city money was reportedly intended to offset the company's costs of upgrading its storm sewer. The city had also previously agreed, at its cost, to help truck gravel to the site to assist with the construction of the parking lot shortly after the company bought the property.

One council member told us he thought the grant was a reasonable gesture in return for the company bringing new property-tax revenue and jobs into town. But nowhere in city records could we find the company had requested the assistance as an incentive to purchase the property. Property owners are commonly required by cities to bear the cost of their own sewer repairs and upgrades.

For those reasons, we determined the city's financial support of the business did not directly benefit the public and thus, the payment likely defied state law. We also found the city failed to ask the company for a detailed accounting of its project costs before it agreed to give $25,000.

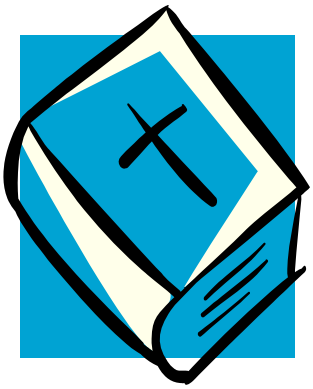
At our recommendation, the city council acknowledged its missteps during a public meeting and pledged to analyze the public purpose of any future monetary requests from private entities. We also asked the city begin drafting written resolutions or agreements to spell out the purpose and justifications for any future grants.

Hearing Device Beyond Repair

An offender with a hearing impairment was having trouble communicating with his attorney and family because the county jail's text telephone device or teletypewriter (TTY) was not working properly. The offender also said he was limited in the number of times he could use the TTY since he needed special permission from jail staff.

We decided to investigate after a quick review of the Americans with Disabilities Act, and its mandate that government offices provide "reasonable accommodations" to citizens with physical limitations. Jail staff readily admitted the offender had a hearing impairment that warranted use of the TTY, but they denied the offender was restricted in his use of the device. The jail administrator told us he was unaware of the technical problem with the TTY. With our help the administrator found a repair technician who determined the system was broken beyond repair and ordered a new TTY.

The Right Thing to Do



During the transfer of an inmate from a county jail to state prison, the jail's employees lost the offender's Bible and legal papers. Offenders are not allowed to have a lot of personal property when they are incarcerated, so the belongings they do have are very important to them.

The inmate asked us to help get his property replaced. We contacted the jail, where an administrator confirmed that employees had lost the items. We recommended the jail pay the costs of replacing the Bible and papers, and the jail agreed. We made arrangements with the public defender's office and others to replace and deliver a new Bible and copies of the offender's legal papers to him in prison.

Dogs Set Free After Biting Girl

A north-central Iowa woman asked for our intervention after a sheriff's deputy failed to impound two dogs that bit her 7-year-old daughter at their home. The family was in their back yard with their three Dachshunds when the dogs got through a fence and attacked the little girl. After the deputy arrived and conducted a cursory investigation, the mother and girl left for the hospital. Upon returning, the family learned the deputy had not tried to verify whether the dogs had their rabies vaccines, but had let the dogs and their owner go. The owner of the dogs lived in another county and his location was unknown.

Iowa law requires dogs found running at large to be impounded if they are found without rabies tags. Rabies is fatal in humans if not treated. When the dogs could not be located within six days, the little girl had no choice but to begin rabies treatments, which consist of several painful shots administered over the course of a month. The owner of the dogs was eventually tracked down, but he denied the dogs had attacked the girl and would not say where the dogs were.

We asked a supervisor to review whether the deputy had followed normal department protocols in his handling of the case. The deputy, apparently ignorant of the legal requirements, admitted he had allowed the dogs to go because the owner had secured them in a van. The supervisor agreed the deputy should have confirmed the dogs had their shots.

As a result of our inquiries, the sheriff's department announced protocols to staff on the handling of dog-bite complaints. The sheriff also wrote the girl's mother to express his regrets on his deputy's response.

Beer Seized by Police Given to Friends

We were asked to weigh in on a dispute between a small-town police chief and his officers that went public during a city council meeting. Among the charges made against the chief was he was sharing beer with city streets employees that had been seized from underage drinkers and others.

We reviewed a tape from the meeting in which the chief admitted to the allegation, though he said officers were not drinking it themselves. "The court doesn't want the beer," he said. "'Take a picture of it.' I've told them that. … It's not like marijuana taken for your own use. It's beer."

Iowa law requires police who seize personal property to offer it back to the individuals once it is no longer needed as evidence. If the property was not lawfully possessed, police are allowed to dispose of it "in any reasonable manner." It was evident to us after listening to the meeting tape the mayor and a majority of the city council did not consider the chief's handling of the beer reasonable. Nor did we, since the public could get the impression that police were confiscating beer purely so they and their friends could enjoy it.

We suggested the city adopt a written policy by which all seized beer would be catalogued and returned to its rightful owner following court proceedings. The city council agreed and adopted the policy. The council also determined if the beer was possessed unlawfully, it would be dumped out rather than shared or consumed.

Bus Barn Arrangement Goes Off the Road

We were asked to look into a situation where a school-bus mechanic was reportedly using the public bus barn as a garage for his private lawn-care business. It was also alleged the mechanic was using school equipment to run personal errands.

After we developed information that lent credibility to the complaint, we notified the school superintendent and asked him to review the situation internally. Under Iowa law, public employees are forbidden from using public facilities or equipment for private purposes unless the use is incidental, such as an on-call employee who drives home in a government car.

The superintendent found his predecessor had allowed the mechanic to use the garage in his off hours in exchange for the use of his personal tools on school buses. However, the superintendent acknowledged this fairly benign arrangement had gone far beyond what was originally approved. The mechanic and his supervisor admitted employees of the lawn care business were coming and going during school work hours, and school vehicles were being used for personal errands. The supervisor said she had come to believe, wrongly, the mechanic's private activities at the bus barn were all preapproved.

At our recommendation, school officials held a meeting of bus employees in which they were directed that no private or personal business was to be conducted at the bus barn. School employees were also instructed not to use school equipment for private purposes. In addition, they directed the mechanic not to buy parts for his business needs when he was shopping for school parts. We asked school officials to review the mechanic's last four years of parts purchases, and it was found he had used the district's tax-exempt status to avoid paying sales tax on nearly $2,000 in parts for his lawn-care business.

We notified state revenue collectors of the infraction.

City Admits Shortcomings on Bid Process, Openness

A concerned resident reported possible bidding violations on city street projects worth almost $380,000. We received a complaint that city staff failed to take bids on a $175,000 street project. City officials told us they intended to have multiple local contractors support their maintenance department on a series of small projects. The entire project came to about $380,000 in labor and materials. Over $170,000 was paid to one local contractor.

City officials admitted their decision not to take bids violated their own procurement plan. The issue was also discussed in closed session before we called municipal leaders. Nothing was discussed in open session about what had—and should have—occurred regarding bids for the project. At our request, the issue was discussed at the next council meeting. City officials acknowledged they should have solicited bids, according to the council's meeting minutes. The minutes also said city officials assured our office they would obtain bids on all projects over the bid threshold in the future.

When in Doubt, Yield to a Stopped School Bus

A family with school-age children was miffed because some oncoming motorists never stopped when kids filed on and off their school bus. The situation triggered a complaint with our office. The family in question lives near a busy highway. They noticed eastbound traffic did not stop when children boarded the bus, even though the bus' lights flashed and its stop sign was extended. Luckily, no children ever needed to cross the highway. Still, the family wanted the motorists to follow the law and stop when children got on and off the bus.

The confusion in this specific area could have stemmed from a single-lane highway that split into two lanes. The eastbound lane veered off and became its own two-lane highway. The split occurred where the bus stopped. According to the mother, local law enforcement believed eastbound traffic did not need to stop. State law enforcement officials disagreed. All eastbound traffic needed to stop until the lane separation was complete, state officials said.

We worked with school and law enforcement officials to get a sign posted along the highway that indicated a bus stop was ahead. Hopefully, this will clear up any doubt an eastbound traveler might have about yielding to a stopped school bus.

Too Tight a Squeeze

A man in northwest Iowa said he was having trouble pulling into his driveway after city officials opened parking to residents along his narrow street. When cars were parked across the street from his home, the man had to maneuver his car backwards and forwards in increments just to get into his driveway. In response to the man's concerns, the city established a small no-parking zone near his driveway, but the man insisted the zone was not big enough to correct the problem.

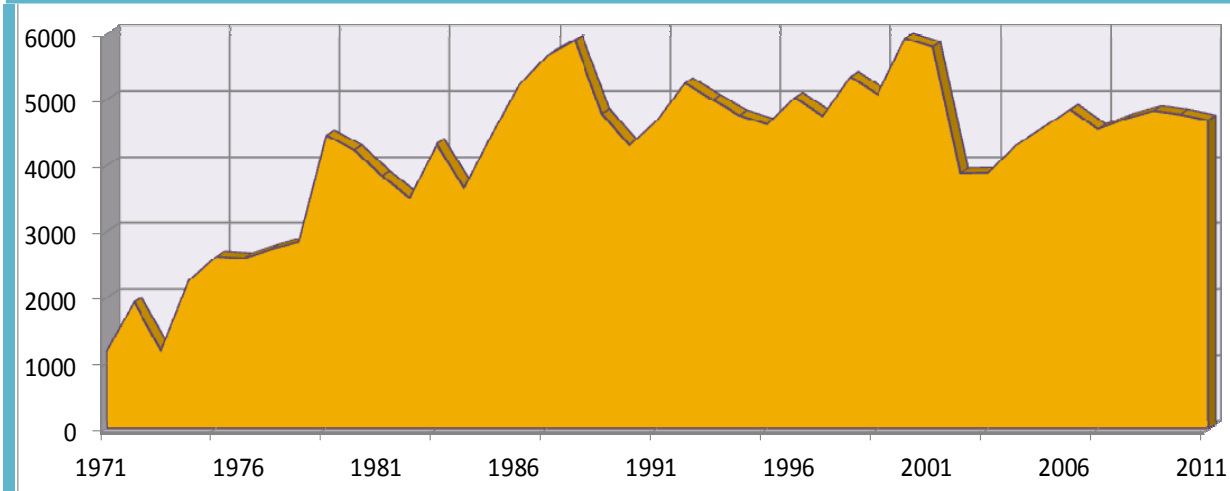
We examined a satellite image of the area and confirmed the tight squeeze. However, we also noted the man's driveway was much narrower than other driveways in the area, which contributed to the problem. We also recognized other residents had a right and a need to park on city streets, where possible.

We asked the city engineer to have another look at the scene to see whether there was a bona fide reason to extend the no-parking zone. The city engineer admitted he could not pull his pickup truck into the driveway without trouble and he had his crews extend the no-parking zone six more feet.

The man said the new sign location gave him more room on his approach, and we concluded the move still left adequate parking for his neighbors.

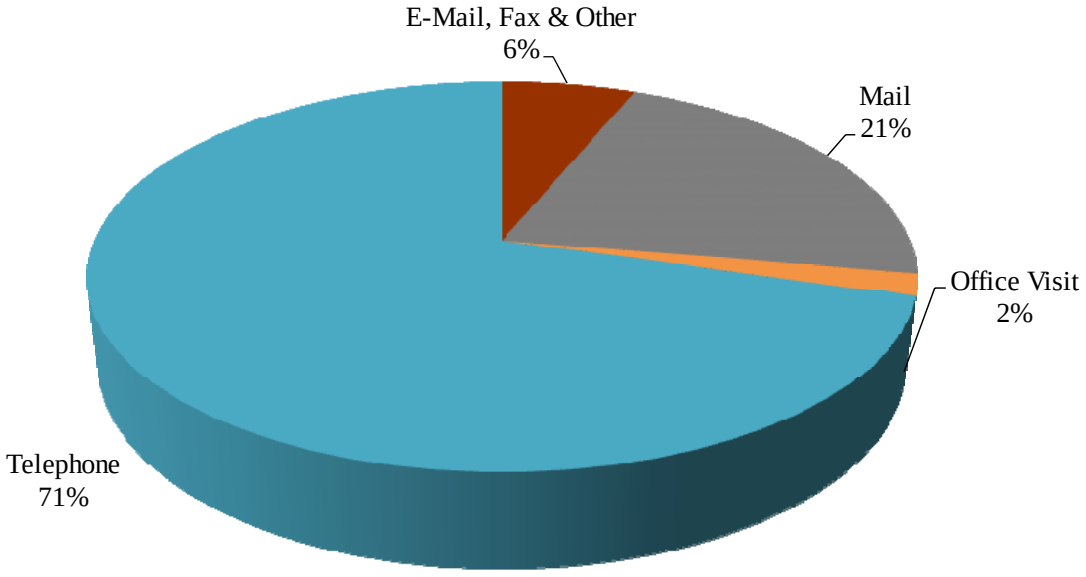
Statistics

4,684 Cases Opened in 2011

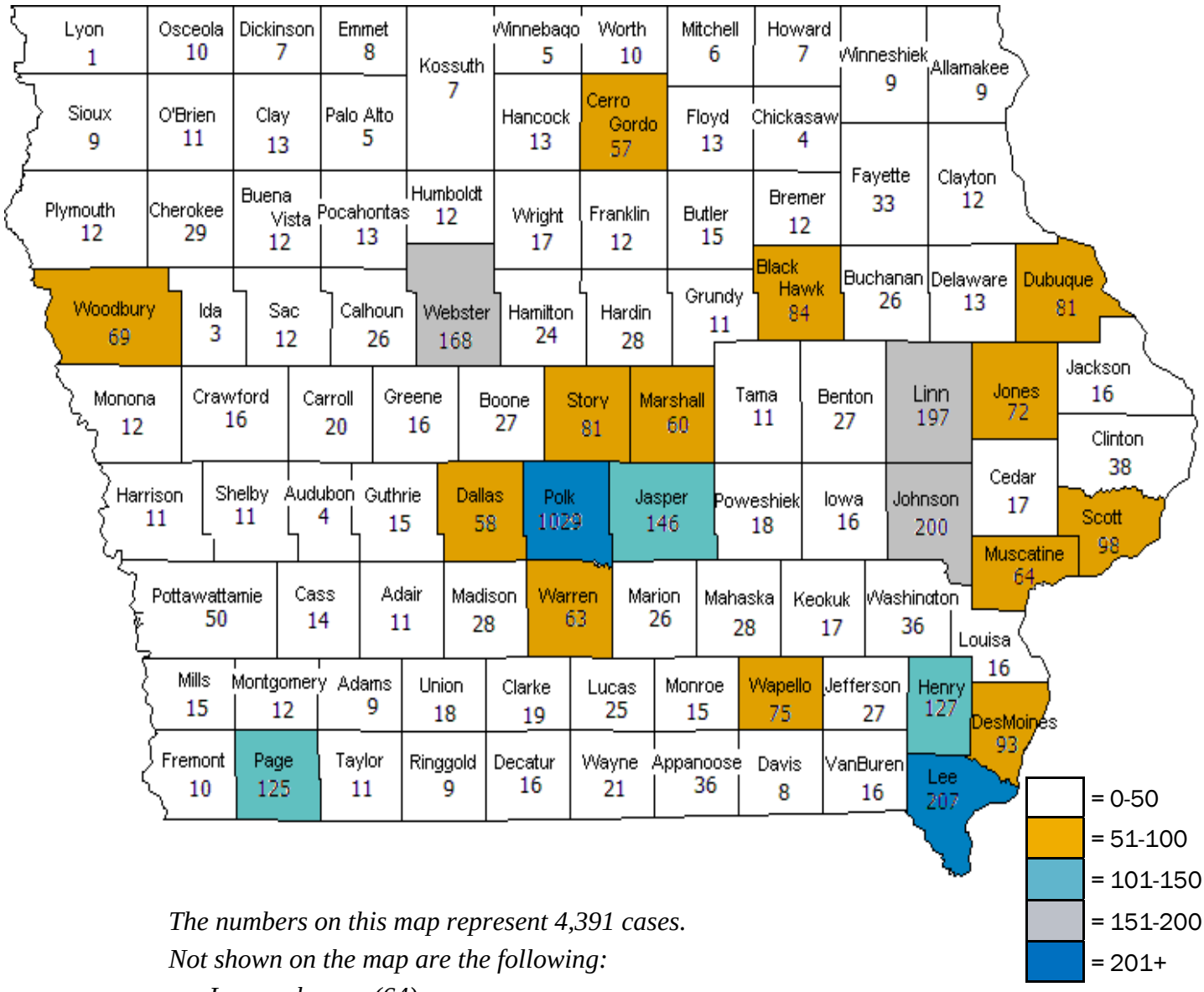


This chart shows the number of contacts received by the Ombudsman's office each year from 1970 through 2011.

Means by Which Cases Are Received



Cases Are Received From All Counties in Iowa



The numbers on this map represent 4,391 cases.

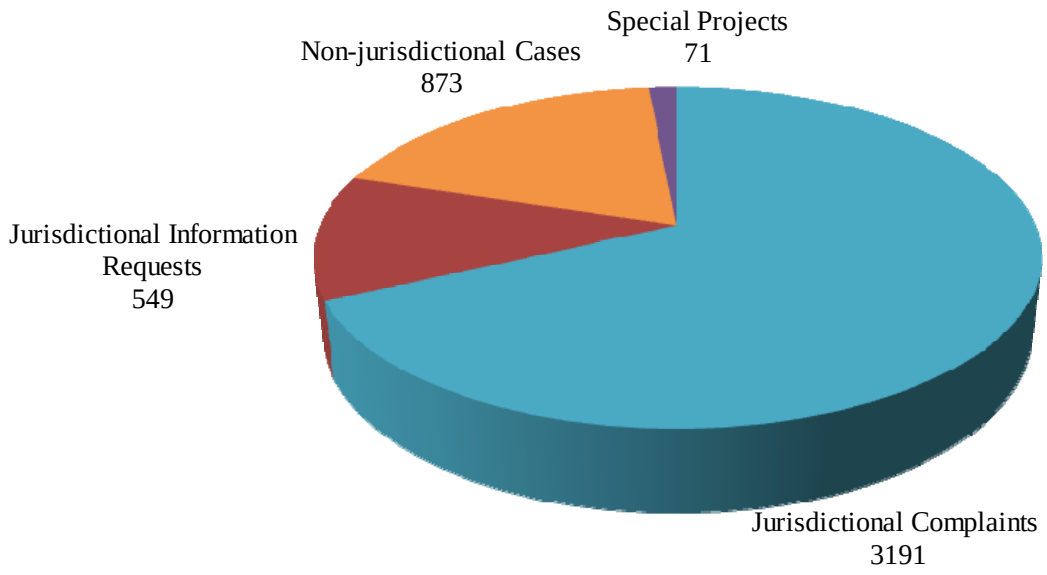
Not shown on the map are the following:

- *Iowa unknown (64);*
- *other states, District of Columbia and territories (218);*
- *other countries (1);*
- *and unknown (10).*

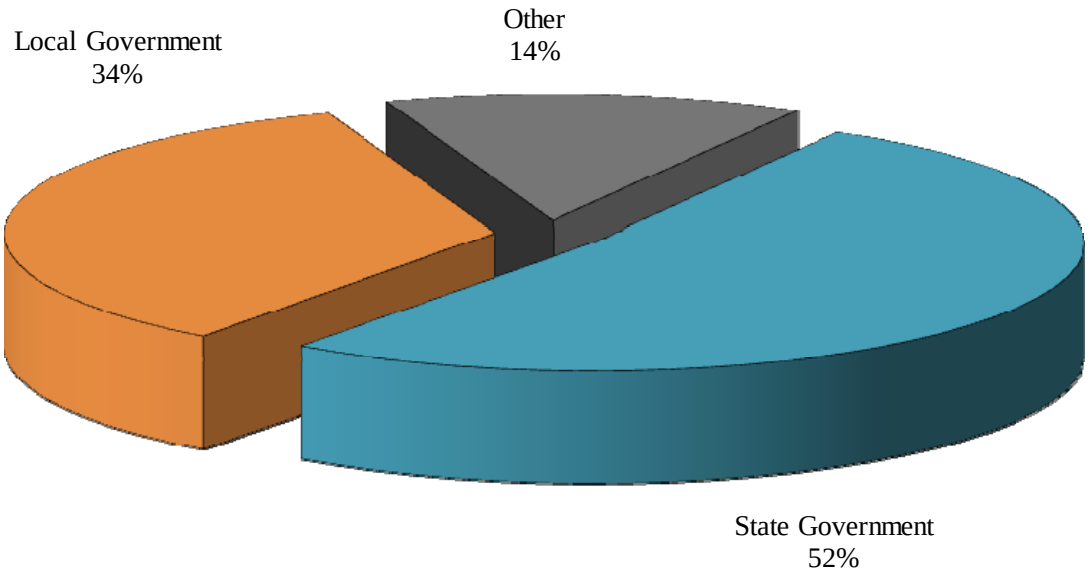
Cases Opened in 2011 by Agency

Name	Jurisdictional Complaints	Jurisdictional Information Requests	Non-jurisdictional Cases	Total	Percentage of Total
Administrative Services	8	4	0	12	0.26%
Aging	5	11	0	16	0.35%
Agriculture & Land Stewardship	6	1	0	7	0.15%
Attorney General/Department of Justice	8	8	0	16	0.35%
Auditor	0	4	0	4	0.09%
Blind	4	0	0	4	0.09%
Citizens' Aide/Ombudsman	3	55	0	58	1.26%
Civil Rights Commission	13	5	0	18	0.39%
College Aid Commission	0	1	0	1	0.02%
Commerce	12	9	0	21	0.46%
Corrections	876	47	0	923	20.01%
County Agricultural Extension	0	0	0	0	0.00%
Cultural Affairs	1	0	0	1	0.02%
Drug Control Policy	1	0	0	1	0.02%
Economic Development	3	5	0	8	0.17%
Education	4	3	0	7	0.15%
Educational Examiners Board	0	0	0	0	0.00%
Energy Independence	0	0	0	0	0.00%
Ethics and Campaign Disclosure Board	0	3	0	3	0.07%
Executive Council	0	0	0	0	0.00%
Human Rights	7	5	0	12	0.26%
Human Services	393	29	0	422	9.15%
Independent Professional Licensure	8	0	0	8	0.17%
Inspections & Appeals	35	9	0	44	0.95%
Institute for Tomorrow's Workforce	0	0	0	0	0.00%
Iowa Communication Network	0	0	0	0	0.00%
Iowa Finance Authority	1	0	0	1	0.02%
Iowa Lottery	0	0	0	0	0.00%
Iowa Public Employees Retirement System	2	1	0	3	0.07%
Iowa Public Television	0	0	0	0	0.00%
Law Enforcement Academy	0	0	0	0	0.00%
Management	1	1	0	2	0.04%
Municipal Fire & Police Retirement System	0	0	0	0	0.00%
Natural Resources	16	3	0	19	0.41%
Parole Board	33	8	0	41	0.89%
Professional Teachers Practice Commission	0	0	0	0	0.00%
Public Defense	3	1	0	4	0.09%
Public Employees Relations Board	0	0	0	0	0.00%
Public Health	13	9	0	22	0.48%
Public Safety	25	4	0	29	0.63%
Regents	20	3	0	23	0.50%
Revenue & Finance	56	10	0	66	1.43%
Secretary of State	0	3	0	3	0.07%
State Fair Authority	0	0	0	0	0.00%
State Government (General)	85	146	0	231	5.01%
Transportation	37	6	0	43	0.93%
Treasurer	1	1	0	2	0.04%
Veterans Affairs Commission	5	3	0	8	0.17%
Workforce Development	58	13	0	71	1.54%
State government - non-jurisdictional					
Governor	0	0	16	16	0.35%
Judiciary	0	0	156	156	3.38%
Legislature and Legislative Agencies	0	0	19	19	0.41%
Governmental Employee-Employer	0	0	43	43	0.93%
Local government					
City Government	538	66	0	604	13.09%
County Government	602	43	0	645	13.98%
Metropolitan/Regional Government	32	2	0	34	0.74%
Community Based Correctional Facilities/Programs	241	15	0	256	5.55%
Schools & School Districts	35	12	0	47	1.02%
Non-Jurisdictional					
Non-Iowa Government	0	0	119	119	2.58%
Private	0	0	520	520	11.27%
Totals	**3191**	**549**	**873**	**4613**	100.00%

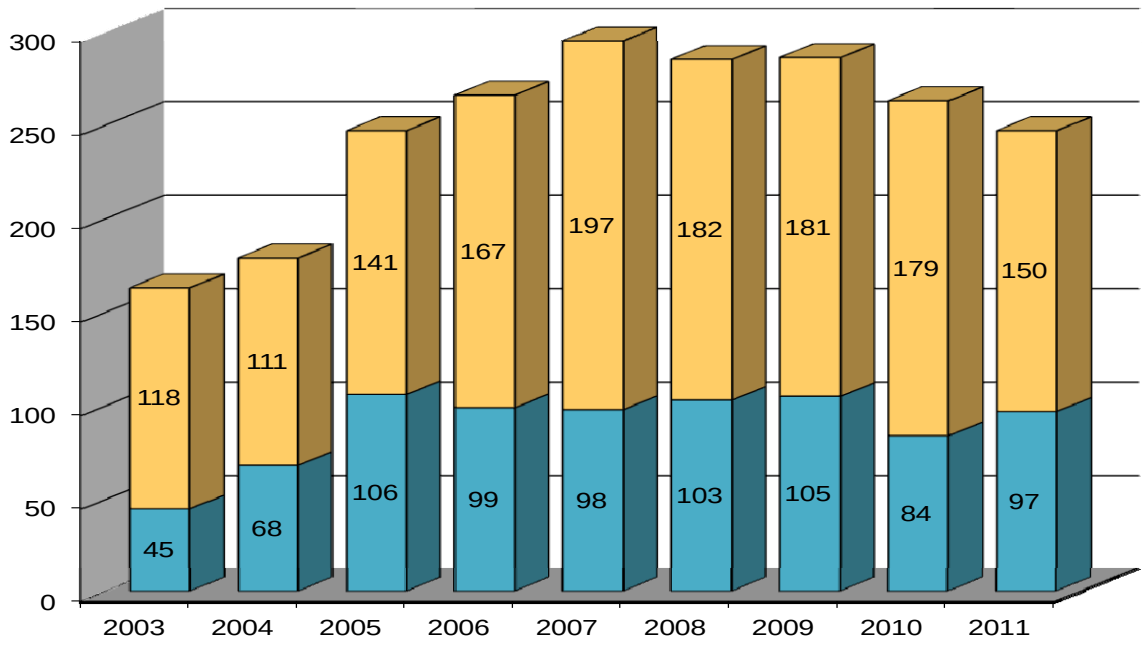
Types of Cases Opened in 2011



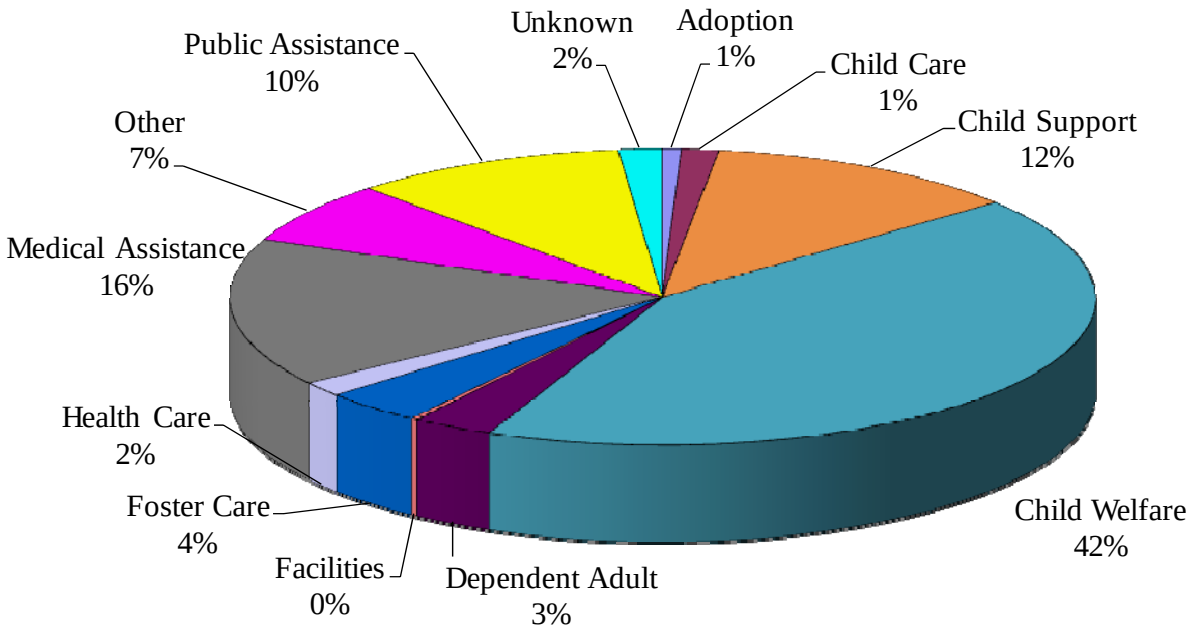
Subjects of Complaints



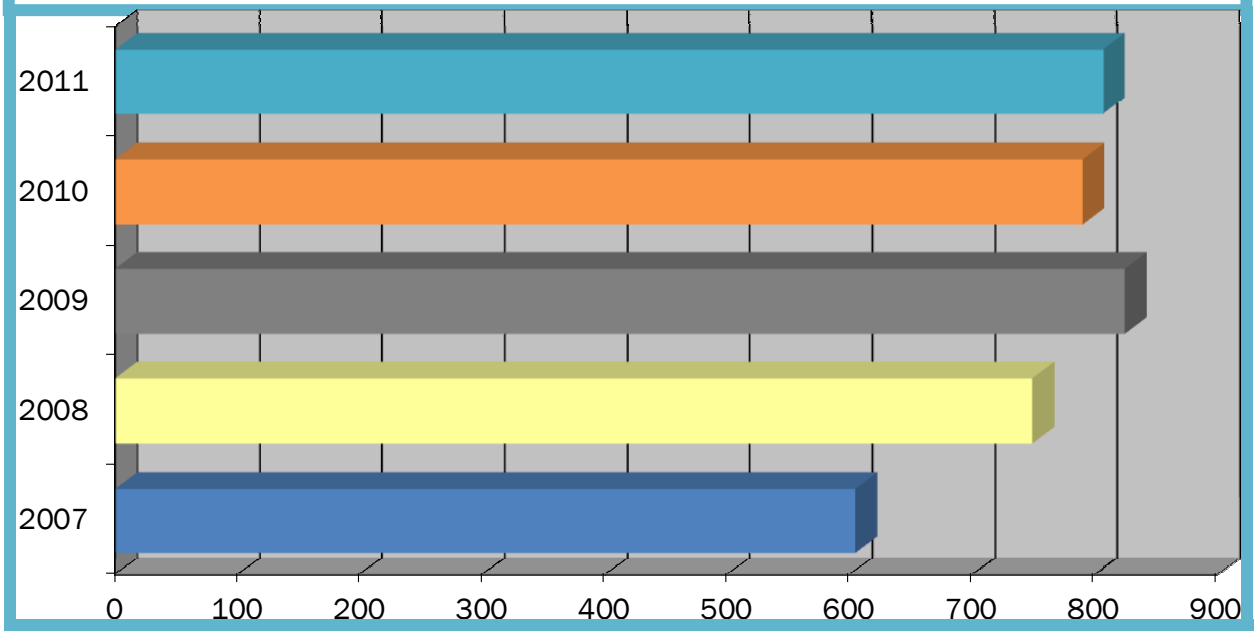
Public Records, Open Meetings, and Privacy Complaints and Information Requests Received



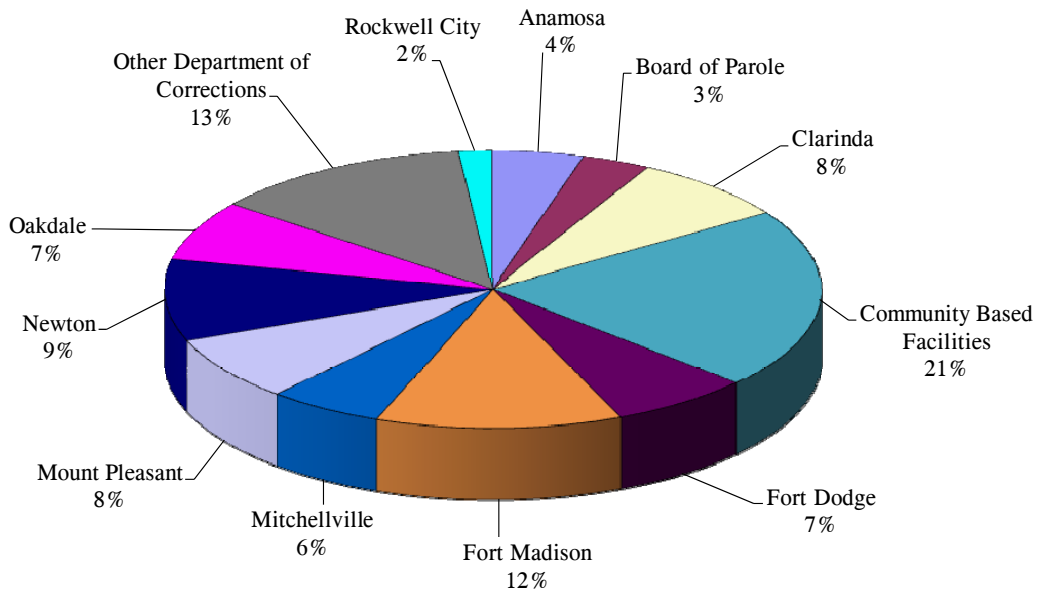
Child Welfare Cases



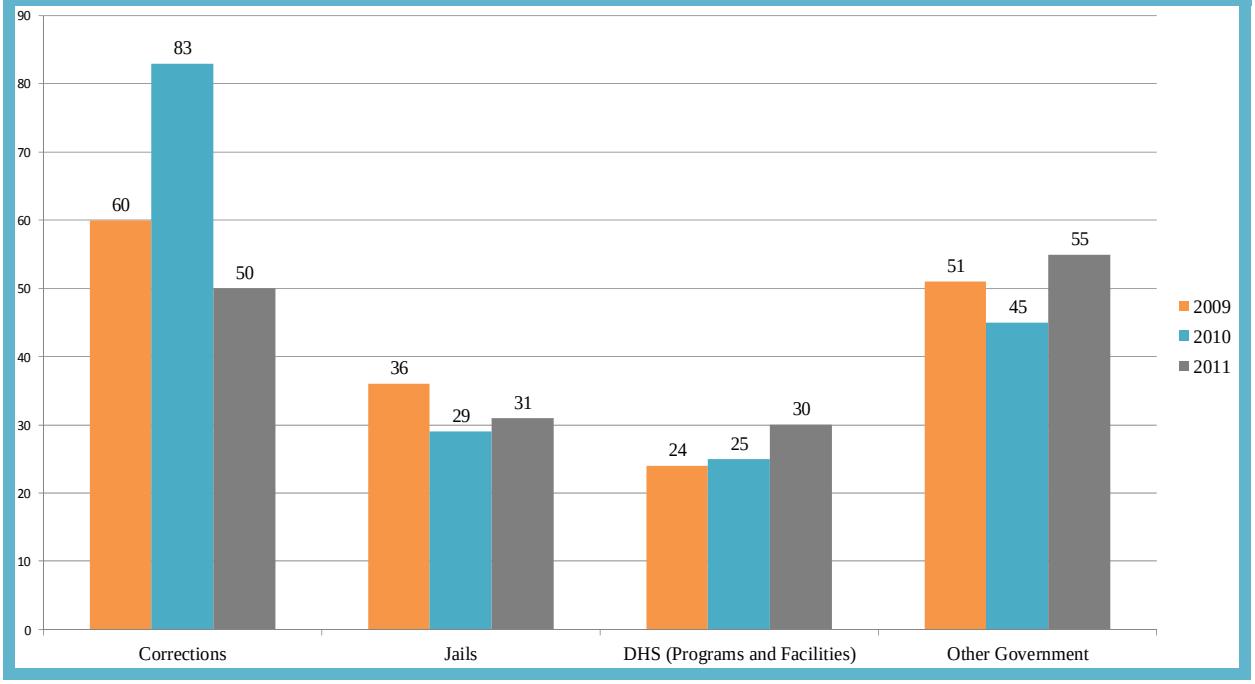
Number of Prison Complaints and Information Requests



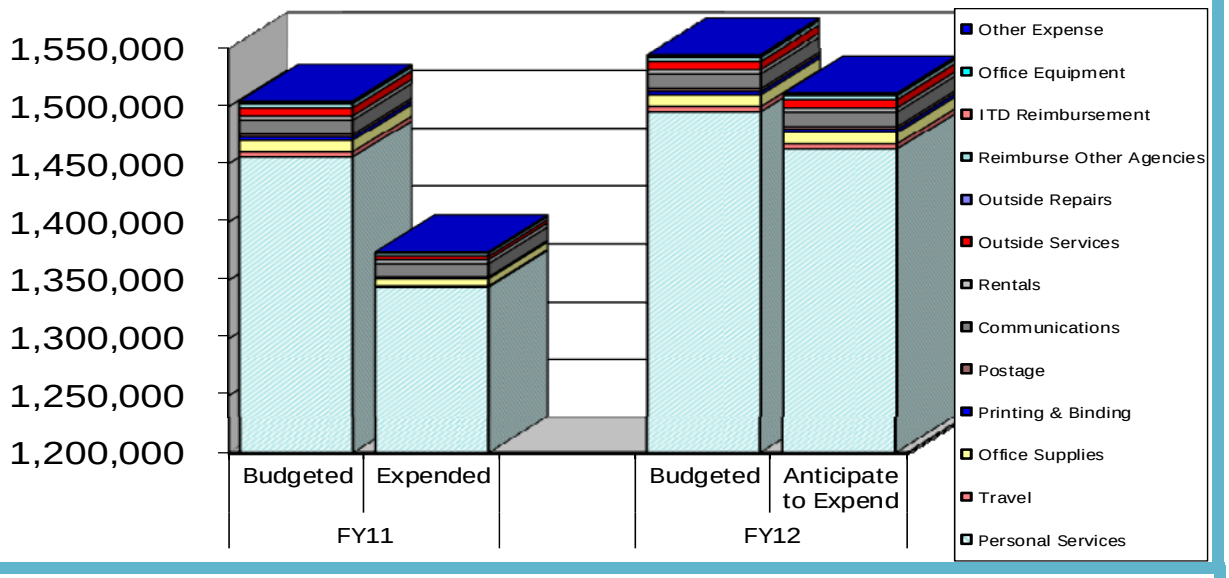
Subjects of Corrections Cases



Mental Health Related Cases



Office of Citizens' Aide/Ombudsman
FY11 & FY12 Financial Information



Budget information is presented to meet the requirement that state government annual reports to the Legislature include certain financial information.

From Left to Right: Front Row: Jinhong Lim, Debbie Julien, Ruth H. Cooperrider, Linda Brundies, Kyle White; Second Row: Rory Calloway, Elizabeth Hart, Andy Teas, Kristie Hirschman, Jeri Burdick Crane, Angela McBride; Third Row: Jason Pulliam, Bert Dalmer, Eleena Mitchell-Sadler, Barbara Van Allen, Jeff Burnham

The Citizens' Aide/Ombudsman and Staff

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Andy Teas, Legal Counsel
Jeff Burnham, Senior Assistant Ombudsman
Kristie F. Hirschman, Senior Assistant Ombudsman
Rory E. Calloway, Assistant Ombudsman 3
Bert Dalmer, Assistant Ombudsman 3
Kyle R. White, Assistant Ombudsman 3
Elizabeth Hart, Assistant Ombudsman 2
Angela McBride, Assistant Ombudsman 2
Eleena Mitchell-Sadler, Assistant Ombudsman 2
Barbara Van Allen, Assistant Ombudsman 2
Linda Brundies, Assistant Ombudsman 2
Jason Pulliam, Assistant Ombudsman 1
Jeri Burdick Crane, Senior Financial Officer
Debbie Julien, Secretary/Receptionist

Jinhong Lim, Director of Administrative Management Division, South Korea's Anti-Corruption and Civil Rights Commission

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