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REPORT TO
THE HONORABLE ROBERT D. RAY
GOVERNOR OF IOWA

BY
THE IOWA CITIZENS' AIDE

October 1, 1970
through
September 30, 1971



**The Citizens' Aide program
is funded by a grant from the
Office of Economic Opportunity**

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ROBERT D. RAY, Governor

STATE OF IOWA

OFFICE OF THE CITIZENS' AIDE

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Des Moines, Iowa

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LAWRENCE D. CARSTENSEN
Citizens' Aide

30 October 1971

The Honorable Robert D. Ray
Governor of Iowa
State House
Des Moines, Iowa 50319

Dear Governor Ray:

I respectfully submit the report of the Citizens' Aide Office for the period from October 1, 1970 through September 30, 1971.

When you appointed me to the office, I was enthused concerning the challenge of this experiment in improving government. However, I did have reservations as to whether or not the value of the program would be equal to the expense. At this time I remain enthused, but I now firmly believe that the office should be established by statute.

There is a bill pending in the Senate creating the office of Ombudsman. It is Senate File 288 by Senators Potgeter and Walsh. The bill is basically a sound instrument and in large measure is patterned after the model legislation published in the Harvard Journal on Legislation. Included in this report are copies of Senate File 288, the Harvard Statute and the statutes of Hawaii and Nebraska.

I would like to share with you some of my thoughts regarding this Ombudsman legislation.

The method of choosing the Ombudsman is different in the statutes. In the Harvard statute the appointment is made by the Governor with the consent of the Senate. The Hawaii statute provides for selection of the Ombudsman by the Legislature. The Nebraska Statute provides for the selection by the Legislature from nominations made by the Executive Board of the Legislative Council. Senate File 288 provides for selection by the General Assembly from nominations made by a commission. As I read the bill the commission need only nominate one person. In my judgment the best method is for the selection to be made by the General Assembly, without a commission.

The term of office provided for in Senate File 288 is four years. The other three statutes provide for a term of six years. The Ombudsman should be able to act as independently as possible and I recommend the six year term.

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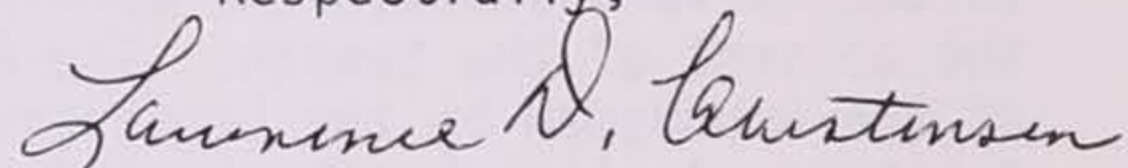
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The most important aspect of the bill is the matter of jurisdiction. Senate File 288 does not give the Ombudsman jurisdiction in regard to local government. This is in accord with the Harvard statute and the Nebraska statute. In Hawaii, the Ombudsman does have jurisdiction of local government. He has no problems with it. I should point out, however, that the city of Honolulu has a working complaint mechanism. The Harvard statute has an extensive comment on this exclusion. The main reasons given for the exclusion are political, and I believe that the reasons are given in the context of a state containing large urban centers. If it is determined that Iowa will also exclude local government from Ombudsman jurisdiction, I suggest that exception be made to the exclusion regarding County Departments of Social Services.

Senate File 288 gives the Ombudsman subpoena power. I suggest that the Ombudsman also be given power to enforce the subpoena power by application to a court.

Section 7 of Senate File 288 provides that the Ombudsman, with the approval of a joint committee of the General Assembly, shall employ and fix the compensation of assistants and employees. I suggest that this could lead to a possible intrusion of the independence of the Ombudsman. The Nebraska statute provides that the Ombudsman can hire his own staff and compensate them as he sees fit, within the amount available by appropriation. The Hawaii statute provides that the Ombudsman hires his assistants. It also provides that in determining salaries the Ombudsman shall consult with the Department of Personnel Services and shall follow as closely as possible the recommendations of that department. It also provides that the first assistant's salary shall not exceed the percentage limitation established by law for a deputy director of a department.

Respectfully,



Lawrence D. Carstensen
Citizens' Aide

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OMBUDSMAN - WHAT IS IT?

Professor Stanley V. Anderson in his article "The Scandinavian Ombudsman" states:

"The genius of the Ombudsman idea is that the holder of the office has full authority to investigate and pass judgment, but no power to enforce. The effectiveness of the Ombudsman lies in the respect in which he is held, and in the general acceptance of the reasonableness of his views."

Dr. Randy H. Hamilton has defined an ombudsman as follows:

"An Ombudsman can be characterized briefly as a high level officer with adequate salary and status, free and independent of both the agencies he may criticize and the power that appoints him, with long tenure of office sufficient to immunize him from the natural pressures of seeking reappointment with the power to investigate administrative practices on his own motion, and this, of course, is most important. He is a unique officer, whose sole job is to receive and act upon complaints without charge to the complainant. He should have the power to subpoena records. He operates informally and expeditiously. His principal weapons are publicity and persuasion, criticism and reporting. He does not have the power to punish maladministrators or to reverse administrative decisions."

Iowa Governor Robert D. Ray in his First Innaugural Message first proposed the idea of an Ombudsman in Iowa. He said:

"As a step in combating the perilous impersonality of government and in giving citizens a renewed sense of direct participation in their government, the office of 'ombudsman' should be established, subject to appointment by the Governor and confirmation by the Senate. This concept has a 160 year history of success beginning in Sweden and recently under consideration in more than half of our fifty states. An Ombudsman would serve as a channel for redressing individual grievances which are beyond the reach of present court procedures and leave many people voiceless. Additionally, the Ombudsman would analyze grievances and seek better administration of public agencies. He would improve the performance of legislative functions through identification of recurring problems which may require corrective legislation. Finally, experience has shown that an ombudsman improves the morale of public servants and increases public confidence in them, by ventilating unfounded criticism and rejecting unfounded complaints."

Webster's Seventh New Collegiate Dictionary defines ombudsman as "a government official (as in Sweden or New Zealand) appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials."

The institution of ombudsman began in Sweden. The first provision for an ombudsman institution there was in 1809. A report of a recent ombudsman in Sweden reported that in the middle of the nineteenth century the ombudsman criticized the Governor of Stockholm for going to the opera with the King when he should have been tending to a riot. He didn't get very far with his criticism.

The following governmental jurisdictions utilize the institution of ombudsman in varying forms. Included is the date of inception of the institution in each jurisdiction.

Sweden 1809
 Finland 1919
 New Zealand 1961
 Norway 1963
 United Republic of Tanzania 1965
 Guyana 1966
 United Kingdom 1967
 Province of Alberta 1967
 Province of New Brunswick 1967
 State of Hawaii 1969
 State of Oregon 1969
 Province of Manitoba 1970
 State of Iowa 1970
 State of Nebraska 1971

In Nebraska the official title of the office is "Public Counsel" but the office uses "ombudsman" on the office letterhead and on the state capitol directory. In Iowa we use the words Citizens' Aide, because the office is not really an ombudsman's office and because this was thought to be easier. Yet, over half of the mail comes to

the Ombudsman, including the lady who wrote "Dear Omnibus Man". If reports were dedicated to anyone she would come in second, because this report should be dedicated to the young man who wrote to a state office as follows:

Dear Sir:

I am a seventeen year old high school student. On August 10, 1969 a National Guard truck and trailer backed into my 1969 vehicle, inflicting \$89.61 damage. I had it repaired and found it necessary to borrow the money (at 6% interest) to pay the bill. The interest now amounts to \$3.58, and by May 10 will amount to \$4.03.

On the date of the accident, report was made to the National Guard by the battery. Then I made a notarized statement and submitted the bill to the Guard, and later filed claim for the money. In the meantime, the Army tried to get the driver's insurance company to pay damages when it was stated that the Guard itself is responsible for damage incurred with an Army vehicle. After making several trips to the local Guard, I received a letter saying that the 5th Army disclaimed responsibility, and that I would have to make claim to the Iowa National Guard.

I made claim to the Iowa National Guard, and received forms to fill out concerning the accident. These forms were filled out, and again had to be notarized, and were mailed in. I then received notice dated April 1, 1970, that my claim had been referred to you, and that you would check into it, and that I would be notified as to the outcome "in due time."

It has been more than eight months since the accident.

I am nearing draft age. I cannot see how, when a young man is drafted and doesn't show up on his induction date, he can be put into jail; but that you people have "due time" to consider paying my claim which is already eight months overdue.

It seems to me that if I am unfortunate enough to be drafted, that I should first send my draft notice to my uncles and grandfather to see if they would take care of it for me, and upon finding that they can't, try to get a friend to go in my place. When this would not work, I would then find it necessary to consider my draft, and let you know whether or not I had accepted or not "in due time". If I disapprove my notice, or failed to consider it within six months of the date of notification, then you would have the right to bring suit against me for draft evasion.

I am anxiously awaiting a reply.

Yours very truly,
SIGNED

THE IOWA CITIZENS' AIDE OFFICE

The idea for this office was first pronounced in Governor Robert D. Ray's First Innaugural Message on January 16, 1969. Thereafter the Governor and his staff explored the idea and it was learned that the Office of Economic Opportunity might be interested in funding an experiment in this area. Negotiations between the Governor's staff and the Office of Economic Opportunity resulted in the office being funded for a twelve month period commencing July 1, 1970 in the amount of \$98,620.00. The office commenced operation on October 1, 1970 with the appointment of Lawrence D. Carstensen as Citizens' Aide. The office has operated thirteen months on its original budget and there is a surplus. The Citizens' Aide office organizationally is a part of the Governor's office and the Citizens' Aide serves at the pleasure of the Governor. The staff is selected by the Citizens' Aide. The purpose of the office is more adequately stated in the quotations at the beginning of this report. In the simplest terms the purpose of the office is to provide a place where citizens can obtain information concerning state government, and where they can lodge complaints concerning government. Governor Ray at the inception of the program emphasized the role of the Citizens' Aide in helping citizens locate the state agency best suited to solve their particular problems. In a department store the office would be called the information and complaint department. Considering the complexity of government this referral aspect of the office is important.

OFFICE AND STAFF

During the first two months the office was housed in the Governor's office in the State House. This was valuable to the Citizens' Aide. It gave him an opportunity to become familiar with the workings of the Governor's office, and established a working relationship with the Governor's staff. It also gave the Governor an opportunity to observe the workings of the office at close hand. During this period the staff consisted of Mr. Carstensen and Mrs. Ruth Mosher. About December 1, 1970 the office moved to the first floor of a building at 515 East 12th Street, Des Moines. This building was formerly a church parsonage. There is an informal quality about the office, and it has ample parking for the public. The building is located a block and a half northeast of the State House. The building provides very satisfactory working space. The state provides this space. At the time that the office moved the work load required the appointment of a deputy and Mr. Dennis Hogan joined the staff. Mrs. Mosher remained with the office until the opening of the legislative session when she returned to her employment in the Senate. Mrs. Mosher was of great value to the office in its initial stages. She was helpful in establishing policies, and she did virtually all of the work necessary in setting up a new office, such as purchasing of supplies and equipment. Mrs. Dorothy Bates replaced Mrs. Mosher and served ably until she left late in May of 1971 to accept a better paying position. For a period the office was served by temporary secretaries, and there were problems.

Mrs. Jane Warren joined the staff on June 22, 1971. She previously was working in the Senate, and prior to that worked in the Governor's office. Mrs. Warren has a good knowledge of state government and is an asset in addition to being a good secretary. Early in June of 1971 Thomas R. Mayer joined the staff as a deputy.

The Citizens' Aide spends about 25% of his time in matters of administration and publicity. He spends about 30% of his time on case work, review of cases and planning. About 45% of his time is spent reviewing the work of the deputies and aiding in their work. These figures differ from the consultant's recent report which were provided to the consultant without sufficient thought. Mr. Hogan spends 90% of his time with case work and 10% of his time with matters of fiscal administration. Mr. Mayer spends all of his time on case work.

Mr. Carstensen is a lawyer. He practiced law in Clinton, Iowa from 1955 until he took the position as Citizens' Aide. He served three terms in the Iowa House of Representatives, and served three terms as county attorney of Clinton County. Mr. Hogan is a native of Des Moines. He has a B.A. degree from the University of Iowa and just prior to joining the staff was serving as a captain in the United States Air Force. Mr. Mayer is a native of Clinton. He was admitted to the practice of law in Iowa in June of 1971. He took his law training at the University of Iowa. He also served in the U. S. Air Force.

The Citizens' Aide is pleased with the staff. Mr. Mayer and Mr. Hogan are hard working young men, and they are interested in problem solving, and in helping people.

TRAINING

The Office of Economic Opportunity recommended that the Citizens' Aide visit the offices of existing Ombudsmen. In November of 1970 Mr. Carstensen visited the offices of the Ombudsmen in Oregon and Hawaii. This experience was of great value. It gave the Citizens' Aide a feel for the work, and also made available techniques and procedures which otherwise would have taken considerable time to evolve. A report on these visits has been previously given to the Governor and the Office of Economic Opportunity. Included in this report is a discussion of Citizens' Aide's visit to the office of the Nebraska Ombudsman. Mr. Carstensen and Mr. Mayer had the opportunity of attending a lecture at the Iowa Law College given by a New Zealand professor. He spoke on the Ombudsman institution in New Zealand.

In the late summer of 1971 Mr. Herman Doi, the Hawaiian Ombudsman visited in Des Moines. He was afforded the opportunity of meeting the Governor and other public officials. Mr. Doi consulted with our staff and helped with a number of items. For example, Mr. Doi suggested that one staff member be responsible for new cases each day, thus freeing the rest of the staff for work on existing cases.

In addition the Citizens' Aide and the staff have studied the reports of other Ombudsmen, and have read books on the subject.

The Citizens' Aide and the staff feel that the quality of the case work has been improving. In reviewing the case sheets the Citizens' Aide finds that the quality of the work in the early stages needed improvement.

EQUIPMENT

Although discussion of equipment and furniture is dull, an office cannot run without it. The office has been equipped with furniture borrowed from other departments and retrieved from state surplus. The new furniture in the office was purchased from Prison Industries. The office has two good electric typewriters, good dictating equipment and a good copy machine. Rather than hire another secretary when the typing load was getting too heavy, it was decided to rent a typewriter which uses magnetic cards. This has increased efficiency .

The office has a set of "Iowa Code Annotated".

THE CITIZENS' AIDE AND STATE GOVERNMENT

One of the requisites of a valid ombudsman experiment is that the office be independent from direct control of other parts of government. The Governor, although he has kept informed about the office, has not given day by day direction to the office. However, Citizens' Aide does consult frequently with members of the Governor's staff. The Citizens' Aide does not attend staff meetings in the Governor's office and does not have administrative duties assigned by that office. The Governor has given his greatest help by his constant support of the program. Citizens' Aide does recognize that

sometimes problems are easier to solve because the office is a part of the Governor's office. In this regard perhaps the validity of the experiment is somewhat impaired. However, Citizens' Aide is of the opinion that the office has operated with a high degree of independence, and has been completely free from political pressures.

STATE DEPARTMENTS

The Office of Economic Opportunity suggested that the Citizens' Aide become acquainted with the various departments of the state government. Citizens' Aide and his staff have met with all of the major departments. Recently there has been a change in the administration of the Commerce Commission, and Citizens' Aide has met with the present Commissioners. In large measure the office has received excellent cooperation from the various departments. Contact with the departments is made at whatever level is deemed necessary. Quite often it is with the head of the department. It is typical that all the Citizens' Aide has to do is state the problem at hand and the department in question finds the solution.

OUTREACH

The Office of Economic Opportunity in the work program suggested that the Citizens' Aide meet with the various Community Action Programs of O.E.O. throughout the state. The Citizens' Aide or a deputy has met with all of these agencies. This suggestion on the part of O.E.O. has been of great help. No single factor has been more valuable in Citizens' Aide being able to reach people, especially poor people. The statistics do not show a large number of

referrals from these agencies, but the quality of the complaints has been good. Also, these agencies are very helpful to Citizens' Aide in obtaining information needed in various communities.

When new V.I.S.T.A. workers start their work, a part of their orientation is to meet with Citizens' Aide. We always tell them that if they have any questions about Iowa government to call us and we will try to help. We are a resource for them, and they are available to us if we learn of a problem in the community where they are working.

Another important source in reaching people, and especially poor people, has been the Department of Social Services, both on the local level and on the state level. The Department has been especially cooperative in all regards. Social workers have an ability to deal with problems without the intrusion of personality. Our working relationships have been good even when we disagree.

OFFICE PROCEDURE

Office procedure is simple and deliberately so. The secretary opens the mail and the initial work, with some exceptions, is now given to the deputy who handles new cases for the day. Previously the cases were divided each day. The rule is not rigid, and sometimes cases are assigned selectively. The Citizens' Aide handles the more complex cases. The Citizens' Aide reviews the cases at an early stage and when the file is ready to close.

On an informal and constant basis the Citizens' Aide counsels with the deputies regarding cases. The deputies also counsel with each other. Whenever a finding is critical of an agency, the Citizens' Aide reviews the case. If there is serious criticism to be made the agency involved is given an opportunity to comment in writing. A case in the case summaries concerning the Civil Rights Commission is set out in full detail as an example of the procedures of the Citizens' Aide office. This process of review with agencies has not been followed to the extent desirable. This was discovered recently when the year's cases were being reviewed. During the coming year more emphasis will be given to this process. It is noted that this process is provided for in the statutes which are set out in this report.

STATISTICS

The Office of Economic Opportunity has required that copies of the case sheets, the form used to keep a record of each case, be forwarded to the Ombudsman Activities Project office in California. This office is staffed by faculty members of the University of California at Santa Barbara. The case sheets through September 1971 have been forwarded. The case sheet was formed through the requests and advice of the California office. They recently asked for some minor changes which have been made.

In their recent report the Ombudsman Activities Project office pointed out that there are deficiencies in the consistency of these data notations.

Mr. Albert M. Liston of the California office has recently visited the office and effort has been made to clear up this technical problem. He will be visiting the office again soon at which time work will be completed on this problem, and policy in this regard will be reduced to writing. In this way there will be better communications regarding the significance of the cases.

SURVEY

The Office has also been required by O.E.O. to conduct a postal card survey of citizen opinion regarding the work and value of the office. O.E.O. and the consultants feel that not enough cards have been sent out, and Citizens' Aide agrees. Citizens' Aide in consulting with Mr. Liston has agreed that all current closings of cases will include the mailing of the survey card, with the very few exceptions of those cases where it might be harmful. There will also be cards sent out on cases already closed as time permits. A report on the postal card survey thus far is included later in the report.

PROFESSIONAL MEETINGS

The only major difference between the Iowa office and the Office of Economic Opportunity concerned the request that Citizens' Aide attend a meeting in Honolulu in May 1971. This meeting was conducted by the staff of the Ombudsman Activities Project. The Citizens' Aide and the Governor felt that since the Citizens' Aide had visited the Hawaiian Ombudsman's office the previous November that the second trip could not be justified.

The Ombudsman Activities Project report states: "It is desirable that the Iowa Citizens' Aide Office send a representative to any future ombudsman conference which may be sponsored by the evaluation team." Citizens' Aide recommends that the office follow this recommendation.

TELEPHONE

The telephone is the main working tool of the Citizens' Aide office. On a following chart is listed the number of complaints and inquiries which citizens initiated by telephone. The original plan for the office called for an incoming WATS line. This would have been a telephone service whereby citizens anywhere in Iowa could phone the office toll free. The cost would have been about \$6,000 per year. The plan was not implemented for several reasons. One of which was the cost. Also, the Citizens' Aide questioned whether or not the system would be efficiently utilized. Such a system would only be of value to the extent that citizens knew about the service. A very extensive advertising campaign would have been necessary to make the plan of value. In lieu of the original plan the office instituted a policy of receiving collect calls from Iowans when the call is placed to the office station-to-station. Very few of the initial telephone inquiries come to the office on a collect basis, although the service is described in the information sheets distributed by the office. However, this policy is a real aid in the progress of each case. When a citizen first calls long distance he is advised that the office will call him back on the outgoing WATS line. Then during the telephone

conference with the citizen he is advised that as future contact with the office is necessary, he may call the office collect and his call will be returned on the state's leased wires. The collect calls received are kept brief because the use of the WATS line in returning the call reduces the cost. Also, when the office receives mail which requires a telephone conference and the citizen cannot be readily reached by phone, a letter is written to the citizen inviting him to call the office collect. This system has resulted in effecting the purpose of the original plan of an incoming WATS system, but at much less expense.

The following are the numbers of outgoing WATS calls and incoming collect calls for the months for which figures are available.

		<u>Outgoing WATS long distance phone calls</u>	<u>Incoming collect phone calls</u>
December	1970	48	
January	1971	58	
February	1971	104	
March	1971	128	
April	1971	111	25
May	1971	220	23
June	1971	237	47
July	1971	164	41
August	1971	165	28
September	1971	241	33

RULES

The main rule is that this office never starts off by telling a citizen that they have called the wrong office. If they have been referred from here to there, we offer to help find the right office for their problem. If it is appropriate we offer to make an appointment for the citizen with the appropriate office.

Included in this report are the texts of several ombudsman statutes. They are fairly uniform in regard to setting out the jurisdiction of the ombudsman. This office has been guided by those provisions. In an earlier report the Citizens' Aide set out some rules for the office which are set out as follows:

1. The Citizens' Aide starts with the premise that he is not the ombudsman of Iowa, but is one of the ombudsmen of Iowa. The Governor, the Attorney General and the members of the General Assembly traditionally serve the function of the ombudsman. Indeed all public officials should.

2. The Citizens' Aide office is not a law office and does not give legal advice.

3. The Citizens' Aide does not seek to substitute his judgment for the judgment of public officials who are charged by law to exercise their judgment in governmental matters. The Citizens' Aide does review governmental acts to determine if they are in accord with statutes and rules and whether or not their treatment of citizens is equitable and within our traditions of courtesy.

4. The Citizens' Aide seeks to be neither advocate for the citizen nor advocate for the government, but strives to be an impartial third party, helpful to both. When in the judgment of the Citizens' Aide a governmental agency is wrong he points this out, and when his judgment is that the citizen is wrong he points this out also.

5. The Citizens' Aide's jurisdiction is primarily that of state agencies. The office receives complaints regarding local governments and pursues remedies, but makes clear to the local officials regarding the limitations of the jurisdiction of the office.

6. The Citizens' Aide has no jurisdiction regarding the legislative and judicial branches of government.

7. The Citizens' Aide does not summarily dismiss inquiry regarding federal matters but attempts to guide the citizen to the proper agency.

8. The Citizens' Aide does not require that citizens lodge inquiry or complaint on official forms, but operates informally.

9. The Citizens' Aide remains ever mindful that he has no actual power, and should not have. He is attempting to evolve a program which will be effective through counsel and persuasion. He has the added power of publicity which he believes should be used sparingly.

10. The Citizens' Aide adheres to the premise that when a citizen lodges a complaint that the agency involved should promptly investigate, move on to the making of a decision and afford the citizen an explanation of that decision.

PUBLICITY

The press, radio and television have accorded wide coverage to the office. The Citizens' Aide has appeared on several T.V. and radio programs. News coverage has been the most important factor in building the office. Information about the office has been sent to all of the newspapers of the state. There has been considerable favorable press comment. All speaking engagements are accepted when possible. When speaking in a community the Citizens' Aide seeks to meet some of the public officials and meets with the news media. The staff is well trained at this point, and publicity of the office is being increased. The office uses a "flyer" for information purposes. A copy is enclosed in this report.

NEBRASKA OMBUDSMAN

Mr. Carstensen, On September 27, 1971, visited the Nebraska Ombudsman, Mr. Murrell B. McNeil. Nebraska enacted a statute creating the office of Public Counsel on December 23, 1969. Mr. McNeil was appointed by the Nebraska legislature as the first Public Counsel effective June 1, 1971. The office uses the word ombudsman in its public

relations and the Public Counsel is referred to as the ombudsman. At the time of the visit the Public Counsel had received 225 inquiries and complaints. Mr. McNeil is assisted by a secretary and by a lawyer who works on a one-third time basis. The office is presently funded by the Office of Economic Opportunity. The office is located in the State Capitol building. The types of cases and inquiries being received in Nebraska are very similar to those received in Iowa. A large number of the inquiries and complaints concern local government. The Public Counsel does not have jurisdiction of matters concerning local government. However, he does investigate and counsel in local government matters, always making it clear to those concerned that he does not have statutory jurisdiction. A copy of the Nebraska statute appears in this report.

EVALUATION BY OMBUDSMAN ACTIVITIES PROJECT

As mentioned previously the Ombudsman Activities Project of Santa Barbara, California affords help and counsel to the Iowa office. In their recent evaluation of the office their criticisms have been helpful. They state in their preliminary evaluation: "In general, this evaluation of the work of the Iowa Citizens' Aide Office is a favorable one. The office is helping individuals with complaints about governmental agencies."

CASE STATISTICS

The charts on pages 19 through 25 set out the complaints and inquiries by counties. On page 25 there are totals showing the number of cases received each month.

On page 26 the number of complaints and inquiries received during the twelve month period are set out by counties on an Iowa map.

On page 27 is a chart which shows the sources of complaints and inquiries.

On page 28 are two charts. The chart on the left indicates the means of initial contact by citizens with Citizens' Aide office. You will note the increase in initial contacts made by phone.

The chart on the right side of page 28 is not precise. We do not ask people their economic status. O.E.O. is interested in these figures so the person handling the complaint does his best to make a guess.

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970			1971									total
	10	11	12	1	2	3	4	5	6	7	8	9	
1 Adair 9,487	0	0	1	0	0	2	0	0	1	0	1	1	6
2 Adams 6,322	0	0	1	0	0	0	1	0	0	0	0	1	3
3 Allamakee 14,968	1	0	0	0	0	1	0	1	0	1	0	2	6
4 Appanoose 15,007	2	0	1	1	1	1	0	0	1	0	0	0	7
5 Audubon 9,595	0	0	0	0	0	0	1	0	0	0	0	0	1
6 Benton 22,885	0	0	1	0	0	1	1	1	0	0	1	2	7
7 Black Hawk 132,916	5	3	1	2	1	1	7	5	3	0	7	2	37
8 Boone 26,470	2	0	1	1	0	0	2	0	0	2	1	1	10
9 Bremer 22,737	0	0	1	0	1	0	0	1	0	0	0	0	3
10 Buchanan 21,746	1	0	0	0	1	0	0	0	0	0	1	0	3
11 Buena Vista 20,693	0	0	0	0	0	1	2	0	1	0	0	0	4
12 Butler 16,953	0	0	0	0	0	0	0	1	0	0	1	2	4
13 Calhoun 14,287	2	1	0	0	0	3	0	0	0	0	0	1	7
14 Carroll 22,912	0	0	0	0	0	1	2	1	1	0	1	0	6
15 Cass 17,007	1	0	0	0	0	0	0	0	0	0	0	0	1

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970			1971									total
	10	11	12	1	2	3	4	5	6	7	8	9	
16 Cedar 17,655	0	0	0	1	1	0	0	0	0	0	2	1	5
17 Cerro Gordo 49,335	1	2	0	0	1	1	1	0	0	1	0	0	7
18 Cherokee 17,269	2	0	0	0	0	0	0	0	0	0	1	2	5
19 Chickasaw 14,969	2	0	0	2	1	1	1	0	0	0	3	0	10
20 Clarke 7,581	1	1	0	0	0	0	0	1	0	1	0	0	4
21 Clay 18,464	1	0	0	0	0	1	2	0	0	0	1	0	5
22 Clayton 20,606	2	0	1	0	0	2	1	2	0	0	1	0	9
23 Clinton 56,749	3	1	0	2	3	3	7	3	7	5	10	4	48
24 Crawford 18,780	0	0	2	0	0	2	1	0	1	1	0	1	8
25 Dallas 26,085	1	0	2	1	1	5	2	1	1	2	3	0	19
26 Davis 8,207	0	0	0	0	0	0	0	0	0	0	1	1	2
27 Decatur 9,737	1	1	1	0	0	1	0	0	0	0	0	0	4
28 Delaware 18,770	0	0	0	0	1	0	0	0	0	0	0	0	1
29 Des Moines 46,982	1	0	0	2	0	1	0	0	0	1	3	2	10
30 Dickinson 12,565	0	0	1	0	0	0	1	0	0	0	1	1	4

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970			1971									total
	10	11	12	1	2	3	4	5	6	7	8	9	
31 Dubuque 90,609	3	1	0	1	1	1	0	1	1	1	2	2	14
32 Emmett 14,009	1	0	0	0	0	0	0	0	0	0	0	0	1
33 Fayette 26,898	0	1	0	0	0	0	0	0	0	1	0	0	2
34 Floyd 19,860	1	0	0	1	0	3	1	0	0	0	1	1	8
35 Franklin 13,255	1	0	0	0	0	2	0	0	0	0	0	0	3
36 Fremont 9,282	0	0	0	1	0	0	0	1	0	0	0	0	2
37 Greene 12,716	1	0	0	0	0	0	0	0	0	2	1	0	4
38 Grundy 14,119	0	0	0	0	0	1	0	0	0	0	0	1	2
39 Guthrie 12,243	0	1	0	0	0	0	0	0	0	0	2	1	4
40 Hamilton 18,383	0	0	0	0	0	0	1	0	1	0	0	1	3
41 Hancock 13,227	0	0	0	0	0	0	0	0	0	0	1	1	2
42 Hardin 22,248	0	0	0	1	0	1	0	1	0	0	0	1	4
43 Harrison 16,240	0	0	0	0	0	1	0	0	0	1	1	1	4
44 Henry 18,114	0	0	0	0	1	2	1	0	0	1	1	0	6
45 Howard 11,442	0	0	0	0	0	0	0	0	0	0	1	1	2

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970			1971									total	
	10	11	12	1	2	3	4	5	6	7	8	9		
46 Humboldt 12,519	0	1	1	0	0	0	0	0	0	0	3	1	1	7
47 Ida 9,190	0	0	0	0	0	0	0	0	0	0	0	0	0	0
48 Iowa 15,419	0	0	0	0	1	2	1	0	0	0	0	0	1	5
49 Jackson 20,839	0	0	0	0	1	1	0	0	0	0	1	3	0	6
50 Jasper 35,425	1	1	1	1	0	2	3	0	0	0	0	4	0	13
51 Jefferson 15,774	3	0	0	0	0	0	1	1	0	0	0	1	0	6
52 Johnson 72,127	2	1	2	0	3	2	2	0	4	3	3	14	6	39
53 Jones 19,868	1	0	0	0	0	3	2	1	2	0	0	0	0	9
54 Keokuk 13,943	0	0	0	1	0	1	4	1	0	0	0	0	1	8
55 Kossuth 22,937	1	0	0	0	0	0	1	0	0	0	1	0	1	4
56 Lee 42,996	1	0	0	2	0	4	2	2	1	2	2	2	3	19
57 Linn 163,213	2	3	1	5	1	6	7	4	3	5	7	7	5	49
58 Louisa 10,682	0	0	0	1	0	0	0	0	0	0	0	1	0	2
59 Lucas 10,163	0	0	0	0	0	0	0	0	0	1	0	0	0	1
60 Lyon 13,340	0	0	0	0	1	0	0	0	0	0	0	0	0	1

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970				1971				total				
	10	11	12	1	2	3	4	5		6	7	8	9
61 Madison 11,558	0	0	0	0	0	1	2	0	1	0	1	0	5
62 Mahaska 22,117	0	0	1	1	0	1	1	1	0	1	1	0	7
63 Marion 26,352	0	0	0	4	1	0	2	2	0	2	0	1	12
64 Marshall 41,076	2	1	1	0	1	3	2	1	0	0	2	1	14
65 Mills 11,606	0	0	0	0	0	0	0	0	1	1	0	0	2
66 Mitchell 13,108	0	1	0	1	2	0	1	1	0	1	0	0	7
67 Monona 12,069	0	0	0	0	2	1	0	0	0	1	0	0	4
68 Monroe 9,357	0	0	0	2	0	1	0	0	0	0	0	1	4
69 Montgomery 12,781	0	0	1	0	0	2	0	0	0	0	0	0	3
70 Muscatine 37,181	0	0	0	0	4	2	0	0	0	0	0	1	7
71 O'Brien 17,522	0	0	0	0	0	2	0	0	0	0	0	0	2
72 Osceola 8,555	0	0	0	1	0	3	1	0	0	1	0	0	6
73 Page 18,507	0	0	0	0	1	0	0	0	0	0	0	1	2
74 Palo Alto 13,289	1	0	1	1	0	0	0	0	0	0	1	0	4
75 Plymouth 24,312	0	0	0	0	0	0	0	0	0	0	1	0	1

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	1970												total
	10	11	12	1	2	3	4	1971					
								5	6	7	8	9	
76 Pocahontas 12,729	0	0	1	0	0	0	2	0	0	2	0	0	5
77 Polk 286,101	8	14	21	12	15	27	41	35	41	43	55	43	355
78 Pottawattamie 86,991	0	0	1	2	0	0	1	0	0	5	3	2	14
79 Poweshiek 18,803	0	0	0	1	0	2	0	0	1	0	0	0	4
80 Ringgold 6,373	0	0	0	0	0	0	0	1	0	0	0	0	1
81 Sac 15,573	0	0	0	0	0	1	2	1	0	1	0	0	5
82 Scott 142,687	4	2	2	1	4	2	5	3	4	5	3	3	38
83 Shelby 15,528	0	0	0	0	0	0	0	1	0	0	0	1	2
84 Sioux 27,996	0	0	0	0	1	0	0	0	0	2	0	0	3
85 Story 62,783	3	1	1	1	2	2	6	2	2	2	5	7	34
86 Tama 20,147	0	1	0	3	0	2	2	0	0	0	1	1	10
87 Taylor 8,790	0	0	0	0	0	0	0	0	0	0	0	1	1
88 Union 13,557	2	1	0	1	1	0	1	0	0	0	1	0	7
89 Van Buren 8,643	0	0	0	0	1	0	0	1	0	0	1	0	3
90 Wapello 42,149	1	0	2	0	0	2	2	1	2	1	0	0	11

CASES RECEIVED BY COUNTIES AND MONTHS

County & Population	10	1970				1971				total			
		11	12	1	2	3	4	5	6		7	8	9
91 Warren 27,432	2	0	0	2	1	2	2	1	0	4	3	2	19
92 Washington 18,967	1	0	0	0	0	0	2	0	0	0	4	0	7
93 Wayne 8,405	1	0	0	0	0	0	1	0	0	1	1	0	4
94 Webster 48,391	3	0	1	1	1	3	2	3	0	3	4	3	24
95 Winnebago 12,990	0	0	0	0	0	1	0	0	0	0	1	1	3
96 Winneshiek 21,758	0	0	0	0	0	2	0	0	1	0	0	0	3
97 Woodbury 103,052	2	0	1	1	0	1	3	0	2	0	4	1	15
98 Worth 8,968	0	0	0	0	0	0	0	0	1	2	0	0	3
99 Wright 17,294	0	1	0	1	0	0	2	1	0	0	1	1	7
Other states	4	2	3	4	4	7	10	3	4	2	5	3	51
	81	42	56	66	62	130	151	87	89	115	180	126	<u>1,185</u>

SOURCE OF CITIZEN CONTACT WITH CITIZENS' AIDE (by months)

Citizen referred to Citizens' Aide by:	1970					1971							total
	10	11	12	1	2	3	4	5	6	7	8	9	
GOVERNOR'S OFFICE	29	11	13	29	20	39	41	21	25	17	42	41	328
GENERAL ASSEMBLY	6	4	5	6	3	7	7	5	2	5	5	4	59
ATTORNEY GENERAL	7	3	6	0	0	2	2	3	3	2	6	2	36
OFFICE OF ECONOMIC OPPORTUNITY	1	0	0	2	5	10	3	1	1	2	4	3	32
LEGAL AID	1	0	1	1	1	4	3	0	0	0	1	1	13
STATE AGENCY	3	2	2	1	3	12	9	6	9	6	10	16	79
OTHER GOVERNMENT JURISDICTION	0	1	1	1	3	3	4	1	5	2	4	2	27
OTHER	4	1	3	3	5	15	7	13	13	14	13	20	111
NOT REFERRED	30	20	25	23	22	38	75	37	31	67	95	37	500
total	81	42	56	66	62	130	151	87	89	115	180	126	<u>1,185</u>

	INITIAL CONTACT BY CITIZEN WITH CITIZENS' AIDE WAS BY:			*	ECONOMICS OF CITIZEN ESTIMATED TO BE:		
	<u>mail</u>	<u>phone</u>	<u>visit</u>	*	<u>poor</u>	<u>other</u>	<u>?</u>
October 1970	60	11	10	*	18	20	43
November 1970	21	18	3	*	9	12	21
December 1970	22	27	7	*	9	21	26
January 1971	39	22	5	*	20	21	25
February 1971	35	22	5	*	12	26	24
March 1971	67	45	18	*	47	69	14
April 1971	80	63	8	*	46	73	32
May 1971	34	41	12	*	29	49	9
June 1971	29	47	13	*	41	34	14
July 1971	37	59	19	*	31	56	28
August 1971	74	82	24	*	50	47	83
September 1971	48	65	12	*	26	56	44
totals	<u>546</u>	<u>503</u>	<u>136</u>	*	<u>338</u>	<u>484</u>	<u>363</u>

CASE LOAD

During the period from October 1, 1970 to October 1, 1971 the office opened 1,185 files. Twenty eight cases were in active status at the close of the period. Of the total number of files 597 or 50.4% concerned state agencies. Complaints concerning state agencies numbered 349. Inquiries concerning state agencies numbered 137. There were 111 cases which fell into various miscellaneous categories which were referred to state agencies. For example, insurance complaints were referred to the Insurance Department, and utility complaints were referred to the Commerce Commission. Included in the figure of files concerning state government matters are matters concerning the Department of Social Services at both the state and county levels. Following is a listing of complaints, inquiries and referrals by departments of state government:

<u>DEPARTMENT</u>	<u>COMPLAINTS</u>	<u>INQUIRIES</u>	<u>REFERRALS FROM OTHER CATEGORIES</u>
Agriculture Department	2	3	2
Attorney General's Office	2	5	2
Banking Department		1	5
Blind Commission	2		
State Bonus Board & County Soldier's Relief	5	1	2
Buildings & Grounds	1		
Civil Rights Commission	3	1	3
Commerce Commission	5	4	14
Comptroller	1	1	
Conservation Commission	8	2	1
Crime Commission	1	2	
Development Commission		1	
Economic Opportunity		1	
Educ. Radio & T.V.	1		
Employment Security Commission	37	11	4
Executive Council	2		
Fair Board	1	2	
Governor's Office	1	11	1

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<u>DEPARTMENT</u>	<u>COMPLAINTS</u>	<u>INQUIRIES</u>	<u>REFERRALS FROM OTHER CATEGORIES</u>
Committee on Employment of the Handicapped		1	
Health Department	6	8	5
Higher Education Facilities		1	
Highway Commission	30	5	1
History & Archives		1	
Industrial Commission	5	1	4
Insurance Department	4	1	27
Labor Commission		2	4
Legislative Services			1
Traveling Library	1		
Liquor Commission	25	2	
Merit Employment	7	3	
Natural Resources Council	1		
Pharmacy Examiners		1	
Planning & Programming	1	1	1
Public Defense Department	4	2	2
Public Instruction	2	1	2
Vocational Rehabilitation	9	5	2
Public Safety Department	34	12	4
Real Estate Board	2	1	1
Reciprocity Board	3	2	
Board of Regents	19	2	
Revenue Department	16	9	2
Secretary of State			2
Social Services Department	45	11	5
Social Services, County Departments	90	18	4
Mississippi River Parkway Commission	1		

In regard to 284 of the cases involving complaints against state agencies, Citizens' Aide has made an arbitrary judgment as to the quality of the complaints. Citizens' Aide determined that 76 of the complaints were justified, 81 of the complaints were partially justified and 127 of the complaints were unjustified.

Local government cases accounted for 14.1% of the total case load. The number of local government cases by category is as follows:

	<u>Complaint</u>	<u>Inquiry</u>
Municipal Government	70	11
County Government	46	13
School Districts	24	3

In regard to the quality of these complaints Citizens' Aide made judgment as follows:

	<u>JUSTIFIED</u>	<u>PARTIALLY JUSTIFIED</u>	<u>UNJUSTIFIED</u>
Municipal Government	11	16	13
County Government	3	8	16
School Districts	1	3	11

Complaints and inquiries concerning agencies of the Federal Government totaled 79. Of these 24 concerned social security, 18 concerned the military, 16 concerned the Veteran's Administration and 37 concerned other agencies of the Federal Government.

A substantial number of cases have very little to do with government. On the following page are listed the various categories which have not been included in the discussion of cases thus far. Some of the cases involve matters regulated by government, or for some reason or other Citizens' Aide felt it would be of value to the citizen to be referred to a particular state agency.

	<u>TOTAL NUMBER OF COMPLAINTS AND INQUIRIES</u>	<u>NUMBER REFERRED TO STATE AGENCIES</u>
Miscellaneous complaints and comments about government	17	8
Complaints about Courts (These cases are not investigated because C.A. has no jurisdiction.)	19	0
Wage collection and employment problems	32	3
Miscellaneous complaints and inquiries which are legal in nature	86	11
Criminal matters	38	2
Consumer complaints	38	15
Child support, custody & marital problems	33	1
Insurance problems	28	26
Workman's Compensation problems	4	2
Bank complaints	3	1
Auto repair and warranty problems	6	5
Utility complaints	16	12
Miscellaneous complaints and inquiries which defy categorization	74	5

POSTAL CARD SURVEY

The office sent out 300 letters containing postal cards asking for citizen opinion regarding the Citizens' Aide office. This survey was mentioned earlier in the report. Of the cards sent out 134 have been returned. One citizen lost his card so he came into the office to sign another one. The citizens were asked to answer these questions which were answered as follows:

Were you satisfied with the effort the Citizens' Aide made to assist you? 103 yes 19 no

Do you feel that the activities of the Citizens' Aide helped solve your problem? 77 yes 37 no.

OMBUDSMAN STATUTES

On the following pages are set out:

- (1) A copy of Iowa Senate File 288 by Senators Potgeter and Walsh, which was filed February 25, 1971
- (2) A copy of the Hawaii statute which was enacted in 1967.
- (3) A copy of the Nebraska statute which was enacted in 1969.
- (4) A copy of a model ombudsman act which appeared in Harvard Journal on Legislation, Vol. 2, No. 2 (June 1965) 221-238.

IOWA SENATE FILE 288

A BILL FOR

1 An Act to establish the office of ombudsman for the investiga-
 2 tion of citizen complaints and certain acts of government
 3 within the state, to define his powers and duties, and to
 4 provide penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Senate File 288, page 2

- 1 Section 1. As used in this Act:
- 2 1. "Person" means an individual, aggregate of individuals,
 3 corporation, partnership, or unincorporated association.
 - 4 2. "State agency" means all departments, boards,
 5 commissions, and other agencies of the state of Iowa, but
 6 it does not include:
 - 7 a. Any court or judge or appurtenant judicial staff.
 - 8 b. The members, committees, or permanent or temporary
 9 staffs of the Iowa general assembly.
 - 10 c. The governor of Iowa or his personal staff.
 - 11 d. Any instrumentality of any political subdivision of
 12 the state.
 - 13 e. Any instrumentality formed pursuant to an interstate
 14 compact and answerable to more than one state.
 - 15 3. "Officer" means any officer of a state agency.
 - 16 4. "Employee" means any employee of a state agency.
 - 17 5. "Administrative action" means any policy or action
 18 taken by a state agency or failure to act pursuant to law.
 - 19 6. "Operations" means the organization and internal
 20 administration of a state agency.

21 Sec. 2. The people of this state shall be provided with
22 an officer trained in the processes of law, administration,
23 and government who is readily available to examine administra-
24 tive action, to safeguard against possible administrative
25 excesses, and to protect the individual rights of citizens.

26 Sec. 3. There is created the commission for selection
27 of candidates for the office of ombudsman, consisting of the
28 chief justice of the supreme court who shall act as chairman,
29 the attorney general, a president of one of the three board
30 of regents universities in Iowa to be appointed by the board
31 of regents, one person appointed by the president pro tempore
32 of the senate, and one person appointed by the speaker of
33 the house of representatives. The commission shall select
34 one or more qualified candidates for the office of ombudsman
35 and it shall submit the names of the candidates to the joint

Senate File 288, page 3

1 legislative committee on the office of the ombudsman. The
2 term of the commission shall be until the person nominated
3 for appointment to the office of ombudsman has been confirmed
4 by the general assembly as provided by this section.

5 There is created the joint legislative committee on the
6 office of the ombudsman consisting of three members affiliated
7 with each major political party, as defined by section forty-
8 three point two (43.2) of the Code, represented in the senate
9 by persons appointed by the president pro tempore of the
10 senate, and three members affiliated with each political party
11 represented in the house of representatives by persons
12 appointed by the speaker of the house of representatives.
13 In the event that any political party is represented in the
14 senate or the house of representatives by fewer than three
15 members, only one member of the party from that house shall
16 be appointed to the joint committee. The joint committee
17 shall select a chairman from its membership. The members
18 of the joint committees shall serve until the convening of
19 the first session of the next succeeding general assembly,
20 at which time the joint committee shall be reestablished
21 in accordance with the provisions of this section as a standing
22 committee, and it shall meet on call of its chairman, or upon
23 call of the president pro tempore of the senate or the speaker
24 of the house of representatives, or upon request of one half
25 or more of its members. The ombudsman may consult with the
26 joint committee from time to time as he deems necessary in
27 regard to the execution of his powers and duties.

28 The joint committee shall nominate by majority vote of
29 its total membership, one person for the office of ombudsman
30 from the list of candidates submitted to it by the commission.
31 The person nominated for appointment to the office of ombudsman

32 shall be confirmed by the passage of a concurrent resolution
33 by the general assembly, with a constitutional majority in
34 both the senate and house of representatives required for
35 passage.

Senate File 288, page 4

1 Sec. 4. The ombudsman shall be a person distinguished
2 by his intellectual standing and shall be well equipped to
3 analyze problems of law, administration, and public policy,
4 and shall not be actively involved in partisan affairs. He
5 shall not have been a member of the general assembly during
6 the two years preceding his appointment as ombudsman, and
7 shall be a citizen of the state of Iowa.

8 Sec. 5. The ombudsman shall hold office for four years
9 from the first day in July in the year of his appointment
10 and until his successor is confirmed in the manner prescribed
11 in section three (3) of this Act, unless he can no longer
12 perform his official duties, as determined by the joint
13 legislative committee on the office of the ombudsman, or is
14 removed from office. The ombudsman may be reappointed to
15 office at the end of the four-year term. The ombudsman may
16 at any time be removed from office for neglect of duty,
17 misconduct, or disability, by a two-thirds vote of the members
18 of each of the two houses of the general assembly or as
19 provided by chapter sixty-six (66) of the Code. If a vacancy
20 occurs in the office of ombudsman, a deputy ombudsman shall
21 act as ombudsman until the vacancy is filled in the manner
22 prescribed in section three (3) of this Act.

23 Sec. 6. The ombudsman shall receive the same salary as
24 an associate justice of the supreme court and the expenses
25 necessary to carry out his duties pursuant to an appropriation
26 provided by the general assembly.

27 Sec. 7. The ombudsman, with the approval of the joint
28 committee, shall employ and fix the compensation of those
29 assistants and employees as he deems necessary for the
30 effective conduct of his office. The ombudsman shall designate
31 one of his assistants as the deputy ombudsman, with authority
32 to act as ombudsman when the ombudsman is absent from the
33 state or becomes disabled, as determined by the joint
34 legislative committee on the office of the ombudsman. The
35 ombudsman may delegate to members of his staff any of his

Senate File 288, page 5

1 authority or duties under this Act except the duty of formally
2 making recommendations to state agencies or reports to the
3 governor or the general assembly.

4 Sec. 8. Neither the ombudsman nor any of his assistants
5 or employees shall:

6 1. Hold any other office of trust or profit under the
7 laws of this state.

8 2. Engage in any other employment or occupation or activity
9 for remuneration.

10 Knowingly engage in or maintain any business
11 transactions with persons employed by state agencies against
12 whom complaints may be made under the provisions of this Act.

13 The ombudsman and his principal assistants, before entering
14 upon their official duties, shall take and subscribe to an
15 oath or affirmation that they will faithfully and impartially
16 perform their duties, and that they will not, except for the
17 purpose of giving effect to this Act, divulge any information
18 received in the course of their official duties.

19 Sec. 9. The ombudsman shall have the following powers:

20 1. He may investigate, on complaint or on his own motion,
21 any administrative action of any state agency.

22 2. He may prescribe the methods by which complaints are
23 to be made, received, and acted upon; determine the scope
24 and manner of investigations to be made; and, subject to the
25 requirements of this Act, he may determine the form, frequency,
26 and distribution of his conclusions and recommendations.

27 3. He may request and shall be given by each state agency
28 such assistance and information as may be necessary in the
29 performance of his duties; he may examine the records and
30 documents of all state agencies not specifically made
31 confidential by law; and he may enter and inspect premises
32 within any state agency's control.

33 4. He may issue a subpoena to compel any person to appear,
34 give sworn testimony, or produce documentary or other evidence
35 deemed relevant to a matter under his inquiry.

Senate File 288, page 6

1 5. He may undertake, participate in, or cooperate with
2 general studies or inquiries, whether or not related to any
3 particular state agency or any particular administrative
4 action, if he believes that they may enhance knowledge about
5 or lead to improvements in the functioning of state agencies.

6 No monetary or other charge shall be levied upon any person
7 as prerequisite to presentation of a complaint to the
8 ombudsman.

9 Sec. 10. An appropriate subject for investigation by the
10 office of ombudsman is an administrative action that might
11 be:

12 1. Contrary to law or regulation.

13 2. Unreasonable, unfair, oppressive, or inconsistent with
14 the general course of a state agency's functioning.

- 15 3. Based on a mistake of law or arbitrary in ascertainments
16 of fact.
- 17 4. Based on improper motivation or irrelevant consideration.
- 18 5. Unaccompanied by an adequate statement of reasons.
- 19 6. Performed in an inefficient manner.
- 20 7. Otherwise objectionable or erroneous.
- 21 The ombudsman may also concern himself with strengthening
22 procedures and practices which lessen the risk that objection-
23 able administrative actions will occur.
- 24 Sec. 11. The ombudsman may receive a complaint from any
25 source concerning an administrative action. He shall conduct
26 a suitable investigation into the administrative actions
27 complained of unless he finds substantiating facts that:
- 28 1. The complainant has available to him another remedy
29 or channel of complaint which he could reasonably be expected
30 to use.
- 31 2. The grievance pertains to a matter outside the
32 ombudsman's power.
- 33 3. The complainant's interest is insufficiently related
34 to the subject matter.
- 35 4. The complaint is trivial, frivolous, vexatious, or

Senate File 288, page 7

- 1 not made in good faith.
- 2 5. Other complaints are more worthy of attention.
- 3 6. The ombudsman's resources are insufficient for adequate
4 investigation.
- 5 7. The complaint has been delayed too long to justify
6 present examination of its merit.
- 7 The ombudsman may decline to investigate a complaint, but
8 shall not be prohibited from inquiring into the matter com-
9 plained about or into related problems at some future time.
10 After completing his consideration of a complaint, whether
11 or not it has been investigated, the ombudsman shall inform
12 the complainant of the fact and, when appropriate, the
13 administrative agency or agencies involved.
- 14 Sec. 12. A letter to the ombudsman from a person in a
15 correctional institution, a hospital, or other institution
16 under the control of an administrative agency shall be
17 immediately forwarded, unopened, to the ombudsman by the
18 institution where the writer of the letter is a resident.
- 19 Sec. 13. Before announcing a conclusion or recommendation
20 that criticizes a state agency or any officer or employee,
21 the ombudsman shall consult with that state agency, officer,
22 or employee, and shall attach to every report sent or made
23 under the provisions of this Act a copy of any comments made
24 by or on behalf of the officer, employee, or state agency.

25 Sec. 14. If, having considered a complaint and whatever
26 material he deems pertinent, the ombudsman finds substantiating
27 facts that:
28 1. A matter should be further considered by the agency;
29 2. An administrative action should be modified or cancelled;
30 3. A rule or regulation on which an administrative action
31 is based should be altered;
32 4. Reasons should be given for an administrative action; or
33 5. Any other action should be taken by the agency;
34 he shall state his recommendations to the state agency. If
35 the ombudsman requests, the agency shall within the time

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1 he has specified, notify him of any action taken on his
2 recommendations or the reasons for not complying with them.
3 If the ombudsman believes that an administrative action
4 has occurred because of laws whose results are unfair or
5 otherwise objectionable, he shall notify the general assembly
6 concerning desirable statutory change.
7 Sec. 15. The ombudsman may publish his conclusions,
8 recommendations, and suggestions by transmitting them to the
9 governor, the general assembly or any of its committees, the
10 news media, or others who may be concerned. When publishing
11 an opinion adverse to an administrative agency or official
12 he shall, unless excused by the agency or official affected,
13 include with the opinion any reply made by the agency.
14 Sec. 16. In addition to whatever reports he may make from
15 time to time, the ombudsman shall by February fifteenth of
16 each year report to the general assembly and to the governor
17 concerning the exercise of his functions during the preceding
18 calendar year. In discussing matters with which he has been
19 concerned, the ombudsman need not identify specific persons
20 or agencies if to do so would cause needless hardship. If
21 the annual report criticizes named agencies or officials,
22 it must also include replies made by the agency to the
23 criticism.
24 Sec. 17. If the ombudsman believes that any public
25 official, employee, or other person has acted in a manner
26 warranting criminal or disciplinary proceedings, he shall
27 refer the matter to the appropriate authorities.
28 Sec. 18. No recommendation or other action by the
29 ombudsman, other than the issuance of a subpoena, shall be
30 subject to judicial review.
31 No civil action, except removal from office as provided
32 in chapter sixty-six (66) of the Code, or proceeding shall
33 be commenced against the ombudsman or any member of his staff
34 for any act or omission performed pursuant to the provisions
35 of this Act nor shall the ombudsman or any member of his staff

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1 be compelled to testify in any court with respect to any
2 matter involving the exercise of his official duties except
3 as may be necessary to enforce the provisions of this Act.

4 Sec 19. A person required by the ombudsman to provide
5 information shall be paid the same fees and travel allowances
6 as are extended to witnesses whose attendance has been required
7 in the courts of this state. A person who, with or without
8 service of compulsory process, provides oral or documentary
9 information requested by the ombudsman shall be accorded the
10 same privileges and immunities as are extended to witnesses
11 in the courts of this state, and shall also be entitled to
12 be accompanied and advised by counsel while being questioned.

13 Sec. 20. A person who willfully obstructs or hinders the
14 lawful actions of the ombudsman or his staff, or who willfully
15 misleads or attempts to mislead the ombudsman in his inquiries,
16 shall be subject to a fine of not more than one thousand
17 dollars.

18 Sec. 21. This Act shall be cited as the "Iowa Ombudsman
19 Act".

HAWAII STATUTE

96-1 (a) "Agency" includes any permanent governmental entity, department, organization, or institution, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties, except:

- (1) A court;
- (2) The legislature, its committees, and its staff;
- (3) An entity of the federal government;
- (4) A multistate governmental entity; and
- (5) The governor and his personal staff.

(b) "Administrative act" includes any action, omission, decision, recommendation, practice, or procedure, but does not include the preparation or presentation of legislation.

96-2 The office of ombudsman is established. The legislature, by a majority vote of each house in joint session, shall appoint an ombudsman who shall serve for a period of six years. An ombudsman may be reappointed but may not serve for more than three terms. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the ombudsman from office, but only for neglect of duty, misconduct, or disability.

No person may serve as ombudsman within two years of the last day on which he served as a member of the legislature, or while he is a candidate for or holds any other state office, or while he is engaged in any other occupation for reward or profit.

For the period beginning on July 1, 1969 and ending on June 30, 1970, the salary of the ombudsman shall be the same as the salary of the circuit court judges. Effective July 1, 1970, the salary of the ombudsman shall be the same as the salary of the circuit court judges. The compensation of the ombudsman shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State.

If the ombudsman dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the ombudsman becomes the acting ombudsman until a new ombudsman is appointed for a full term.

96-3 The ombudsman shall appoint a first assistant and such other officers and employees as may be necessary to carry out this chapter. All employees, including the first assistant, shall be hired by the ombudsman and shall serve at his pleasure. In determining the salary of each such employee, the ombudsman shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department. The first assistant's salary shall not exceed the percentage limitation established by law for a deputy director of a department. The ombudsman and his full time staff shall be entitled to participate in any employee benefit plan.

The ombudsman may delegate to his appointees any of his duties except those specified in sections 96-12 and 96-13.

96-4 The ombudsman may establish procedures for receiving and processing complaints, conducting investigations, and reporting his findings. However, he may not levy fees for the submission or investigation of complaints.

96-5 The ombudsman has jurisdiction to investigate the administrative acts of agencies and he may exercise his powers without regard to the finality of any administrative act.

96-6 (a) The ombudsman shall investigate any complaint which he determines to be an appropriate subject for investigation under section 96-8. (b) The ombudsman may investigate on his own motion if he reasonably believes that an appropriate subject for investigation under section 96-8 exists.

96-7 If the ombudsman decides not to investigate, he shall inform the complainant of that decision and shall state his reasons. If the ombudsman decides to investigate, he shall notify the complainant of his decision and he shall also notify the agency of his intention to investigate.

96-8 An appropriate subject for investigation is an administrative act of an agency; which might be:

- (1) Contrary to law;
- (2) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law;
- (3) Based on a mistake of fact;
- (4) Based on improper or irrelevant grounds;
- (5) Unaccompanied by an adequate statement of reasons;
- (6) Performed in an inefficient manner; or
- (7) Otherwise erroneous.

The ombudsman may investigate to find an appropriate remedy.

96-9 (a) In an investigation, the ombudsman may make inquiries and obtain information as he thinks fit, enter without notice to inspect the premises of an agency, and hold private hearings. (b) The ombudsman is required to maintain secrecy in respect to all matters and the identities of the complainants or witnesses coming before him except so far as disclosures may be necessary to enable him to carry out his duties and to support his recommendations.

96-10 Subject to the privileges which witnesses have in the courts of this State, the ombudsman may:

- (1) Compel at a specified time and place, by a subpoena, the appearance and sworn testimony of any person who the ombudsman reasonably believes may be able to give information relating to a matter under investigation; and
- (2) Compel any person to produce documents, papers, or objects which the ombudsman reasonably believes may relate to a matter under investigation.

The ombudsman may bring suit in an appropriate state court to enforce these powers.

96-11 Before giving any opinion or recommendation that is critical of an agency or person, the ombudsman shall consult with that agency or person.

- 96-12 If, after investigation, the ombudsman finds that:
- (1) A matter should be further considered by the agency;
 - (2) An administrative act should be modified or cancelled;
 - (3) A statute or regulation on which an administrative act is based should be altered;
 - (4) Reasons should be given for an administrative act; or
 - (5) Any other action should be taken by the agency;

he shall report his opinion and recommendations to the agency. He may request the agency to notify him, within a specified time, of any action taken on his recommendations.

96-13 After a reasonable time has elapsed, the ombudsman may present his opinion and recommendations to the governor, the legislature, the public, or any of these. The ombudsman shall include with this opinion any reply made by the agency.

96-14 After a reasonable time has elapsed, the ombudsman shall notify the complainant of the actions taken by him and by the agency.

96-15 If the ombudsman thinks there is a breach of duty or misconduct by any officer or employee of an agency, he shall refer the matter to the appropriate authorities.

96-16 The ombudsman shall submit to the legislature and the public an annual report discussing his activities under this chapter.

96-17 No proceeding or decision of the ombudsman may be reviewed in any court, unless it contravenes the provisions of this chapter. The ombudsman has the same immunities from civil and criminal liability as a judge of this State. The ombudsman and his staff shall not testify in any court with respect to matters coming to their attention in the exercise or purported exercise of their official duties except as may be necessary to enforce the provisions of this chapter.

96-18 A letter to the ombudsman from a person held in custody by an agency shall be forwarded immediately, unopened, to the ombudsman.

96-19 A person who willfully hinders the lawful actions of the ombudsman or his staff, or willfully refuses to comply with their lawful demands, shall be fined not more than \$1,000.

NEBRASKA STATUTE

81 8,240. As used in sections 81 8,240 to 81 8,254, unless the context otherwise requires:

(1) Administrative agency shall mean any department, board, commission, or other governmental unit, any official, or any employee of the State of Nebraska acting or purporting to act by reason of connection with the State of Nebraska; but shall not include (a) any court, (b) any member or employee of the Legislature or the Legislative Council, (c) the Governor or his personal staff, (d) any political subdivision or entity thereof, (e) any instrumentality formed pursuant to an interstate compact and answerable to more than one state, or (f) any entity of the federal government; and

(2) Administrative act shall include every action, rule, regulation, order, omission, decision, recommendation, practice or procedure of an administrative agency.

81 8,241. The office of Public Counsel is hereby established to exercise the authority and perform the duties provided by section 81 8,240 to 81 8 254. The Public Counsel shall be appointed by the Legislature, with the vote of two-thirds of the members required for approval of such appointment from nominations submitted by the Executive Board of the Legislative Council.

81 8,242 The Public Counsel shall be a person well equipped to analyze problems of law, administration, and public policy, and during his term of office shall not be actively involved in partisan affairs. No person may serve as Public Counsel within two years of the last day on which he served as a member of the Legislature or while he is a candidate for or holds any other state office, or while he is engaged in any other occupation for reward or profit.

81 8,243. The Public Counsel shall serve for a term of six years, unless removed by vote of two-thirds of the members of the Legislature upon their determining that he has become incapacitated or has been guilty of neglect of duty or misconduct. If the office of Public Counsel becomes vacant for any cause, the deputy public counsel shall serve as acting public counsel until a Public Counsel has been appointed for a full term. The Public Counsel shall receive such salary as is set by the Executive Board of the Legislative Council.

81 8,244. The Public Counsel may select, appoint and compensate as he may see fit, within the amount available by appropriation, such assistants and employees as he may deem necessary to discharge his responsibilities under sections 81 8,240 to 81 8,254, and shall designate one of his assistants

to be the deputy public counsel. The Public Counsel may delegate to members of his staff any of his authority or duty under sections 81 8,240 to 81 8,254 except the power of delegation and the duty of formally making recommendations to administrative agencies or reports to the governor or the Legislature.

81 8,245. The Public Counsel shall have the following powers:

(1) He may investigate, on complaint, or on his own motion, any administrative act of any administrative agency;

(2) He may prescribe the methods by which complaints are to be made, received, and acted upon; he may determine the scope and manner of investigations to be made; and, subject to the requirements of section 81 8,240 to 81 8,254, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals;

(3) He may request and shall be given by each administrative agency the assistance and information he deems necessary for the discharge of his responsibilities; he may inspect and examine the records and documents of all administrative agencies; and he may enter and inspect premises within any administrative agency's control;

(4) He may issue a subpoena, enforceable by action in an appropriate court, to compel any person to appear, give sworn testimony, or produce documentary or other evidence he deems relevant to the matter under his inquiry. A person thus required to provide information shall be paid the same fees and travel allowances and shall be accorded the same privileges and immunities as are extended to witnesses in the district courts of this state, and shall also be entitled to have counsel present while being questioned; and

(5) He may undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative act, if he believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

81 8,246. In selecting matters for his attention, the Public Counsel shall address himself particularly to an administrative act that might be:

- (1) Contrary to law or regulation;
- (2) Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's judgments;
- (3) Mistaken in law or arbitrary in ascertainties of fact;

- (4) Improper in motivation or based on irrelevant considerations;
- (5) Unclear or inadequately explained when reasons should have been revealed; or
- (6) Inefficiently performed.

The Public Counsel may concern himself also with strengthening procedures and practices which lessen the risk that objectionable administrative acts will occur.

81 8,247. The Public Counsel may receive a complaint from any person concerning an administrative act. He shall conduct a suitable investigation into the things complained of unless he believes that:

- (1) The complainant has available to him another remedy which he could reasonably be expected to use;
- (2) The grievance pertains to a matter outside his power;
- (3) The complainant's interest is insufficiently related to the subject matter;
- (4) The complaint is trivial, frivolous, vexatious, or not made in good faith;
- (5) Other complaints are more worthy of attention;
- (6) His resources are insufficient for adequate investigation;
- or (7) The complaint has been too long delayed to justify present examination of its merit.

The Public Counsel's declining to investigate a complaint shall not bar him from proceeding on his own motion to inquire in related problems. After completing his consideration of a complaint, whether or not it has been investigated, the Public Counsel shall suitably inform the complainant and the administrative agency involved.

81 8,248 Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the Public Counsel shall consult with that agency or person.

81 8,249. (1) If, having considered a complaint and whatever material he deems pertinent, the public Counsel is of the opinion that an administrative agency should (a) consider the matter further, (b) modify or cancel an administrative act, (c) alter a regulation or ruling, (d) explain more fully the administrative act in question, or (e) take any other step, he shall state his recommendations to the administrative agency. If the Public Counsel so requests, the agency shall, within the time he has specified inform him about the action taken on his recommendations or the reasons for not complying with them.

(2) If the Public Counsel believes that an administrative action has been dictated by a statute whose results are unfair or otherwise objectionable, he shall bring to the Legislature's notice of his views concerning desirable statutory change.

81 8,250. The Public Counsel may publish his conclusions and suggestions by transmitting them to the Governor, the Legislature or any of its committees, the press, and others who may be concerned. When publishing an opinion adverse to an administrative agency he shall include any statement the administrative agency may have made to him by way of explaining its past difficulties or its present rejection of the Public Counsel's proposals.

81 8,251. In addition to whatever reports he may make from time to time, the Public Counsel shall on or about February 15 of each year report to the Legislature and to the Governor concerning the exercise of his functions during the preceding calendar year. In discussing matters with which he has dealt, the Public Counsel need not identify those immediately concerned if to do so would cause needless hardship. So far as the annual report may criticize named agencies or officials, it must include also their replies to the criticism.

81 8,252. If the Public Counsel has reason to believe that any public officer or employee has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the appropriate authorities.

81 8,253. No proceeding, opinion, or expression of the Public Counsel shall be reviewable in any court. Neither the Public Counsel nor any member of his staff shall be required to testify or produce evidence in any judicial or administrative proceeding concerning matters within his official cognizance, except in a proceeding brought to enforce sections 81 8,240 to 81 8,254.

81 8,254. A person who willfully obstructs or hinders the proper exercise of the Public Counsel's functions, or who willfully misleads or attempts to mislead the Public Counsel in his inquiries, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars. No employee of the State of Nebraska, who files a complaint pursuant to sections 81 8,240 to 81 8,254, shall be subject to any penalties, sanctions, or restrictions in connection with his employment because of such complaint.

A STATE STATUTE TO CREATE THE OFFICE OF OMBUDSMAN *

PART I. SHORT TITLE AND DEFINITIONS

Section 101. Short title. This Act may be called "The Ombudsman Act of 1965.

Section 102. Definitions. (a) "Agency includes any permanent governmental entity, department, organization, or institution, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties, except: (1) a court; (2) the Legislature, its committees, and its staff; (3) a political subdivision of the state or an entity thereof; (4) an entity of the federal government; (5) a multistate governmental entity; and (6) the Governor and his personal staff.

(b) "Administrative act" includes any action, omission, decision, recommendation, practice, or procedure, but does not include the preparation or presentation of legislation.

PART II. ORGANIZATION OF THE OFFICE

Section 201. Establishment. The office of Ombudsman is hereby established.

Section 202. Appointment of the Ombudsman. The Governor, with the advice and consent of the Senate, shall appoint the Ombudsman.

Section 203. Qualifications. No person may serve as Ombudsman (a) within two years of the last day on which he served as a member of the Legislature, (b) while he is a candidate for or holds any other state office, or (c) while he is engaged in any other occupation for reward or profit.

Section 204. Term of Office. The term of office of an Ombudsman is six years. An Ombudsman may be reappointed but may not serve more than three terms.

Section 205. Removal. The Legislature, by a two-thirds vote in each house, may remove or suspend the Ombudsman from office, but only for neglect of duty, misconduct, or disability.

Section 206. Vacancy. If the Ombudsman dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the First Assistant to the Ombudsman becomes the Acting Ombudsman until a new Ombudsman is appointed for a full term.

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Section 207. Compensation. The Ombudsman is entitled to compensation equal to that of the chief judge of the highest court of the state.

Section 208. Staff and delegation. (a) The Ombudsman shall appoint a First Assistant and such other officers and employees as may be necessary to carry out the provisions of this Act. (b) The Ombudsman may delegate to his appointees any of his duties except those specified in sections 502 and 503.

Section 209. Procedure. The Ombudsman may establish procedures for receiving and processing complaints, conducting investigations, and reporting his findings. However, he may not levy fees for the submission or investigation of complaints.

PART III. JURISDICTION AND INITIATION OF INVESTIGATIONS

Section 301. Jurisdiction. (a) The Ombudsman has jurisdiction to investigate the administrative acts of agencies. (b) The Ombudsman may exercise his powers without regard to the finality of any administrative act.

Section 302. Investigation of complaints. The Ombudsman shall investigate any complaint indicating an appropriate subject for investigation under section 401, unless he believes that (a) there is presently available an adequate remedy for the grievance stated in the complaint; (b) the complaint relates to a matter that is outside the jurisdiction of the Ombudsman; (c) the complaint relates to an administrative act of which the complainant has had knowledge for too long a time before the complaint was submitted; (d) the complainant does not have a sufficient personal interest in the subject matter of the complaint; (e) the complaint is trivial or made in bad faith; (f) the facilities of the Ombudsman's office are insufficient for adequate investigation; or (g) there are other complaints more worthy of the Ombudsman's attention.

Section 303. Investigation on the Ombudsman's motion.

The Ombudsman may investigate on his own motion if he reasonably believes that an appropriate subject for investigation under section 401 exists.

Section 304. Notice to complainant. (a) If the Ombudsman decides not to investigate, he shall inform the complainant of that decision and shall state his reasons unless he reasonably believes it is inappropriate to do so. (b) If the Ombudsman decides to investigate, he shall notify the complainant of his decision.

Section 305. Notice to the agency. If the Ombudsman decides to investigate, he shall notify the agency of his intention to investigate.

PART IV. INVESTIGATIONS

Section 401. Appropriate subjects for investigation.

(a) An appropriate subject for investigation is an administrative act of an agency which might be (1) contrary to law; (2) unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law; (3) based on a mistake of fact; (4) based on improper or irrelevant grounds; (5) unaccompanied by an adequate statement of reasons; (6) performed in an inefficient manner; or (7) otherwise erroneous.

(b) The Ombudsman may investigate to find an appropriate remedy.

Section 402. Investigation procedures. In an investigation, the Ombudsman may (a) make inquiries and obtain information as he thinks fit; (b) enter without notice to inspect the premises of an agency; and (c) hold private hearings.

Section 403. Powers. (a) Subject to the privileges which witnesses have in the courts of this state, the Ombudsman may (1) compel at a specified time and place, by a subpoena, the appearance and sworn testimony of any person who the Ombudsman reasonably believes may be able to give information relating to a matter under investigation; and (2) compel any person to produce documents, papers, or objects which the Ombudsman reasonably believes may relate to a matter under investigation.

(b) The Ombudsman may bring suit in an appropriate state court to enforce these powers.

PART V. PROCEDURE AND REPORTS AFTER INVESTIGATION

Section 501. Consultation with agency. Before giving any opinion or recommendation that is critical of an agency or person, the Ombudsman shall consult with that agency or person.

Section 502. Procedure after investigation. If, after investigation, the Ombudsman finds that (a) a matter should be further considered by the agency; (b) an administrative act should be modified or cancelled; (c) a statute or regulation on which an administrative act is based should be altered; (d) reasons should be given for an administrative act; or (e) any other action should be taken by the agency; he shall report his opinion and recommendations to the agency. He may request the agency to notify him, within a specified time, of any action taken on his recommendations.

Section 503. Publication of recommendations. After a reasonable time has elapsed, the Ombudsman may present his opinion and recommendations to the Governor, the Legislature, the public, or any of these. The Ombudsman shall include with this opinion any reply made by the agency.

Section 504. Notice to complainant. After a reasonable time has elapsed, the Ombudsman shall notify the complainant of the actions taken by him and by the agency.

PART VI. MISCELLANEOUS

Section 601. Misconduct by agency personnel. If the Ombudsman thinks there is a breach of duty or misconduct by any officer or employee of an agency, he shall refer the matter to the appropriate authorities.

Section 602. Annual report. The Ombudsman shall submit to the Legislature and the public an annual report discussing his activities under this Act.

Section 603. Judicial review. No proceeding or decision of the Ombudsman may be reviewed in any court, unless it contravenes the provisions of this Act.

Section 604. Immunity of the Ombudsman. The Ombudsman has the same immunities from civil and criminal liability as a judge of this state.

Section 605. Ombudsman's privilege not to testify The Ombudsman and his staff shall not testify in any court with respect to matters coming to their attention in the exercise or purported exercise of their official duties except as may be necessary to enforce the provisions of this Act.

Section 606. Agencies may not open letters to Ombudsman. A letter to the Ombudsman from a person held in custody by an agency shall be forwarded immediately, unopened, to the Ombudsman.

Section 607. Penalty for obstruction. A person who willfully hinders the lawful actions of the Ombudsman or his staff, or willfully refuses to comply with their lawful demands, shall be fined not more than one thousand dollars.

CASE SUMMARIES

This portion of the report sets out summaries of cases processed by the office. It does not include all of the cases. Included are cases in which the citizen was and was not helped by the office. The cases are arranged by departments of government. Some of the cases are complaints about specific state departments, and some are about local governments and agencies of the federal government. As previously stated, this office has primary concern with state agencies, but to the degree possible the office has attempted to be helpful in all cases. The table of contents contains page numbers as to the departments and the agencies included in these case summaries.

This portion of the report is the most significant. All of the tables and charts and statistics are helpful, but what is really important is the actual nature of complaints and inquiries made by citizens. Perhaps many of the complaints seem unimportant or trivial but they are all important for the reason that individual citizens have found need to lodge them.

Citizens' Aide is abbreviated C.A. in the case summaries.

ATTORNEY GENERAL

(107 71 912) A citizen made a down payment on land in another state with the understanding that this payment would be refunded if he decided he did not want the land. This land company is one that has been sued by the Attorney General's Consumer Fraud Division. C.A. referred the citizen to the Assistant Attorney General concerned with the case.

(107 71 64) A citizen complained about the advice given her by an Assistant Attorney General concerning her child support problem. Review of the file disclosed that the Assistant Attorney General spent considerable time and effort in ascertaining the facts in the situation before giving advice. Her advice was that the citizen's best course would be to hire a lawyer. C.A. Finds no fault with the advice.

(107 71 439) A citizen inquired about procedure for filing for damages resulting from his running into a deer on a highway. C.A. advised the citizen that the state has a policy of not allowing this type of claim. The citizen was referred to the Attorney General's office.

COMMISSION FOR THE BLIND

(110 71 34) An anonymous letter was written to radio station KRNT concerning the plight of an elderly lady in rural Iowa. KRNT handed the letter, and the two dollars which came with the letter to the Citizens' Aide. Through investigation, C.A. determined the identity and whereabouts of the lady. Telephone and letter communications were unsatisfactory, so C.A. and a county Social Worker went to visit the lady. She had serious financial problems, including the real possibility of losing her house. She is a very independent lady and refused Old Age Assistance and all other help. Several months later she called the office. She had lost her sight and was close to being evicted. She agreed that she did need help. The C.A. referred the matter to the Iowa Commission for the Blind, which immediately took steps to help.

(110 71 843) A blind college student needed Braille text books for the term starting September, 1971. The Iowa Commission for the Blind provides such service. The book store at the private college which the student attends informed her that request for the books was made to the Commission in June. When school started, only three of the five requested books were available. C.A. contacted the Commission and learned that they did not receive the request from the college book store until August 3, 1971. The Commission advised that under the circumstances they would tape the needed books, and if the tapes were not satisfactory, readers would be provided for the student. C.A. feels that, although the book store is subject to criticism, under the circumstances, the complaint against the Commission for the Blind is not justified. The Commission suggested that in the future the student place book requests directly with the Commission.

The Commission for the Blind has available on request a statement of its policy with respect to provision of text books to blind students. It states that Iowa now has more than 100 blind students in specialized schools and institutions of higher learning. The books which the Commission provides are produced by volunteers coordinated by the Commission. Books are produced in Braille, large type and tapes. There are limitations on production and requests must be made as early as possible.

STATE BONUS BOARD -- COUNTY SOLDIER'S RELIEF

(111 71 893) A citizen, because of a health problem, applied for general relief from a county welfare office. He was refused because he is a veteran and the county has a policy of having veterans apply for Soldier's Relief. Soldier's Relief would not help him because he didn't have a discharge certificate. The State Bonus Board checked their records in an effort to verify the man is a veteran, but they did not have any records on him. C.A. asked the Veteran's Administration to contact the county Soldier's Relief office and verify that he is a veteran. The V.A. wrote as requested, but did not get a response. V.A. telephoned the Soldier's Relief office and learned that finally they had decided to help the man.

(111 71 219) A citizen complained about Soldier's Relief terminating the assistance they were giving him. He was attending night school with Veteran's Administration assistance. The V.A. grant in theory includes money for subsistence, but most of the grant goes for tuition. Soldier's Relief in the county in question has a policy of not giving money to anyone who is receiving this type of V.A. assistance. C.A. gave the citizen information concerning food stamps and also gave him some information on a possible job.

C.A. feels that the rule in this case is sound, but it appears that there is very little uniformity in policy of administering Soldier's Relief. Each county pretty much goes its own way.

IOWA CIVIL RIGHTS COMMISSION

(115 70 145) A small manufacturer was operating his business in a building owned by the Highway Commission, the land being scheduled for future road improvements. Periodically the manufacturer would call upon the Iowa Employment Security Commission to provide employees in his operation. The manufacturer called the State Employment office and they sent him two caucasian women, whom he hired, They disclosed to him at the time they were hired that they were married to negro men. The manufacturer states that he was not concerned with this factor. He also states that another tenant in the building did state objections to this factor, but he, the manufacturer, was not influenced thereby. The manufacturer states that he discharged these two women because of irregular working hours on their part. The employees, in due course, filed complaints of discrimination against the manufacturer before the Iowa Civil Rights Commission. The Iowa Civil Rights Commission investigated and entered into conciliation efforts, but the employer would not rehire the women because he denied that the discharge was because of racial discrimination. The Civil Rights Commission did not hold a hearing in the matter and did not hold a hearing to determine whether or not it had jurisdiction of the matter. Section 105.74 Iowa Code provides that the Civil Rights Commission does not have jurisdiction of employers who regularly employ less than four individuals. The manufacturer stated that the Highway Commission was taking action to evict him from the building he was renting and that the Iowa Employment Security Commission was withholding services.

The Citizens' Aide propounded questions to and asked for copies of the files of the Highway Commission, the Iowa Employment Security Commission and the Civil Rights Commission. The Highway Commission and the I.E.S.C. complied, but the Civil Rights Commission refused these requests, based on the provisions of Section 105A.9 of the Iowa Code, which provides in part:

"The members of the commission and its staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation."

The Attorney General's office informally concurred in the Civil Rights Commission's refusal to disclose its file or answer the Citizens' Aide's Questions.

Civil Rights Commission, continued

Upon conclusion of the Citizens' Aide's investigation of the matter, the following findings and recommendations were made:

1. The Citizens' Aide makes no findings as to whether or not there was racial discrimination in this matter, as that is the province of the Civil Rights Commission.

2. The Citizens' Aide finds that at no time did the Civil Rights Commission establish its jurisdiction in the matter.

3. The Citizens' Aide finds that the Civil Rights Commission at no time took the matter to hearing as provided by law, and which would have accorded this citizen the opportunity to be heard and defend himself. That regardless of this, and improperly, the Civil Rights Commission influenced the Iowa Highway Commission to evict the citizen. It is noted that the Highway Commission withheld its writ of eviction until the citizen could obtain another building for his business. The Civil Rights Commission also influenced the Iowa Employment Security Commission to withhold employment services to this citizen. These services have been restored. The Citizens' Aide believes that the Highway Commission and I.E.S.C. did not act improperly as they had a right to rely on the representations of the Civil Rights Commission. The Civil Rights Commission invoked sanctions against this citizen without first establishing its jurisdiction and without first holding hearings as provided by law.

4. The Citizens' Aide finds that the complaint of this manufacturer against the Civil Rights Commission is justified.

5. The Citizens' Aide finds that the Civil Rights Commission by letter dated March 11, 1971, declared the discrimination complaints to be administratively closed. The Commission stated: "If circumstances warrant a reopening of the complaint file, this will be done without initiating another formal complaint charge."

The Citizens' Aide makes the following recommendations:

1. It is recommended that the entire Civil Rights Commission review this matter, and it is recommended that it be the policy of the Commission to refrain from invoking sanctions prior to hearing and adjudication of charges. The Civil Rights Commission should be especially sensitive to the requirements of due process.

3. It is recommended that the General Assembly review the provisions of Section 105A.9(4). It would seem that the General Assembly intended this section to protect citizens from publicity in the initial stages of a discrimination proceeding. It would seem strange if this

Civil Rights Commission, continued

section were intended to protect the Civil Rights Commission in regard to investigations arising from charges that it has acted improperly. It would also seem logical that the citizen charged should have the opportunity to view the quality of the file against him. If the Civil Rights Commission is correct in its view of this statute, then it would follow that the Governor and the General Assembly have no right to review the workings of the Commission. This section should be amended to make it clear that its purpose is to protect the citizens involved and not to protect the Commission. It is the Citizens' Aide's opinion that the Executive Director of the Commission has been most sincere in his interpretation of this section.

4. It is recommended that the General Assembly consider whether or not employers of less than four employees should be included under the Civil Rights Commission's jurisdiction.

THE CIVIL RIGHTS COMMISSION HAS ASKED THAT THEIR FOLLOWING COMMENTS BE INCLUDED IN THE REPORT:

"The Iowa Civil Rights Act requires confidentiality to protect the person against whom a complaint is made and the persons making the complaint. It is not used to protect the Commission. A disclosure by this agency would be a violation of that confidentiality."

"Because of this restriction upon the agency the Civil Rights Commission declines to comment except to say that if the reported case contains the alleged facts, they would at best be only one side of the story."

"A recommendation should be made to the Legislature that the Civil Rights Commission have subpoena powers to obtain information to clarify jurisdictional questions."

Citizens' Aide agrees that the Commission should have such subpoena power. Perhaps if the Commission had had such power, the jurisdiction question could have been settled in this case, and the Commission would not have been tempted to invoke sanctions without first determining jurisdiction.

(115 71 618) A citizen complained that the qualifications for employment on the staff of the Civil Rights Commission are too rigid. C.A. arranged an interview with the Merit Employment office for the citizen. The citizen felt that his work in public affairs were qualifications sufficient to waive the requirement for a college degree. Merit Employment explained that the six years full time experience would be sufficient qualification, but it was determined that this man's experience adds up to about two years full time experience.

COMMERCE COMMISSION

(117 70 71) A citizen was refused telephone service because of a telephone bill owed by his father. His father died owing the bill and his estate was not probated. After some time the son moved in with his mother to help take care of her, and the telephone company refused him telephone service until the old bill was paid. The citizen complained to his legislator, who complained to the Commerce Commission. Time passed. The legislator asked C.A. to take an interest in the matter. C.A. first wrote the Commission on October 30, 1970. Later C.A. spoke to the Executive Secretary of the Commission about the matter. Early in January, 1971, the Commission stated that the problem had been resolved and the citizen was afforded telephone service.

(117 71 563) A citizen complained about weeds obstructing the view at the intersection of a railroad right of way and a secondary road. The Commerce Commission contacted the railroad, which assured that the weeds would be gone in a week.

(117 71 875) A citizen complained that the railroad roadbed by his property was in need of repair and that trains rocked as they went by. C.A. contacted the Commerce Commission and was advised that there is a new federal law on the subject of roadbed safety. Under this new law the state can assume authority in this area. At present the Commerce Commission does not have staff to handle this work. If the state does not assume this responsibility, the federal government will. Citizens' Aide, a Commerce Commission inspector and the citizen inspected the roadbed.. The inspector made some recommendations for repair and the railroad agreed to follow the recommendations.

(117 71 130) An unincorporated town was in the process of negotiating a loan from the Farmers Home Administration for the installation of a water system. F.H.A. requested documentation that the water system would not be subject to regulation by the Iowa Commerce Commission. The town asked for a letter from the Commission on this, but they didn't get it. C.A. contacted the Commission and they said they would take care of it. The Commission was too slow in this matter.

(117 71 523) A citizen complained that the power company had transferred a bill owed by her son to her bill without consulting either of them. Investigation disclosed that her complaint was valid. C.A. referred the matter to the Commerce Commission and they advised the company to discontinue the practice.

COMPTROLLER

(118 71 770) A state employee changed employment from one state agency to another state agency. Although she did not take off any days between these jobs, the pay computation resulted in her losing a day's pay. The Comptroller's office stated that there has been some confusion between departments on this particular type of problem. The Comptroller's office corrected the problem and the lady got her pay.

CONSERVATION COMMISSION

(119 70 68) A lawyer in Houston, Texas is building a wooden map of the United States using wood native to each of the states. He wrote to the Governor asking for some Iowa wood. C.A. Contacted the State Forester who sent the man a sample of white Oak, Quercus alba.

(119 71 107) A plumber had done some work for a state park. The billing went to the park officer, who later became ill. The billing was lost in his absence. The plumber was told by the State that ninety days had passed and now he must fill out a justification for the delay. The plumber contacted the C.A. and complained about the red tape. C.A. contacted the Comptroller's Office and was advised that the time would be waived and the claim paid.

(119 71 407) A citizen was renting a house which became the property of the Conservation Commission. She had a lease to March, 1972. She was in a quandry as to whether or not she would be able to stay in the house until the state had actual need for it. C.A. contacted the land management division of the Conservation Commission and in due course, this citizen was assured she would have first chance to cash rent on the same terms as other renters in the area, and the Commission also offered to rent just the building site to her until needed for development.

(119 71 689) The mayor of an Iowa town wanted to repair a bridge which is part of a town street. He wanted to know if permission was needed from any state agency. The Conservation Commission advised that permission would be needed only if the river bank is cut or altered.

(119 71 910) A citizen complained that he was not allowed to use a particular type of styrafoam sail boat on a state lake. The Conservation Commission advised that this particular type of boat was not allowed because they felt it was unsafe. The Commerce Commission is charged by law to make this type of determination.

(119 71 954) A citizen had ridden his motorcycle on trails in a state park for four years and complained that he was no longer allowed to do so. The Conservation Commission advised that they have had rules since 1965 forbidding motorized vehicles to travel off the roads and parking areas in state parks.

IOWA CRIME COMMISSION

(121 71 754) A county attorney complained that a law student was working in his office as a preceptor under a program sponsored by the Iowa Crime Commission, and that his pay was not forthcoming. The young man was living on borrowed money and the situation presented a hardship. Citizens' Aide talked with the Dean of the Drake Law School, a member of the Crime Commission, and was advised that the problem was with federal authorities who had not yet made the funds available. C.A. considers the complaint as justified, but it is not the fault of the Iowa Crime Commission.

(121 71 148) A citizen inquired as to whether or not there are any state or federal funds available for maintaining a county law library. The Iowa Crime Commission suggested that the citizen contact the Crime Commission in his county, and that under some circumstances, money might be available.

OFFICE OF ECONOMIC OPPORTUNITY

(125 71 896) A citizen asked for information concerning the "Governor's Drop Out Program". The citizen was referred to the official in the Iowa Office of Economic Opportunity who administers this program.

EDUCATIONAL RADIO AND T V

(126 71 491) An employee of the Educational Radio and T.V. Facility Board complained that her pay check was nine days late. C.A. checked and discovered that payment had not been made because there was no money in the fund. C.A. contacted the Comptroller's office which advised that funds had been transferred to cover the payroll. The Comptroller feels the situation could have been corrected sooner.

The Educational Radio and T.V. Facility Board asked that the following correction and comment be added to this report.

"Miss___ is not a staff employee of the State Educational Radio and Television Facility Board, but holds a production service contract with the Agency. A request for allocation of funds to the appropriate account was submitted in adequate time to the Comptroller's Office for processing of this claim, but processing was delayed in that office, apparently due to pressures of the legislative session. Miss___ did not contact the Department Head before going to the Office of the Citizens' Aide."

EMPLOYMENT SECURITY COMMISSION

(127 70 175) August 8, 1969 the Commission ruled that a citizen was not eligible for unemployment compensation, stating: "The record shows that the claimant had a previous claim on file dated January 21, 1968." The applicable statute is Section 96.4-5 Iowa Code. The citizen produced proof of such income and the Commission reviewed the file and reversed its previous decision.

(127 71 51) A lady lawyer went to a local office of the Commission with written permission from her client to inspect her client's file. An employee of the Commission refused her request and became hostile concerning her presence. C.A. contacted the Commission and was told that under the circumstances the lawyer had a right to see the file and that it would be made available to her. She was hesitant about returning to the office so a deputy CA accompanied her. The Commission counseled the employee about the matter.

(127 71 847) A citizen complained about State Employment services requirement that job applicants state accurate past employment records, and provision that applicant state that he understands that misrepresentation or omission of facts is cause for dismissal from a job. C.A. advised the citizen that he considers the complaint as unjustified.

(127 70 15) A citizen complained that the Iowa Employment Security Commission was not processing his claim. The man had worked in seven different states and his employer was in New York. Apparently the employer in New York did not pay the money into the fund as required. Investigation disclosed that the Iowa office has exerted a great deal of effort in attempting to bring this matter to a conclusion.

(127 70 56) A citizen who left government employment complained about the length of time that it was taking to get a refund from his retirement contributions (IPERS). C.A. contacted IPERS office and they advised that the check would be available in two or three days.

(127 70 150) A lawyer wrote to the office which administers the government retirement system (IPERS) making inquiry in behalf of a client. He said he wrote three times, the first time being October 5, 1970. C.A. contacted the agency and was told that they had responded to the inquiry on December 8, 1970.

(127 71 157) A citizen complained that he was not receiving his unemployment checks. C.A. checked with Iowa Employment Security Commission and learned that the employer had appealed the initial ruling and had made the appeal direct to the Des Moines State office. After reviewing the matter, I.E.S.C. determined that regardless of the outcome of the appeal, the citizen would be entitled to thirteen weeks of compensation, and they proceeded to pay him for that portion.

(127 71 844) A citizen inquired about help for his son who was sixteen and had not attended school since third grade. C.A. made appointment for them with the Job Corps representative at I.E.S.C.

(127 71 558) A citizen complained that she had not received money due her under her late husband's participation in the Iowa Public Employees Retirement System. The file showed that the husband had chosen a plan which did not provide for survivor benefits. The citizen was sure that there was a mistake, so the application form was subjected to handwriting analysis and the expert said that it was the husband's handwriting.

EXECUTIVE COUNCIL

(129 71 819) Citizen complained concerning the Executive Council rule that state employees are given an afternoon off to attend the Iowa State Fair.

STATE FAIR BOARD

(130 71 515) The theme of the Iowa State Fair was "Discover Mexico". An organization of Iowans of Mexican descent contacted the C.A. and complained that no Iowans of Mexican descent had been included in the planning of the fair. Investigation disclosed that early in the planning stages some Iowans of Mexican descent were invited to participate but they did not attend meetings and no further contacts were made. The organization which contacted the C.A. complained that they had contacted the Fair Board, but received no response. The organization was especially displeased that a Mexican Food concession was granted to persons who were not a part of the Iowa-Mexican community. C.A. consulted with the Fair Board Secretary and they both met with the complaining organization. The Fair Board Secretary reviewed the entire matter and made an offer to the organization for a food stand and for a display area. They accepted. Citizens' Aide feels that the complaint was justified and that the situation was most adequately rectified by the Secretary of the Fair Board.

(130 70 160) A lady complained that she had purchased a chair at the Iowa State Fair but she didn't get the chair. The Fair Board office contacted the vendor and she got her chair.

HEALTH DEPARTMENT

(135 71 392) A citizen, through her State Representative, complained about a nuisance situation which exists in her neighborhood. A near by agricultural supply company unloads fertilizer in a manner which causes fertilizer dust to blow through the neighborhood. The State Department of Health investigated the situation and wrote a letter to the company requesting a change in the procedures so as to minimize the dust situation. The citizen feels that the company will pay little attention to this request. The Health Department cannot act beyond the letter as there are no statutes authorizing them to act. The general nuisance statutes are available to the citizen, but this, of course, entails expensive court action. Citizens' Aide recommends that the General Assembly consider legislation giving the Department of Health or another state agency authority in this area.

THE DEPARTMENT OF HEALTH ASKED THAT THEIR ADDITIONAL COMMENT BE ADDED TO THIS REPORT AS FOLLOWS:

"There is evidence of poor local zoning in this case. There is no buffer zone between areas zoned "residential" and those zoned "industrial". Whether a remedy is readily available locally is moot, since activities in both zoned areas have resulted in substantial investments not readily subject to change.

"At the time of investigation of the complaint there was no indicative activity. Subsequent checks will be made.

"Chapter 136B Code of Iowa provides legal authority for control of dust. Priority for rules for control of fugative dust is low, since priorities are essentially set by the Federal agency. Federal Environmental Protection Agency has required control priorities for suspended particulars, sulfer oxides, hydrocarbons, carbon monoxide, photo-chemical oxidants and nitrogen oxides."

(135 70 123) A citizen asked the Department of Health for a birth certificate. They did not have it on file, but they charged her two dollars. She complained about the charge. C.A. explained to the lady that the Department was required to make the charge because the Iowa Code says so.

(135 71 546) A lady could not find a birth record in the county of birth and she asked what to do. She was referred to the Department of Health, which had a record of the birth.

(135 70 139) This citizen was concerned because he lost some livestock and suspected that it was caused by an industrial poison in rain run off that comes from a factory onto his land. He was attempting to get it analyzed at the state Hygenic Laboratory. There was a communications lack between the Health Department and the Lab and the job wasn't getting done. C.A. inquired and the tests were completed.

(135 71 40) A citizen inquired about the legality of open burning by a particular city. The Health Department advised that they were aware of the situation and that this particular city had an application pending before the Health Department for a variance. They explained that a condition for granting a variance is that the city have a definite plan for reaching compliance within the period of the variance.

(135 71 543) A citizen asked for information on the subject of glass recycling. C.A. called the Health Department (Environmental Engineering) and they said they didn't have any information on the subject. The Solid Waste Agency in Des Moines gave C.A. the names of some firms in another state which deal with the subject. C.A. wrote to these companies and got the information, which was forwarded to the citizen.

(135 71 608) A citizen complained that he was driven from his home because of fumes from a propane gas company. C.A. contacted the Health Department and they investigated and made recommendations to the company to aid in avoiding similar situations in the future.

HIGHWAY COMMISSION

(137 70 43) A citizen made a strong protest regarding an access matter with the Highway Commission. C.A. reviewed the file and discovered that the matter was in litigation in the District Court. Under these circumstances, C.A. has no jurisdiction and the citizen was so informed.

(137 70 100) A citizen wrote to the C.A. as follows: " I have been told you might be able to help us to have a state stock pile of rock moved from next to our property. It sets next to our drive in the ditch. Our well is next to it. We had the water tested. It is unsafe to drink. From the literature we received, we believe the rock pile is polluting the well. We have tried in the past to get this pile moved and have been told there is no other place for it." Citizens' Aide talked with the Director of Highways. The rock pile was moved.

(137 71 33) A spokesman for Highway Commission employees contacted the C.A. alleging that the Commission was not following the new Merit Rules for vacation rights. C.A. discovered that the Commission was not yet following the new rules, but would be in compliance not later than July 1, 1971. The Commission also stated that when it was able to comply, it would be retroactive to include the people already eligible for more vacation.

(137 71 117) The Highway Commission has a rule that employees must live within fifteen miles of their employment. An employee moved beyond that limit and he was told that he must either comply with the rule or his employment would be terminated. C.A. investigated and found that the employee knew of the rule when he moved. C.A. finds no fault with the position of the Commission.

(137 71 862) Citizen complained that the Highway Commission damaged a retaining wall on his property. C.A. contacted the Highway Commission. They sent the citizen the necessary forms to present a claim against the state.

(137 71 904) A citizen felt that the neighbors got more money than he did for land taken by the Highway Commission. He signed a contract for a particular price. He was refusing to give a deed to the Commission. After talking with the C.A., the citizen decided he would honor his contract.

(137 71 473) A citizen complained about the traffic light situation at the intersection of Highways 169 and 20. The Highway Commission investigated and made changes to make the lights more visible and painted warnings on the street approaching the intersection.

(137 71 402) A citizen was concerned because he had not received a check for over twenty thousand dollars owed him by the Highway Commission. C.A. located the check and it was sent to the citizen promptly.

(137 71 385) A college student, after working for the Highway Commission, was told that he could have a job again the next summer. Apparently his application got lost the following summer and he didn't get the job. The young man became quite angry and this was a factor in his not being hired at the time of his making application again. The personnel director of the Commission agreed that the young man had justification in being angry and that he will be considered favorably for employment the next summer.

(137 71 367) A citizen complained about an intended road widening in front of their homestead. It would cause tree removal. The Highway Commission advised the C.A. that other citizens had complained about the same project and the project had been dropped.

(137 71 282) A citizen complained about an embargo on a highway which prohibited school buses. The citizen was advised whom to contact at the Highway Commission to apply for a waiver regarding the school buses.

(137 71 365) A citizen complained about a dangerous school crossing and wanted four way stop signs. The Highway Commission ran a pedestrian survey and found that there were not enough people using the intersection to merit a four way stop. The citizen said the survey was made during inclement weather. The Commission took another survey and it still had a low pedestrian count.

(137 71 254) A citizen complained that Highway Commission crews didn't use his motel when they were in the area, although he would give a better rate. The Commission advised that they don't care where the men stay, as long as it is within the limits of their per-diem.

HISTORY AND ARCHIVES

(138 70 67) A student at the University of Northern Iowa wrote asking where he could find a picture of Governor Clyde L. Herring for display in Herring House of Bener Hall at the University. C.A. contacted History and Archives and they supplied a picture.

INDUSTRIAL COMMISSION

(141 70 6) A citizen has been writing letters to many government agencies for a number of years. It has been difficult to ascertain the specific nature of his problem, although many efforts by many agencies have been made through the years. The C.A. wrote letters of inquiry to him, but to no avail. C.A. then contacted the citizen by telephone and by visit. He has received the maximum workman's compensation allowed by law for injury received while in state employ. The applicable statute is Section 85.34 (3) which deals with permanent total disability. The present law contains a maximum of five hundred weeks of compensation. It is suggested that the General Assembly give attention to the possibility of opening this provision of the law.

(141 71 203) A city policeman lost a leg as the result of an accident while on duty. Because the city police department was not a civil service department, the city contended that workman's compensation for the man was the responsibility of the state. The state contended that it was the responsibility of the city. The matter went to court. Because trial and appeal would be lengthy, it appeared that the man would have to wait a year or more to receive the compensation due him. The problem was the subject of a news story in the Des Moines Register. Governor Robert Ray asked the Citizens' Aide to facilitate a solution.

The Industrial Commissioner suggested that the state pay the amount of workman's compensation due, subject to agreement by the city that they would reimburse the state if the courts determined that the city was liable. The city agreed. However, the citizen was able to effect an insurance settlement, and this plan did not have to be implemented.

The citizen was receiving tuition and transportation from the Department of Vocational Rehabilitation for retraining at an area school. C.A. consulted with the Employment Security Commission, which administers the Federal Manpower Act and arrangements were made for a weekly allowance for the man's family during the period of retraining.

(141 70 48) A citizen complained that the Industrial Commissioner didn't allow an award for some of her medical expenses. She says that on advice of her lawyer, she had certain medical treatment. The Industrial Commissioner pointed out that she had failed to secure permission for the treatment and that as a matter of law, he could not give an award for payment of unauthorized treatment.

(141 71 326) An agricultural worker complained about not being able to get workman's compensation. C.A. sent him a copy of the Code provision which makes workman's compensation optional with the employer in regard to agricultural workers.

(141 71 977) A citizen was given a workman's compensation award of \$64.00 per week. Her last check from the insurance company was for \$59.00. The Industrial Commissioner said that the \$64.00 figure was correct. The injury in this case occurred at a machine without proper safety guards. C.A. advised the Labor Commissioner of the situation.

INSURANCE COMMISSION

(142 71 396) A citizen complained about cancellation of insurance without giving reason. Investigation disclosed that citizen had already filed complaint with the Insurance Department and a hearing had been scheduled. C.A. assured the citizen that he would be fully heard at the hearing. Insurance Department reported that the hearing resulted in reinstatement of the insurance.

(142 71 453) A citizen was having more than ordinary trouble with an insurance adjuster in regard to damage to his car. C.A. referred the matter to the Insurance Department. They contacted the insurance company, and the company corrected the situation.

(142 71 234) A lady, whose daughter has complex health problems, made application for health insurance. The company involved is a highly reputable company. However, their sales representative was dumb. The citizen made complete disclosure about her daughter's health problems, and the salesman led the citizen to believe that the insurance would cover. C.A. forwarded a statement of the facts to the Insurance Department. The company involved decided to honor the representations made by its representative.

(142 71 846) An elderly lady after a long sales presentation purchased some health insurance which duplicated what she already had. C.A. referred the matter to the Insurance Department. They reported that the company refunded the premium.

(142 71 328) A citizen complained that a particular hearing officer in the Insurance Department is not fair, and that he favors insurance companys. C.A. has observed the quality of this man's work and was able to assure the citizen that the hearing officer is an unbiased hearing officer.

LIQUOR COMMISSION

(147 70 90) A citizen complained that his property should have been selected for a state liquor store. He alleged that the decision against him was politically motivated. Careful inquiry disclosed that this citizen wanted to amend his offer after the bids were opened. C.A. formed the opinion that the Commission acted properly and that the decision was devoid of politics.

(147 71 374) A citizen complained that the manager of a liquor store was quite often drunk. Within the past year it was necessary for him to be hospitalized three times. The other store employees were displeased with the situation. The man's doctor advised against his working in a liquor store. The C.A. brought the matter to the Liquor Commission's attention, again. After considering the matter, the Liquor Commission determined to terminate his employment.

(147 71 963) A tavern owner inquired if the Liquor Commission could, under the price freeze, increase the price on imported liquors to cover the ten percent surtax on imports. C.A. contacted Internal Revenue Service which advised that such price increases were permissible, except on existing stock.

(147 71 324) A man who is a veteran complained that he was not hired for a liquor store job, although the manager wanted to hire him. C.A. checked with the Merit System office and learned that this man was not one of the top three applicants on the basis of the required test.

(147 71 459) An Iowa Wine processing company applied to the Liquor Commission February 1, 1971 to sell its product in the state stores. On May 14, 1971, the company complained that the commission had not yet acted on the application. The Secretary of the Commission said that the usual procedure is for the applicant to file quotations with the Commission and make formal presentation before the Commission. This formal Presentation was made May 11, 1971. Eventually, the company got permission to sell its wines in Iowa.

(147 71 779) A distiller put on the market a whiskey bottle in the form of Old Capitol at Iowa City. The bottles went on sale the same day throughout the state. Store managers were not given specific instructions on how to handle the sale. In numerous cases store managers allocated the bottles to store employees and friends. People stood in line to buy the bottles, only to find that all of the bottles were not sold over the counter. C.A. feels that this sort of favoritism should not exist in state stores.

MERIT EMPLOYMENT DEPARTMENT

(149 70 181) A citizen complained that he phoned Merit Employment to inquire about his standings on the listings. He was told that they could not give him this information. Inquiry by C. A. disclosed that Merit Employment has a policy of not giving this type of information by phone as a protection for the persons involved. C.A. informed the citizen that he could obtain the desired information by writing to Merit Employment or going to their office in person.

(149 71 891) A Citizen, via his State Representative, complained that six months previous he had taken the state merit employment examination for state employment as auditor. Citizen stated that he had the highest score on the certified list. Merit Employment advised that another person has since obtained a higher score. Merit Employment suggested that citizen make contact with various department heads who might need his services.

(149 70 134) A citizen worked for a state agency then changed jobs, taking a job with the Supreme Court, which is not controlled by Merit rules. She left the Supreme Court to take a job with a state agency subject to Merit rules. She complained that she was not given the four weeks vacation she had accrued under her first job. The Merit rule on this subject was adopted in November, 1970, and does not allow reinstatement of vacations. However, she left the first job in March of 1970 and the rule for the particular agency at that time allowed for reinstatement of vacation rights. She got her vacation.

NATURAL RESOURCES COUNCIL

(151 71 810) A citizen complained that the Natural Resources Council acted illegally in authorizing a dike without having a hearing. Section 455A.33 of the Code provides that permission can be given after investigation or a hearing. However, it appears that investigation consisted in relying on the presentation of applicant's engineer. The matter is the subject of a law suit.

PUBLIC DEFENSE

(157 70 28) On August 10, 1969, a National Guard truck backed into a citizen's car at a stop sign. The damage was \$89.41. The citizen made claim against the state, which was denied by letter on August 6, 1970. Prior to the Iowa tort claims act it was the practice of the U.S. Army to pay such claims. Federal law provides that the Army will not pay such claims in situations where the state has waived its immunity. Legal dispute arose as to whether or not Iowa had waived immunity in National Guard matters. The General Assembly has since clarified that Iowa has not waived immunity in National Guard matters. Dispute existed between the state and federal governments as to whom had responsibility to this citizen. A member of the House of Representatives brought the matter to the attention of C.A. C.A. conferred with the National Guard and the Attorney General's office. C.A. was afforded detailed explanation of the problem and was assured that steps were being taken to resolve the matter. State and federal officials conferred and a compromise was effected. March 5, 1971, the citizen's claim was allowed. The Attorney General's office and the National Guard officials were actively cooperative in bringing the matter to a conclusion. C.A. believes that the citizen's complaint was justified because of the law involved, and feels that the long delay in payment worked an injustice. However, the great complexity of the problem made delay unavoidable.

(157 71 57) A National Guard member asked that his six month duty be postponed until his graduation from college on April 11, 1971. The Guard allowed the postponement.

(157 71 119) A National Guard member changed colleges subsequent to his entering the Guard. He wanted to transfer to a unit closer to his present location. Because of personnel strength problems the Guard would not effect the transfer, but they ruled that attendance at a closer unit would be allowed during the times of bad weather and other difficult circumstances.

(157 71 494) A school teacher asked for assistance in learning the date he would be called to active duty with the National Guard. National Guard headquarters provided the answer.

(157 71 657) A citizen wrote to a television station regarding need for shelter for protection from tornadoes. The citizen lives in a mobile home. She stated that she took the matter up with the town council, but they were not interested. The television station referred the letter to Citizens' Aide and C.A. referred the matter to the Iowa Civil Defense Division. Civil Defense promptly sent the citizen materials regarding shelters, along with a letter of detailed explanation. They also gave the citizen the name and address of the closest local Civil Defense Director.

DEPARTMENT OF PUBLIC INSTRUCTION

(158 70 4) A citizen wrote to a U.S. Senator who referred him to the Governor, who referred the matter to the C.A. The citizen stated that his tuition grant at Iowa State University had been cancelled. It was a grant administered by Vocational Rehabilitation, Department of Public Instruction. Inquiry by C.A. disclosed that the cancellation had been an error and the grant was reinstated.

(158 71 547) A state employee complained that her pay was being lowered. Investigation disclosed that she was hired to work for 30 hours per week and she, in fact, was working 30 hours per week. However, through clerical error she was being paid on the basis of 40 hours per week. When the error was discovered, her pay was lowered and there had to be arrangements for paying back the overpayments. Apparently the employee did not completely understand the situation. Her supervisor carefully explained the situation to her. Her supervisor reports that she is a good employee. The department involved reported that this employee was increased to 40 hours a week and that repayment will be accomplished without too much hardship.

(158 71 898) A teacher's aide complained that her certification fee is the same as that for a regular teacher. C.A. referred her to the Department of Public Instruction for an explanation.

(158 71 776) This citizen's complaint started out concerning the Department of Vocational Rehabilitation. He had availed himself of their services and from his statements it appears that they were of some help to him, but that personality problems developed and he was not satisfied with their services. He also had problems regarding his driver's license because of health problems. C.A. helped him with forms required by the Department of Public Safety. Twice C.A. conferred with this citizen at length. C.A. encouraged him to go to the State Employment Office and perhaps seek work with a trucking company as that is the sort of thing that interests him. The citizen, through the employment office, obtained a job as a trucker's helper. C.A. did not make investigation of his complaints, but by talking out his problems, he partially solved them himself.

PUBLIC SAFETY DEPARTMENT

(159 70 44) A citizen purchased a vehicle which was classified by Auto Registration as a station wagon. They moved to another state where it was registered as a station wagon. They moved back to Iowa and were told that it had to be registered as a truck. Later they were informed that it should have been registered as a station wagon. In the course of all this the accounting for the fees got a bit complex. The C.A. dealt at length with the Department of Public Safety and the Department resolved the problem by determining once and for all that it was a truck and the complexities of the fees were resolved. The citizen spent about a year in this process and was really more concerned about the uncertainties of the matter than with the fees involved.

(159 70 157) A citizen complained to police that another person had wrongful possession of his automobile. The police said they would help him if he would show them his title certificate. He had a bill of sale, but he did not have a title certificate. The County Auto Registration Department advised him that he would probably need a court order. The C.A. went with the citizen to the Department of Public Safety where an official explained the process for obtaining a duplicate title. The Department extended help in meeting the requirements, and a duplicate title was issued and the citizen got possession of his automobile. The County Department was somewhat surprised that this took place in one day. Public Safety was extremely cooperative in the matter.

(159 70 118) A citizen contacted C.A. concerning the loud noise of trucks. He says that some truckers are altering their equipment by running a pipe up the back of the truck to lessen the noise in the cab. C.A. brought the complaint to the attention of the Commissioner of Public Safety. The Commissioner and the Chief of the Highway Patrol stated that they realize the problem exists and that many arrests for muffler violations are made each year. They also pointed out that it is not practical for the Highway Patrol to utilize the large number of uniformed officers that it would take to man the truck weigh stations for the express purpose of checking truck mufflers. They also said that in the near future they would run checks on the problem in the area of this citizen's residence.

(159 71 826) A citizen complained that Highway Patrol ticketed him for having no head lights on his car. This was during the day time. C.A. sees nothing wrong in this arrest.

(159 71 611) A citizen complained that in a certain area the Highway Patrol does not call the closest ambulance service. The Highway Patrol told C.A. that they didn't know about the ambulance service in question and would check it out.

(159) Citizens' Aide has received no justified complaints regarding improper acts by members of the Highway Patrol.

(159 71 111) A citizen complained that he did not like the law which required display of automobile registration. Citizen was informed that a bill on that subject was pending in the General Assembly and that he could contact his legislators on the matter. When the bill passed, the citizen was so informed.

(159 71 91) The wife of a public official suggested that a lady consult C.A. regarding a new car dealer who would not honor a new car warranty. C.A. referred the matter to the Public Safety Department, New Car Dealer's Division, to investigate. CA was advised that the warranty would be honored.

(159 71 771) A citizen bought a number of mobile homes which were salvage. As these are being junked, the licenses must be turned in to the county treasurer. When motor vehicles are junked, there is a refund on the license. The county treasurer refused refund on these mobile homes. Citizens' Aide conferred with Motor Vehicle Division of the Department of Public Safety. They advised of a recent Attorney General's Opinion (July 27, 1971) which ruled that there is no provision in the statutes for refund when an Iowa license is turned in on a mobile home. A copy of the Attorney General's opinion was sent to the citizen.

(159 71 901) Citizen asked for information regarding lights on farm tractors. C.A. contacted Department of Public Safety and asked them to send information to the Citizen.

(159 70 164) A citizen was arrested for speeding and entered a plea of guilty and in due course he received notice from the Department of Public Safety to send in his operator's license and license plates, which he did. Later these licenses were returned to him. He assumed that he was authorized to drive again, and he did. He was arrested for driving while his license was under suspension. He was found not guilty of the charge. The Commissioner took steps to avoid similar error in the future. This citizen does not have a bad driving record and he has been understandably upset by it all. Further, he makes strong objection to Iowa's financial responsibility laws. The Commissioner made detailed explanation of these laws to the citizen.

(159D 70 64) A citizen complained that the Department of Public Safety would not issue him an operator's license. Several years ago his wife had an auto accident and the car was not insured. The car was registered in his wife's name at the time of the accident and the County records show this. He was sued and the petition alleged that he owned the car. A lawyer filed an answer for him denying this. Subsequently a judgment was entered by the court against him. Although there is some possibility that the judgment could be set aside the Public Safety Department must follow the provisions of the law which prohibit the issuance of a license when there is an accident judgment against the applicant. The department was justified in refusing to issue the license.

(159 71 81) A member of the General Assembly advised C.A. that two young men of high school age in his district lost their driver's licenses because of an unfortunate series of events. The young men, each in his father's car drove side by side on a public road. They did not exceed the speed limit. A member of the sheriff's patrol, not a regular deputy, filed a complaint in J.P. court charging the young men with drag racing. There are two elements to the offense of drag racing: there must be a contest and there must be speed in excess of the legal limit. On advice of their parents, the young men entered pleas of guilty and were fined. At the time they entered the guilty pleas they did not know what legally constituted drag racing and neither did the J.P. Also they did not know that conviction of drag racing by statute results in mandatory revocation of operator's license. C.A. met with the young men, their parents, the sheriff and the Justice of the Peace at the court house in their town. From this meeting C.A. was convinced that the young men had not exceeded the speed limit. A full report was given to the Governor which included background on the young men which indicated that they have excellent records as good citizens. The Governor granted a pardon.

(159 71 102) The Iowa automobile operator's license contains a number code which indicates race. A woman was refused her request to cash a check at a grocery store because the number code on her license was not correct. She complained to C.A. She was taken to Public Safety where a new license was issued. C.A. suggests that perhaps the time has come to remove this requirement from licenses.

(159 71 529) A citizen complained that he couldn't get a driver's license. Investigation disclosed that he had an accident when he was not wearing required glasses. He had an appointment to have his eyes examined but missed it because he was hospitalized. Public Safety set up a hearing for the citizen.

(15971 895) This citizen complains that he is having trouble with insurance because his record at the Department of Public Safety shows three charges of failure to have control of his car. He says that it should only be two. Public Safety investigated and agreed with the citizen and changed their records.

(159 71 408) A citizen wanted to know if there could be an exception to the rule concerning her daughter who is seventeen and had a driver's license in another state. C.A. consulted Public Safety and then informed the citizen that her daughter would have to take the course in driver's training. C.A. does not believe that there should be an exception.

(159 71 314) An elderly man complained that the Highway Patrol was not fair in failing to give him an operator's license. C.A. investigated and learned that the Highway Patrol had already given him two tests and were willing to give another.

(159 71 199) A citizen inquired as to what the Department of Public Safety had done about an uninsured motorist who had hit his son's parked car. C.A. made inquiry and learned that the motorist's license had been suspended.

(159 70 93) A citizen complained that her son had not had a fair hearing before a Highway Patrol officer in regard to the suspension of his operator's license. The Commissioner offered the citizen another hearing.

(159 71 763) A member of the legislature, in behalf of a constituent, complained that young children were operating motor go-carts in the street of an unincorporated sub-division. The street is an undedicated street which connects with a county road. C.A. contacted the Highway Patrol and was advised that if such street is open to the public, it is a public highway within the meaning of the statute and that the go-cart operators must be licensed. The legislator was so informed and also advised that the citizen should make complaint to the sheriff or the Highway Patrol.

(159 71 308) A citizen had heard that the state gives awards for heroic deeds performed by children and wanted to know about it. C. A. investigated and discovered that this is done by the Public Safety Department. The citizen was referred to that department.

(159 71 236) A citizen complained that he had suffered a fire loss and that the insurance adjustment company would not proceed with the matter until it received a report from the State Fire Marshall. The Fire Marshall's office advised that their report was available to the adjustment company upon their making written request and they were so informed by the Citizens' Aide. The insurance company settled with the Citizen.

In reviewing the statutes, it appears to the CA that the present laws create a difficulty in regard to investigation of arson. The Public Records Law (Chapter 68A of the Code) provides that every citizen of Iowa shall have the right to examine all public records and to copy such records. In Section 68A.7(5) it is provided - "the following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information (5) Peace Officers investigative reports, except where disclosure is authorized elsewhere in this Code." Section 100.5 of the Code provides that the Fire Marshall shall keep a record of all fires showing certain data "together with all the facts, statistics, and circumstances, including the origin of the fire, which may be determined by the investigation. Such records shall at all times be open to public inspection." The Fire Marshall and his deputies are peace officers. The public records law recognizes the need for investigation of crime to be kept confidential. Although the Fire Marshall is charged with the investigation of arson, it appears from these statutes that his investigative files are possibly not confidential but are subject at all times to public investigation. It is suggested that this situation makes effective investigation very difficult. It is suggested that consideration be given to modification of these statutes.

(159 71 444) A citizen complained about the Public Safety rule concerning safety head gear for motorcycle riders. The Commissioner later determined to withdraw the rule.

(159 71 124) A police chief complained that a supplier sent business solicitation letters and attached was a letter from the Public Safety Department stating approval of their particular product. This is in regard to equipment the cost of which is partially paid for by funds administered by the department. Actually several companies were on the approved list. Public Safety informed the company not to attach their letter in future mailings.

(159 71 169) This citizen applied for a license for a fertilizer trailer. He checked with the County Treasurer, the Highway Commission and the Commission of Public Safety to make sure he was licensing the trailer correctly. The registration did not have a weight limitation stamped on it. He was not told of weight limitations. He was ticketed for overweight. Because of the circumstances, the Highway Commission agreed to dismiss the charges and Public Safety waived the requirement of buying a license for greater weight.

(159 71 536) A citizen had his auto insurance cancelled for nonpayment of premium. However, it was a mistake as the premium was paid. The man was subject to the financial responsibility laws and when Public Safety was told of the insurance cancellation, they suspended his operator's license. The insurance company didn't inform Public Safety of the mistake. The citizen was arrested for driving while his license was under suspension. The insurance agent called a Highway Patrol office and was told that if the citizen was now insured, they would not pick up his license. The Public Safety Department and Insurance Department, by letter, informed the court of the circumstances and the charge was dismissed.

REAL ESTATE BOARD

(160 71 244) A citizen complained that he should not have flunked his real estate salesman's test. C.A. made thorough investigation. The citizen claimed there were forgeries on sheets of the test, but a handwriting expert disagreed. C.A. concluded that the citizen had failed the test and there was no wrongdoing on the part of the Real Estate Board.

RECIPROCITY BOARD

(161 71 217) A citizen complained that he had been attempting to phone the Reciprocity Board for three days. He always got a busy signal. C.A. called the Reciprocity Board and got a busy signal. C.A. went to the Reciprocity Board office and discovered that the phones were all on "hold", which caused them to ring busy. The Governor wrote a letter to the Executive Secretary of the Board, who replied that the practice would be corrected.

BOARD OF REGENTS

(162 70 130) A non-resident woman married an Iowa resident. Her husband at the time of the marriage had been an Iowa resident for four years and conducts a business in an Iowa community. She applied for admission to a Regent's institution. She stated that her husband made inquiry at the University regarding tuition and was advised that his wife would qualify for resident tuition rates. In September of 1970 she received a bill from the University stating that she was considered a resident. In October she was advised that her status was actually that of a non-resident for tuition purposes. The Executive Secretary of the Board of Regents and the President of the University advised that the applicable administrative rule provides that a student who, after marriage, becomes a resident of Iowa must reside in the state for twelve months to qualify for resident tuition rates. C.A. agrees that the applicable rule was correctly administered, although it was unfortunate that wrong information was first given. C.A. suggests that it would be equitable for the Board of Regents to modify the rule to provide resident tuition rate for those persons who are non-residents and who marry Iowa residents. Assuming that the purpose of the rule is to require a higher tuition rate for those persons who enter the state for the sole purpose of attending school, the above recommendation is within the purpose of the rules.

(162 71 450) A citizen complained that he had been a Regents' employee before going to the armed forces and he had been denied the month's pay and reinstatement to which he was entitled by law. The matter was worked out to the mutual satisfaction of the citizen and the Regents.

(162 71 291) A citizen made a suggestion for greater efficiency in the use of state hospital ambulances. The director of the hospital advised that the citizen's recommendations were being partially implemented.

(162 71 796) A former employee of a state university wrote to the Attorney General about her employment being terminated. He referred her to the Labor Commissioner, who referred her to C.A. C.A. advised the citizen that the university has an established grievance procedure, which she should utilize.

(162 71 626) A citizen complained that he was refused service at the College of Dentistry and complained about the quality of service he received in the past. C. A. consulted with the College of Dentistry and was told that this citizen has complained about the service for many years and has been refused service, but he persists in wanting service. The primary function of the dental clinic is to afford training for students. C.A. concludes that the citizen's complaint is unjustified, and he was so informed.

(162 70 32) A citizen in the auto salvage business was ordered by the state to stop burning. The citizen has been in business for many years, and when he started in his present location it was a reasonably isolated spot. Businesses have been established on one side of him, but they have not complained. The University of Iowa built student housing near his property. Students complained about the smoke, and rightly so. The citizen feels that his property has declined in merchantability because of its proximity to university property. C.A. suggested that the Regents consider purchasing this citizen's property. The Regents decided not to buy it.

(162 71 860) An anonymous letter was sent to C.A. concerning Newton Weller, the Iowan who discovered a means of forecasting tornadoes by use of a television set. A state university is applying for federal funding to study this discovery. C.A. inquired whether or not Mr. Weller would be hired to participate in this research. C.A. was advised that this is not possible. Somehow it just doesn't seem right.

(162 71 519) The parents of a grade school child wrote to Governor Ray concerning the problems their child was having in school. The child has limited eye sight. Citizen's Aide asked the Department of Public Instruction specialist at the Iowa Braille and Sight Saving School to look into the matter. One of the parents had had experience with the school a number of years ago and had a negative attitude. The parents were given information about present conditions and programs at the school. They agreed it would be best for the child to have the special training afforded by the school.

(162 71 795) A citizen complained about treatment received at University Dental Clinic. The work undertaken was extensive and complex. The work was not completed by the end of the school year. Then the citizen was transferred to another city and completing the work elsewhere would be difficult and would cause a financial burden. Investigation disclosed that the patient was kept informed concerning the treatment. At the beginning of treatment, the clinic gave the patient a written information sheet concerning treatment at the clinic. Included in this is a statement that the clinic cannot assure complete treatment during any one school year. The clinic advised that if the patient could arrange to come to Iowa City they would re-evaluate the case. Although the situation is unfortunate, it is the opinion of the Citizens' Aide that the citizen's complaint is not justified.

DEPARTMENT OF REVENUE

(163 70 25) A citizen expressed her opinion that the physically handicapped should have the same income tax exemptions as the blind.

(163 70 61) A citizen was interested in obtaining sales tax exemption for a child care center which she felt was an educational institution within the meaning of the statute. She came to Des Moines and talked with a Revenue Department employee and she feels that the employee was not helpful and was rude. C.A. contacted the Director of Revenue who agreed to talk with the citizen, and the C.A. accompanied her to his office. The Director explained the history of the exemption and told her of litigation pending before the Supreme Court on the subject. He explained why he had to construe the exemption statute strictly and informed her that he did not believe that the exemption was available for the child care center. The citizen was appreciative of the explanation. Since then the Supreme Court has handed down an opinion upholding Revenue in its position.

(163 71 20) An officer in the armed forces was stationed in Iowa. He pays income taxes and votes in another state. Somehow he started being billed for Iowa income taxes. His letters of explanation were not effective. C.A. contacted the Director of Revenue and the officer was immediately taken off the mailing list.

(163 71 542) A citizen complained that he filed his income tax return February 16th. He contacted Citizens' Aide June 11th, 1971 because he had not received his refund. C.A. contacted citizen June 16th and was informed that refund check had arrived in the mail that day. He was pleased that C.A. called him and complained that Revenue had not answered two letters he had written to them concerning the matter.

(163 71 873) Citizen inquired as to procedure to protest Revenue Department's increase of property valuations. The Citizen was referred to the City Assessor.

(163 71 892) A citizen called to inquire how her property taxes would be affected by the Department of Revenue order to increase valuations. C.A. referred citizen to the City Assessor's office.

(163 70 92) A citizen wrote a desperate letter to the Governor. C.A. asked a county social worker to call on him and try to find out the problem. This citizen owes back income taxes to the state and he had received a notice regarding a hearing on this. He has low income and has been rearing his children without a wife. He has had a hard life. He feels everything is moving in on him. The Revenue Department agreed to take care of the tax situation in installments. It first appeared that social services would be able to help him financially and his hopes were raised and then it was determined that he was not quite within any of the guidelines. He was very depressed about this.

(163 71 16) A small paint contractor was hired to do some painting for F.H.A. On the papers the federal agency gave him it said that the materials used are not subject to state sales tax. Believing what he read he made his bid without figuring sales tax and he didn't pay any. He was audited by the state and assessed for the tax. It seems that what he should have done was bid the cost of the paint plus sales tax and pay the sales tax and then F.H.A. would have a right to make claim against the state for refund of the tax. Citizens' Aide spent a lot of time negotiating with F.H.A. and the Iowa Revenue Department and finally a solution was concieved. It was determined that the man should pay the tax plus penalty to the state and then the state would refund it to F.H.A. and then F.H.A. would pay the contractor.

(163 71 115) A citizen wrote to the Revenue Department asking if tiling was subject to sales tax. His letter was returned to him with the department stamp on it with red ink notation that it was not subject to tax and the citizen relied on this. He then was assessed for tax on jobs already done. He had a hearing before the Commissioner who ruled that he owed the tax but they forgave the penalty. The Director's opinion was well reasoned and cited legal authority. C.A. consulted with the Director who said that the only way there could be change in the matter would be appeal to the courts.

(163 71 671) The General Assembly recently changed the law regarding sales tax on the sale of used cars. A banker complained that the Revenue Department was claiming that sales tax has to be paid on cars when repossessed by banks. Used car dealers do not have to pay tax on repossessions. This banker decided to become a car dealer. C.A. contacted counsel for the Iowa Banker's Association who advised that at first bankers were required to get a auto dealers license but the Revenue Department changed its policy. Now when a bank repossesses a car it must file an affidavit stating that the car is not to be used for personal use, but rather is for resale.

SOCIAL SERVICES

(165 70 14) An Old Age Assistance recipient received notice of cancellation of her grant, and she wrote to the Governor. The C.A. contacted the County Social Services Department involved. They investigated and advised that a social worker had determined that the citizen was not eligible because she was living in the same apartment with her daughter who was receiving Aid to Dependent Children. The County Department reviewed the matter and reversed the social worker's decision.

(165 70 26) A man applied to receive a grant for Aid to Dependent Children. To qualify for such a grant a man must be disabled. Social Services Department required that he be examined by a physician of their choosing at government expense. The man refused and believes he is abused. C.A. feels that Social Services' requirements in this matter are reasonable.

(165 70 50) A citizen expressed her opinion that there should be more day and night child care centers for working mothers.

(165 70 52) A citizen stated her opinion that she does not think it is fair in determining eligibility for food stamps to add depreciation in determining income from a farm operation.

(165 70 75) A citizen complained to the C.A. that they were not granted food stamps. C.A. wrote to the County Social Service Department asking for an explanation. The County Department gave a detailed explanation stating that this family had previously been on the Aid to Dependent Children program but that presently all of the children are over sixteen years of age except one who is sixteen and not attending school. Thus none of the children are eligible for the program. It was also reported that this family is receiving in excess of \$400.00 per month from Social Security and Aid to the Disabled programs. The food stamp guidelines in effect state that a family of six cannot have non-welfare income in excess of \$385.00. It appears that this County Department has done a good job of administering the food stamp program in this case.

(165 70 84) A citizen wrote to a state official complaining that the County Social Services Department had denied him food stamps. The C.A. wrote to the county office which gave no response. C.A. contacted the State Department of Social Services and they made contact with the county office. It was learned that the County director was in a quandry because the citizen's application indicated that he was eligible, but that it was suspected in the community that he had some stock which he did not disclose. The local office was caught between the citizen's representations and the community's suspicions. A determination was made that the citizen was qualified for the stamps. C.A. did not have opinion as to the merits of the citizen's application, but did urge that a decision by the department should be made.

(165 70 167) A citizen called C.A. stating that he and his wife had no place to live and that they were in desperate need for temporary financial help. He said that he had gone to the County Social Services Department and that they told him they could not help him. C.A. contacted the State Department of Social Services and they made inquiry. They reported that when this man went to the county office the employee to whom he spoke had told him that there was no one in the office at that time who could help him, and that he should come back. This information was conveyed and the man returned to the office and was helped.

(165 70 172) A citizen wrote a long and very thoughtful letter regarding the problems of the Old Age Assistance program. He pointed out that when Social Security is increased, Old Age Assistance decreases. An extensive study was made of the federal regulations and a conference was held on the matter with the Commissioner who gave a detailed explanation of the matter. It is required under the present rules that at least four dollars of Social Security increases must be passed on to the recipient. C.A. is satisfied that Social Services has abided by this regulation and also that Social Services acted within its discretion when it effected an equalization between Old Age Assistance recipients who receive varying amounts of Social Security or no Social Security.

(165 70 111) A citizen complained that she had been denied state aid. Because the matter was in the process of appeal in the courts, C.A. did not have jurisdiction.

(165 70 155) A citizen wrote asking for information regarding state pension for the disabled. This request was forwarded to the Department of Social Services which sent the citizen the information.

(165 71 174) & (165 71 221) About the same time in different parts of the state, community action program workers of the Office of Economic Opportunity complained about communication and cooperation problems with the county Social Service Department and with other welfare programs. C.A., in cooperation with a number of departments, held meetings in these counties where people from the county government, the county Department of Social Services, officials of the State Department of Social Services, Soldier's Relief officials, Vocational Rehabilitation Department officials and others met to discuss their problems. In both cases communications and cooperation between the various agencies improved markedly.

(165 71 38) A citizen was concerned that he did not think his mother-in-law would receive a fair hearing on her application for Old Age Assistance. The complaint was premature, but C.A. explained the appeal procedure that is available and the citizen was assured there would be a fair hearing.

(165 71 56) A worker for a Community action program of the Office of Economic Opportunity complained that there was poor communication and relationships between his agency and the county Social Services Department. C.A. gathered the facts and presented them to the area director for Social Services who ironed out the problems.

(165 71 106) A lady complained that the rules for child care centers are too strict. Her organization is voluntary and non-profit and she felt that it should have special treatment. C.A. reviewed the regulations for these centers and told the lady that he felt the rules were reasonable and for the welfare of the children.

(165 71 305) An A.D.C. recipient re-married and complained because the grant was terminated. Investigation disclosed that her new husband's income was sufficient for her to be ineligible for A.D.C.

(165 71 320) A citizen complained that he was denied soldier's relief and food stamps. Investigation disclosed that citizen has a poor reputation for truth and veracity in the community and that he seems to have enough money when he wants a different car. C.A. suggested that if and when the citizen gets a job that he take his pay receipts to the food stamp administrator. The county department took kindly to this suggestion.

(165 71 331) A community action program worker (Office of Economic Opportunity) called saying that she thought that one of her clients was improperly denied food stamps. Investigation disclosed that the County Social Services Department had administered the regulation correctly in the matter.

(165 71 332) A citizen along with other complaints stated that a social worker had been nasty with her. C.A. talked with the county director and was told that this particular social worker has a good record and handles cases well. C.A. cannot evaluate the quality of the complaint, but if the social worker were nasty in this instance, it probably was corrected under the circumstances.

(165 70 73) A citizen complained that her husband's Old Age Assistance application was being processed too slowly. Investigation disclosed that he had money assets above the amount allowed, and the county department had counseled him that depletion of those assets could not be too rapid.

(165 70 117) A citizen with health and financial troubles said that welfare had told him he was not qualified for assistance. The facts sounded like he might be qualified for food stamps. He said that the last time he tried for food stamps he waited five hours. C.A. suggested that he make an appointment, which he did. He was eligible for food stamps.

(165 71 510) A student stated that he feels that the new food stamp regulations on "household" are not fair. C.A. contacted the state food stamp director and he stated that the tougher, more definitive definition was necessary because students were lumping their food together after they applied for food stamps. If the household has only one stove, chances are good that all the people are using each other's food. Social Services advised that a student can apply and receive food stamps if he can prove separate cooking facilities. C.A. related this to the student who seemed to agree that the rule was just.

(165 71 521) A citizen called C.A. asking for aid for her sister stating that her sister was bleeding to death and the County Social Services would not help send her to University Hospital. C.A. called the county Social Services Department and discovered that they were aware of the situation, and that the lady who was ill was an employee of the department. The sick lady was at the Social Services office that day trying to work. The department sent her to a doctor for examination and then Social Services arranged for clinical papers for University Hospital. This will pay doctor bills, but not hospital bill as her income is sufficient that she does not qualify for complete medical. The county department was very cooperative.

(165 71 799) Citizen lost her employment and there was a period of time before she began new employment. She did not have funds for rent. Citizens' Aide contacted several agencies to see if they could help. C.A. contacted Social Services and it was determined that she was eligible for a rent allowance for one rent period. The allowance was not enough for the rent and the landlord agreed to accept full payment later. Citizen is now employed.

(165 71 147) A citizen complained that a county Social Services Department had denied food stamps and that a loan he received was figured in determining eligibility. C.A. checked with the state administrator of the program and learned that the loan should not have been considered. The State Administrator straightened out the matter with the county.

(165 71 525) This citizen is an Old Age Assistance recipient. Her problem was brought to C.A. by another agency. The citizen was upset because the amount of her grant was lowered. The problem is that she was receiving extra money for hiring housekeeping help. The citizen hired the help but did not completely pay for it. She previously had a departmental appeal and had legal counsel. It appears that the citizen does not completely understand that the extra money was for housekeeping help. Social Services told C.A. that if the citizen would accept and pay for home care services, she would again be entitled to the allowance for this care. The agency that provides home care services is willing to serve the citizen if the past account is paid and there is assurance that future services will be paid for. The Accounting Aid Society of Polk County knows this citizen and has helped her. They are willing to work with this citizen on a continuing basis to see that the home care services are paid for.

Citizens' Aide recommends that the Social Services Department review the problem and determine whether or not it would be possible in like cases for Social Services to pay the costs of special services directly to the vendor.

(165 71 538) A citizen called the Governor's office and complained that his Soldier's Relief payments had been cut off. C.A. called citizen, who stated that his wife was in a nursing home, he had a heart condition and there was very little food in the house. C.A. called the County Social Services Department and learned that citizen's wife was in a nursing home and expenses had been paid in the past by Soldier's Relief. However, at this time the Soldier's Relief fund was low. The Citizen was working so he was asked to contribute \$70.00 per month for his wife's care. When he refused, the amount was lowered to \$20.00 per month, but he still refused to pay. At this point he quit working, giving heart condition as his reason. A physical examination by a local doctor did not disclose heart condition. C.A. made arrangements for the citizen to have a physical examination at a Veteran's Administration Hospital. County Social Services will change their position if he has a heart condition. They will also counsel him regarding food stamps. C.A. concluded that citizen was treated fairly by county officials.

(165 71 245) An Old Age Assistance recipient complained because his grant was reduced. What happened was that an audit of the case by the State Department of Social Services disclosed that initially the county did not take into account the income of the citizen's wife in figuring the amount of the grant. This was explained to the citizen.

(165 71 877) A citizen complained that for financial reasons it was necessary for his elderly relative to be moved from one nursing home to another which was not as satisfactory to the citizen. He complained concerning the measure of assistance being provided by Social Services. C.A. consulted with State Social Services, who suggested that the citizen file an appeal so the entire matter would be reviewed. Citizen said he had not been advised of right of appeal by local social workers, but he would file an appeal immediately.

(165 71 261) A citizen complained that he was wrongfully denied Aid to Dependent Children. County Social Services Department informed C.A. that three doctors have examined this man and all state he is not incapacitated. C.A. suggested to citizen that if he feels that he is incapacitated he should consider contacting the Department of Vocational Rehabilitation.

(165 71 300) A citizen complained that a county Social Services Department was treating her unfairly. The department informed the C.A. that under the provisions of the statute, they had created a conservatorship for her since she had not been handling her money wisely. However, they said this was a temporary matter and they were working with the lady to help her be more responsible.

(165 71 361) A minister wrote to a member of the Senate regarding a man who had been denied aid to the disabled. We called the county department of Social Services and were advised by a social worker that she thought the man should have the grant. The rules for this grant are very strict, and over simplified, the rules are that the citizen must be disabled to the extent of not being able to take care of his own normal daily needs, such as dressing, eating, etc. The minister felt that the man was qualified. The citizen was advised to appeal. A hearing was held and the hearing officer felt that the man should receive the grant. He tried twice to get the decision without avail. When C.A. inquired about the status of the case, the hearing officer attempted the third time, and the grant was approved.

(165 70 144) A citizen wanted to know where to apply for a Christmas basket. C.A. called the county Social Services Department to learn the name of the person the citizen should contact for a basket.

(165 71 431) A citizen complained that county Social Services were attempting to force her to pay from her Aid to Dependent Children grant a payment to a cleaning woman for services not rendered. The citizen had been in the hospital and her A.D.C. had been increased to cover the costs of household help. Citizens' Aide contacted the State Office of Social Services and was advised that if the citizen felt that the payment should not be made, she should appeal. C.A. so advised the citizen. She asked for and was granted an appeal. The appeal officer determined that the woman hired for the household duties was entitled to payment.

(165) There have been six cases regarding the problems which arise when a welfare check is lost or stolen. First of all, the recipient has to sign an affidavit concerning the circumstances. Sometimes a problem exists because the local social worker doesn't get this processed in a timely manner. Also, it is necessary to make investigation to determine whether or not the recipient is being honest about the matter. In the case of a forged check it is necessary to determine whether or not the endorsement is that of the recipient or of another person. There are very few instances where the recipient is privy to fraud in these matters. The problem is that the state's handwriting experts have a very heavy work load, and quite often the reissuing of a check is delayed by this process. C.A. has conferred with Social Services and with the State Treasurer's office regarding this problem. It has been suggested by the State Treasurer's office that it might be workable to issue the new check prior to the handwriting investigation. However, they suggest that if there is evidence of fraud on the part of the recipient, the Treasurer be reimbursed from the next month's payment. Social Services is friendly to this idea and is presently dealing with federal authorities to see if this is permissible. Work will continue on this problem because delay in reissuance of a check to an Old Age Assistance recipient or an A.D.C. recipient creates real hardships.

(165 71 651) This citizen complained that she was not receiving the amount of Old Age Assistance to which she was entitled. An official in the State Social Services Department interviewed the lady and made a thorough review of her file and determined that she was right. The lady died prior to receiving the check for money due her.

(165 71 670) A citizen complained that she was refused foster care allowance for taking care of a child who needed care because he was from a broken home. The child is the citizen's distant relative. Investigation disclosed that this citizen was not being treated the same as others in like circumstances. The regional office of Social Services consulted with the county office and the matter was corrected.

(165 71 678) An elderly citizen needed Old Age Assistance badly, but she had just a little too much money in the bank, which was her nest egg. Through cooperation with the county department of Social Services it was worked out that this citizen could deplete her savings by purchasing necessities, like a winter coat and a new mattress, and the problem was solved.

(165 71 748) A citizen complained about his mother being denied Old Age Assistance. Investigation disclosed that the mother had transferred her home to her son for less than adequate consideration. Citizen was counseled that as Old Age Assistance is important to his mother, he should consider allowing the home to be subjected to a lien for this assistance. The citizen seemed to agree.

(165 71 793) A man was refused a disability pension under Social Security. He wanted to know if this meant that he would also be disqualified for Aid to Dependent Children as a disabled father. He was advised that the rules are not necessarily the same, but that he should counsel with Vocational Rehabilitation to determine whether or not he could be helped in becoming qualified for gainful employment. It was suggested that if this proves to be impossible, he then should make application for A.D.C. and a determination would be made at that time under the conditions then existing. It was suggested that if, in fact, he were qualified for A.D.C., Vocational Rehabilitation would be helpful to him in establishing that fact..

(165 71 943) A citizen had been receiving A.D.C. for a number of years. Then all of the children were grown, and she finds herself at an age where it is difficult to adjust to getting a job. She has gotten to the point of feeling sorry for herself. Investigation discloses that the Social Services office in her county is trying to help her with some health problems and is helping her adjust to the idea of going to work.

(165 71 400) An A.D.C. recipient inquired about the practice of the county Social Services Department requiring that income tax refunds be given to welfare. C.A. checked and learned that the amount of the A.D.C. grant is figured on income after taxes and that the tax refund requirement is reasonable and proper.

(165 71 583) A citizen was temporarily incapacitated as the result of an accident. She was referred to the Social Services Department in her county which determined that under the circumstances she was entitled to food stamps.

(165 71 581) A citizen complained about her troubles in regaining custody of her child. The child was placed in foster care three years earlier because the mother had been ill. C.A. did not intrude in the merits of the matter, but by contacting the agencies responsible was able to speed up the evaluation and decision process. The final decision was that the child would again live with his mother.

(165 71 648) A citizen felt that he was being abused by a county Social Services Department regarding food stamps. The thing that he didn't seem to understand was that his wife's income is also figured in determining eligibility. It is interesting that the citizen was satisfied with the C.A.'s explanation, but was not satisfied by the explanation given by Social Services, which was the same explanation.

(165 71 694) An A.D.C. recipient complained that the welfare office harrasses her boyfriend. Investigation disclosed that the social workers are bothered because the boyfriend seems to have all of the benefits of marriage without any of the responsibilities. Investigation also disclosed that this citizen has had available to her the various training programs which are available to A.D.C. recipients, but that she has a record of not showing up for classes and in one course did not take the final tests. Vocational Rehabilitation also has tried to help her. A deputy Citizens' Aide noted on the case sheet: "The system is ready to help her if she helps herself".

(165 71 932) A citizen was literally living on a park bench. She more or less wandered into a county with her two little children. The county placed the children in foster care. She was refused general relief because she did not have a residence. She couldn't have a residence without some money for rent. Through the State Department of Social Services the C.A. learned that the county had promised to try to find a place for her to live, but a week later they hadn't done so. However, a community action worker for the Office of Economic Opportunity took the lady in for a short time and found her a job.

(165 71 767) It is not uncommon when people talk about the costs of the welfare programs to hear general agreement that welfare recipients should work for the aid given. This in many cases is not valid, because usually the circumstances are such that the person cannot work. However, there is general public agreement that able bodied persons receiving general relief should work. However, the provisions of the Iowa Code were written for a different time. Section 252.27 of the Code provides that the County Board of Supervisors may require able bodied persons to work on streets and highways. The problem is that we do not build or maintain streets and highways that way anymore. Also, the statute makes no provision for other types of work. An innovative county official has devised a means whereby applicants for general relief are asked to sign a paper which in part says: "Having been advised of the Law as pertains to working out relief orders on county roads, I hereby waive said rights and expressly desire the preference of working out said orders by doing other service to _____ County." The county advises that it does not deny general relief solely on refusal of the citizen to sign this waiver. However, in any event, it is subtle coercion. It is suggested that if the state is to have a policy of general relief recipients working for their aid, that policy should be set by statute by the General Assembly.

(165) Citizens' Aide received several complaints from citizens concerning the fact that slight increases in Social Security often makes them ineligible for Old Age Assistance and also makes them ineligible for medical assistance. This situation is creating hardships.

(165 71 323) A county attorney was having troubles communicating with the parole services office. The C.A. called the head of parole services who already know of the problem and had resolved it.

(165 71 370) A citizen inquired whether or not her church could purchase from prison industries. C.A. answered yes, and sent her a catalog.

(165 71 373) A citizen asked for help in gaining restoration of citizenship, which he had lost due to conviction of a felony. He said he had a clean record since his release from an Iowa prison. Investigation disclosed that he has been arrested numerous times in another state since his release. The citizen denied that it was he. Fingerprint records disclosed that he was wrong.

(165 71 387) A prisoner in a state prison asked for help in being allowed to attend his mother's funeral. Prison authorities advised that prisoners are given the choice of going to the death bed of close relatives or to the funeral. This prisoner had chosen the former. C.A. feels this is a reasonable rule, and that it would be wrong to make exceptions.

(165 71 505) The wife of a prisoner in a state prison asked for help in releasing her husband. C.A. put her in contact with the Parole Board which explained their procedures and policies and advised her when her husband would be eligible for parole.

(165 71 587) A citizen complained about losing his job which was related to one of the prison educational programs. The problem was that he was not adequately advised that his job termination was because of his lack of abilities in the work. An explanation was made.

(165 71 710) The mother of a prisoner in one of the state prisons complained that her son was not receiving adequate medical attention. The Director of Adult Corrections made a thorough investigation which disclosed that the man is receiving medical attention and was scheduled for treatment at University Hospitals.

(165 71 715) A citizen complained about communication problems between the California and Iowa penal systems regarding his son. His son had escaped from a jail in California prior to his being sentenced to prison in Iowa. A California warrant had been forwarded to Iowa authorities. The existence of this warrant clouded the man's chances for parole in Iowa. The problem is that it is often hard to tell whether or not a state actually intends to come and get a man after they have sent the warrant. C.A. contacted California authorities. C.A. did not call to urge that the warrant be dropped, but only to find out whether or not they intended to proceed with extradition. C.A. was informed that California did not intend to perfect extradition. The detainer in Iowa was dropped.

(165 71 883) A citizen complained that he had lost his job because his parole officer had revealed his criminal record to his employer. The citizen had not informed his employer of his record. C.A. was informed that it is parole policy that parolees inform prospective employers of their record. Ideally the parole officer helps the parolee bridge the problems of gaining employment under these circumstances. In this instance the parole office had not checked with the man concerning the situation. C.A. believes that counseling between the parole officer and the parolee should have taken place before the parole officer contacted the employer. This set of facts should be viewed in the context of the heavy case load which individual parole officers are required to handle.

(165 71 593) A County Board of Supervisors passed a resolution concerning policy regarding the placement of retarded children in schools other than state and local governmental institutions. The state Department of Social Services felt that the resolution was contrary to state statutes. A conference of all concerned was held, and it appears that misunderstanding existed as to the intent of the resolution. It was agreed that the wording would be changed to make it clear that it was in conformity with the statutes.

(165 70 153) A former patient at a state institution contacted C.A. because he felt that they owed him some money from his account. He sent an account sheet to that effect. C.A. contacted the institution and it pointed out that the item which looked like \$85.00 was the account number, and that the actual balance was five dollars.

(165 71 121) A retarded child was needful of special education. The county of the parent's residence had recently begun an educational program for retarded children. However, it appeared that another program in another county was more suitable for this child. There was difficulty at the local level in advising the Board of Supervisors as to why the local school was not suitable. After many phone calls to the agencies involved, a local decision was made that the other school would be preferable for the child and the Board of Supervisors agreed to the child going to that school

(165 71 141) A lady wanted her husband released early from prison because of her need for immediate open heart surgery. She substantiated her claim by a letter from a doctor from another state. The lady refused to have her claim checked by University Hospitals. The doctor's letter from out of state was not written on letterhead. C.A. advised that if she would allow doctors at University Hospitals to check her condition, we would take the matter to the Parole Board.

(165 71 930) For reasons of personal safety, a citizen expressed great concern regarding the possible release of a prisoner who had been convicted of serious crimes. C.A. conferred with the Parole Board and learned that it would be several years before parole would be considered and that they understood the seriousness of the situation.

(165 71 944) A mother was concerned because she felt that her teen-age child, who was severely handicapped, should be permanently institutionalized. Various agencies were concerned in the matter and the county Social Services Department was not willing to give up in behalf of the child, yet. They wanted one more try at special education and were recommending a particular educational program for the child. All agreed to try.

(165 71 436) A citizen complained that County Social Services would not give him general relief money to buy food stamps. He was on strike and county Social Services policy forbids general relief for this purpose. C.A. called the Community Action Program office of the Office of Economic Opportunity as these agencies quite often provide money for the initial purchase of food stamps. C.A. learned that the agency would help, but their budget for this sort of thing was depleted.

(165 71 766) A community action program worker for the Office of Economic Opportunity complained that a county Social Services Department would only deal with them concerning welfare problems during a two hour period during the day. Investigation disclosed that this rule is only for routine matters, but that emergency matters would be taken care of at any time. Also, the two hour rule applied only to workers at the neighborhood-type O.E.O. offices and that they could make contact with Social Services at any time by dealing with the community action program director for the area.

(165 71 768) Some years ago an attorney general ruled that medical expenses not taken care of by any of the federal programs should be paid from general relief in the case of a child of an A.D.C. mother. However, a county relief director stands fast on his refusal to pay a \$40.00 doctor bill. C.A. advised that citizen has the right to appeal and if her appeal is found to be justified, the State Department of Social Services will resolve the problem.

(165C 71 781) Two letters were received on different days from citizens pleading the cause of a particular family. The story was that they had a child with a health problem which was very expensive. The signatures on these letters were not legible, and there were no return addresses. Investigation disclosed that the child had been ill, but is now healthy. Also that the family lives very well. Strange case.

MISSISSIPPI RIVER PARKWAY COMMISSION

(174 71 24) The Mississippi River Parkway Commission sponsored an art contest. A lady claimed that when she entered her paintings in the contest she was told that in addition to the fifty dollars purchase prize, if she won, her painting would be displayed at the national meeting of the Great River Roads Association and the painting would tour the state. She won. Her painting was shipped to the national meeting, but it arrived too late for the contest. The Commission decided against having the paintings tour the state because of expense. The lady felt that the Commission did not live up to its agreement and she wanted her painting returned. Following tradition, the Commission gave the painting to a public official who had been helpful to the Commission. The prize money is donated, and it is not tax money. After a number of letters and conversations, C.A. concluded that the Commission would not allow the lady to buy back her painting.

MUNICIPAL GOVERNMENT

(500 70 1) A citizen complained that all of the sidewalks in a local project had been completed except one, and that the municipal government was not responding to his inquiries. C.A. wrote to the Municipal Government, making inquiry, and received no response. The citizen reported that shortly after the C.A. inquired, the sidewalk was completed.

(500 70 51) A citizen, while residing in Iowa, was arrested and returned to another state to face felony charges. He was convicted and served a prison term. He was told that the police had possession of his worldly belongings, which he had left in a motel room in Iowa. When released from prison, he called the police department and was told they still had his property. After making a long trip to Iowa, he was told the police did not have his property. He sought the assistance of an attorney, who referred him to C.A. On October 30, 1970, C.A. wrote police chief asking him location of man's property. On December 29, 1970, C.A. received a letter from the Chief of Police stating his department did have possession of the property and the citizen could obtain it.

(500 71 804) Citizen complained that a stop sign should be erected at a city intersection because of the number of accidents occurring there. Citizen had contacted city and was told that there is a requirement of a traffic count of 150 vehicles before signs can be erected. Citizens' Aide contacted city and was informed that the city planned to put stop signs at the intersection because of the traffic count and accidents. Stop signs were erected.

(500 71 872) Citizen is building his own house. Because he worked for two years as a plumber's helper he wants to do his own plumbing and doesn't understand why he can't. C.A. checked with the city and was informed that the ordinance provides that plumbing must be done by a master or journeyman plumber. The citizen was advised of this.

(500 71 903) An eighteen year old entertainer complained that she is unable to work in places that serve alcoholic beverages even though she does not drink. C.A. Advised her that there is no state statute prohibiting her working in such places, but that many cities and towns have ordinances prohibiting this. It was suggested that she make her views known to her legislators. C.A. notes that a substantial number of young musicians are affected by this problem.

(500 71 828) A citizen, an A.D.C. mother with nine children, called Citizens' Aide because the municipal water company had shut off the water for non-payment of bill. Her latest bill was for \$164.31 and she said her usual bill was about \$25.00. She said she asked about making payments, but was told that the whole bill had to be paid. C.A. thought there might be a mistake so he checked the meter reading and it was correct. He noticed that there were some small water leaks in the basement. Citizen told C.A. that she had just had a new toilet installed upstairs. C.A. contacted the water company and was informed that she would have to repair the toilet and other leaks. Water company also advised that a city ordinance provides that water is to be shut off when there are leaks which cause waste of water. Water company was informed by Citizens' Aide that toilet had been repaired. They said an inspector would be sent out the next day and if the installation was satisfactory, the water would be turned on and possibly an adjustment would be made in the bill. On August 30, 1971, citizen told C.A. that she had failed to inform water company when repairs had been made. She also advised that on August 27th an inspector had come to her house and repairs were satisfactory, but when he called to see if the water could be turned on, he was told that the bill had to be paid in full first. C.A. again called the water company and was advised that the water would be turned on. Citizen did call the water company and the bill was adjusted to \$128.00 and the citizen was given until November to pay the bill, and the water was turned on. The citizen should have informed the water company when the repairs were made. However, under the circumstances it is the opinion of the C.A. that the water company's handling of the problem was insensitive and inefficient.

A COPY OF THE ABOVE REPORT WAS GIVEN TO THE WATER COMPANY AND THEY ASKED THAT THE COMMENTS OF THEIR MANAGER BE INCLUDED IN THIS REPORT AS FOLLOWS:

Dear Mr. Carstensen:

We were somewhat surprised to receive the report of your apparently completed investigation regarding Mrs. ___ since the management of the Water Works was not even aware of such an investigation.

We are certainly aware of the many problems facing welfare recipients and it is our policy to aid them whenever possible, but we are unable to do so unless they communicate with us. According to our records, Mrs. ___ did not contact us until after her water service was discontinued even though she had received a letter and a personal contact from us.

We notified her in June by letter that her toilet was leaking and pipes were broken in the basement, and suggested that she have repairs made to reduce the water consumption. We received no communication

from her.

When the bill became delinquent our representative called in person to inform her that the bill was in arrears and that there was danger of disconnection. Still there was no communication from Mrs. _____. Mrs. _____ has been using water since March 24th with no payment whatsoever. We are unable to locate any of our customer service clerks who remember demanding full payment before the water was turned on. If this did happen it is not in conformance with our policy.

If this is insensitive and inefficient handling of the problem, we would sincerely be pleased to receive your constructive advice.

NOTE: Citizens' Aide wrote to the Water company and made some suggestions.

(500 71 800) A policeman, in his late fiftys, has been under the Iowa Public Employees Retirement System (IPERS). The city which employs him decided to place its police department under civil service. Deduction is made from this policeman's pay for the civil service pension fund. To be eligible for retirement benefits under civil service, this man must work for twenty-two years under the system, which is impossible at his age. He was told that he would not get his contributions back. He was also told that he could not elect to contribute to IPERS. Citizens' Aide contacted IPERS and they reviewed the matter. IPERS advised that because of the condition of the statutes, this man must make the contributions to civil service. They advised that he would be covered for disability occurring during his employment, but he would not be eligible for civil service retirement pension until he worked twenty-two years under the system. They also advised that his IPERS is vested and that if he does not withdraw it he will be eligible for IPERS pension at the age of retirement. The result is that this citizen must pay into a retirement fund from which he will not receive retirement benefits, and he cannot continue to contribute to IPERS, which he would like to do. He will be entitled to a refund of his civil service payments when he retires.

Recommendation: It can be anticipated that more and more cities will be placing their police departments under civil service. It is recommended that the General Assembly consider legislation which will reconcile this problem.

(500 71 848) A citizen bought a house in an Iowa town. The previous owner had been an employee of the town and was injured. Because of the injury the previous owner had financial troubles and the town did not press the matter of his water bill, which amounted to \$95.00 at the time he moved out. Based on the provisions of a town ordinance, the town officials took the position that they would not turn on the water at this house until the bill was paid. The town asked the mortgagee to pay the water bill. This request was refused. The Citizens' Aide called the Mayor. The Mayor said there was to be a meeting of the Council later that week. The Mayor did not want to authorize turning on the water on his own authority. C.A. did poll the members of the Council by phone and relayed their position to the Mayor and the water was turned on. The Mayor and members of the Council were cooperative with C.A. It is the opinion of the C.A. that the citizen's complaint was justified and that the town officials were cooperative and prompt in their voluntary rectification of the problem.

THE MAYOR OF THE TOWN REPLIED TO THE FOREGOING REPORT AND ASKED THAT THE REPLY BE INCLUDED IN THIS REPORT.

"The mayor did not say there would be a meeting of the Council later in the week. What the Mayor said was that give the town a little more time. Until we found out if the mortgagee would pay this bill of \$95.00. the town wrote a letter to the F.H.A. telling them the water would not be turned on until the bill was taken care of.

"Mr. and Mrs. _____ received a letter from the F.H.A. That they wasn't going to pay this water bill. But the town never did. & hasn't yet received a letter from the F.H.A. saying they wasn't going to pay the bill. So the town never had a reason to hold a special meeting. Because the town didn't know the F.H.A. wasn't paying the bill. Now if Mr. and Mrs. _____ would of contacted any one of the members of the Council. When they received their letter, the matter might had been settled a week or so before it was.

SIGNED, Mayor"

COUNTY GOVERNMENT

(600 70 45) The wife of a serviceman in Hawaii was concerned by the time delay in receiving an Iowa absentee ballot. C.A. called the County Auditor and was assured that the ballot would be sent in time, and the citizen was so informed. The citizen advised that the ballot did arrive in time.

(600 70 55) A citizen complained that the Board of Supervisors in her county had refused to suspend her taxes under Section 427.8 of the Code. She based her claim for exemption on the fact that her husband was receiving Old Age Assistance. Inquiry by C.A. disclosed that the real estate in question was titled in her name and not in the name of her husband. C.A.'s opinion is that the Board acted well within its discretion in denying the suspension of taxes.

(600 71 504) A citizen stated that he had lost his discharge papers from the armed forces and he wanted to know how to get a duplicate. C.A. wrote to the two Recorder's offices where he might have filed them. One of the Recorders responded that his discharge papers were on file. The citizen was informed of this.

SCHOOL DISTRICTS

(700 71 46) A citizen stated that he wanted someone in state government to advise him as head of a taxpayer's association on school structure matters. C.A. made an appointment for the citizen with the official in the Department of Public Instruction who deals with such matters.

(700 71 634) A citizen complained about the high cost of bus fare in sending her children to school. The school district does have power to waive distance rules regarding bus service. Investigation disclosed that she lived within one mile of a school which her children could attend, but she chose one further away.

(700 71 861) A citizen complained that her daughter was not provided transportation to school this year, although it was provided last year. They live more than two miles from school. The Department of Public Instruction advised that since the girl is now in ninth grade she is considered as going to high school, and the rule for high school is that you must live more than three miles from school. Citizen also complained that her child was not receiving free lunch. Citizen is receiving aid to dependent children. The citizen was advised that as she is receiving A.D.C. that her child is entitled to free school lunch, but that application must be made each year.

(700 71 869) A citizen complained that students living two miles from high school are not being provided with transportation. C.A. sent the citizen a copy of Section 285.1 of the Code which provides that high school students in cities of twenty thousand population or more are not entitled to transportation unless they live more than three miles from school.

FEDERAL GOVERNMENT

(800 70 114) A soldier wrote to the Governor seeking advice and assistance in regard to his wife's entry into the United States. C.A. commenced to determine what federal agencies and officials could best help this man when it was learned that he died serving his country.

(800 71 541) Citizen complained that she had been turned down for an F.H.A. loan to purchase a home. She was referred to the Accounting Aid Society.

(800 71 805) A citizen needed to contact a relative traveling in Europe because of a death in the family. The country involved advised that they would not use news media unless the situation was verified by the U.S. Government. Citizens' Aide contacted the State Department and the State Department contacted the citizen in Iowa. The State Department then wired our embassy in the country involved and effort was made to locate the relative.

(800 71 544) A citizen inquired as to whether or not any federal program or other program was available for her mother to repair her dilapidated house. C.A. referred her to Accounting Aid Society and to David Finney, Model City Neighborhood Specialist.

(801 71 534) A citizen complains that Social Security will not declare him eligible for benefits for black lung. He was a coal miner for many years. His physician says that he believes the citizen deserves the black lung pension. He says that other citizens with less severe condition have received it. He also said that the particular type of coal mined is less likely to cause black lung than some other types of coal. C.A. advised citizen of lack of jurisdiction and sent the information gathered to the U. S. Senator designated by the citizen.

(801 71 742) A citizen complained that Social Security was slow in ruling on her appeal regarding disability benefits. C.A. contacted Social Security and learned that the papers had been sent to Baltimore for review, and the delay was caused by the fact her doctor had not forwarded the papers to them promptly.

(802 71 86) This case is a real switch. It involves a young doctor who was educated in California and who practices in rural Iowa. The doctor complained that he was having problems with military red tape delaying paper work. The doctor was trying to get inducted in the National Guard before his draft board in California got him. It is fairly safe to assume that a California draft board would place an Iowa doctor high on their list. C.A. coordinated with California, the Guard, a U. S. Representative and a U.S. Senator. C.A. followed the paper work from California, through Iowa Guard headquarters, to the Pentagon and back with approval of changes needed before the doctor could be accepted. This doctor was losing confidence in the process. C.A. had excellent help from the military and C.A. informed doctor as to each step of the process.

(803 70 13) A citizen stated his need for funds for medical expenses. It was determined that he was receiving a Veteran's Administration pension. Inquiry with V.A. resulted in a review of his file and they determined that the citizen was entitled to a forty dollar monthly increase in benefits.

MISCELLANEOUS CATEGORIES

(902 70 138) A merchant from another state sold a refrigerator on conditional sales contract to a couple who later got a divorce in an Iowa court. The court granted the refrigerator to the wife and ordered the husband to pay. The merchant wrote to the Attorney General suggesting that the A.G. request the court to collect the bill. The merchant further wrote to the A.G.: "the other course of action would be for the State of Iowa to pay the obligation since the District Court obligated custody of the refrigerator to Mrs. Doe who refuses to make settlement." C.A. favored the merchant with a dissertation on the nature and scope of divorce decrees with emphasis on the fact that the merchant was not a party to the divorce so his rights were not altered by the decree. He was also advised to see his lawyer. The citizen was not satisfied with the explanation.

(902 71 513) A citizen complained that her employer's wage check bounced. County Attorney would not prosecute. As a general rule, a bad wage check cannot be the basis of a criminal charge because it is not given for a present consideration. C.A. recommended Accounting Aid Society and the Labor Commissioner. The Labor Commissioner has attempted to be of some help in collecting wages and he has recommended legislation giving his department authority. Oregon has such legislation and they have been pleased with it. C.A. suggests that the General Assembly give serious consideration to the legislation recommended by the Labor Commissioner.

(903 71 868) A young citizen wrote to the Governor that he is in a county jail for false pretenses involving a credit card. He admits guilt. He states that he is addicted to drugs and asks for help. C.A. referred the case to the Director of the Governor's Drug Abuse Authority.

(904 71 518) A citizen complained that a hearing aid company was not honoring its warranty. C.A. referred her to the Iowa Consumer's League and the Consumer Education and Protection Organization.

(904 71 759) A citizen's television burned out, and because it occurred during a storm he thought it had been struck by lightning. The insurance company would not pay damages, The citizen had contacted the Insurance Department and was then directed to the C.A. by his legislator. C.A. also contacted the Insurance Department and learned that the insurance company's refusal to pay was based on their contention that damage was not caused by lightning because certain parts of the set were not damaged. It was pointed out that another possible cause could have been lightning striking a power line and causing high voltage through the set. C.A. advised the citizen that the Insurance Department could not be of assistance, and that they would need private counsel to pursue the claim. C.A. advised citizen of information concerning such situations which would be helpful in pursuing such a claim.

(904 71 887) A citizen complained that she sent ten dollars to World Field Research, Inc. in New York which would entitle her to serve the company as a research correspondent. C.A. referred the matter to the Consumer Fraud Division of the Attorney General's office. C.A. was informed that the Attorney General was familiar with this problem. In fact, the Attorney General had obtained a District Court injunction against this company.

(904 71 911) A citizen stated she is having difficulty making house payments. C.A. referred citizen to the Consumer Education and Protection Organization, Des Moines.

(905 70 151) A citizen complained to C.A. about her problems concerning the custody of children she had cared for for a number of years. Inquiry disclosed that the matter was pending in the appropriate court. She had legal counsel. Clearly C.A. did not have jurisdiction, but she continued to call. After talking with her counsel C.A. determined that although C.A. would not participate in the matter, C.A. would keep a friendly ear available. She was given counsel in terms of trusting her lawyer and the ultimate fairness of the courts. She was very troubled and this listening was of value to her. The court awarded the children to her.

(905 71 503) A social worker suggested that this citizen call us. She was experiencing the difficulties of a pending divorce-- or dissolution of marriage, as it is now called. She was disturbed about her lawyer's advice that she deed the house to her husband, the house being one in which they had a very small equity. After having the opportunity to talk about the matter, the citizen expressed that she did have confidence in her attorney.

(905 71 526) A woman from another state complained about service given by the County Attorney in collecting child support. The divorce was granted in Iowa and the former husband lives in Iowa. At the time of the correspondence he was unemployed. The County Attorney had effected some payments but it was a fraction of the amount set out in the divorce decree. C.A. wrote to the lady telling her the various means of enforcing child support including contempt action under the decree, use of the reciprocal support statutes, and criminal charges. She was also advised as to the difficulties of enforcement and the problems faced by County Attorneys. The matter was brought to the attention of the County Attorney with the request that efforts continue to force the man to support his children. This case is typical of the growing problems of child support which result from increased divorce rate and mobility of population.

(1000 71 522) A citizen complained about a clinic using electronic devices on the body. The citizen would not give details and was not completely rational. C.A. could not help.

(1000 71 530) A citizen called for a neighbor who wanted a trust changed. As the neighbor fell within the guidelines, C.A. referred her to Legal Aid.

(1000 71 540) A citizen came to the office because she had been caring for an elderly woman in her home. The elderly woman was leaving home and the citizen was given about three days notice to move. C.A. referred her to P.A.C.E., which is an agency which deals with the concerns of the elderly. They advised that they have requests for "live in" help and they could place the lady.

(1000 71 807) A citizen reported that she had been contacted by a person seeking information about persons she might know who are hard of hearing. The person calling represented that she was making the survey for a state agency. C.A. checked with various state agencies and learned that no such survey was being made by the state. The citizen was informed of this.

(1000 71 820) A citizen called to complain that his new false teeth didn't fit. The citizen "didn't want cause his dentist any trouble", and said he felt better after talking about the problem.

(1000 71 858) A citizen complained that he is being frustrated in his business endeavors because of unfavorable reports from a better business bureau. He called the bureau under an assumed name and got a poor report on himself. C.A. arranged for the citizen to meet with the bureau. The bureau agreed to make a more thorough investigation of this citizen.

(1000 71 885) A seventeen year old citizen complained that she had been turned down for a federally backed bank loan for school. The local bank turned down the loan because of the poor credit rating of her parents. C.A. contacted the bank and asked them to review it again. When the girl conferred with a bank officer she pointed out that she had previously borrowed money and repaid it promptly. The bank approved the loan so the girl could go to school.

