

JK
6349
.04
A56
1973

Report To
The Governor Of Iowa
and
The Sixty-fifth General Assembly
by
The Iowa Citizens' Aide



Iowa
a place to grow

January 1, 1973 — December 31, 1973

STATE LIBRARY COMMISSION OF IOWA
Historical Building
DES MOINES, IOWA 50319

STATE OF IOWA
OFFICE OF THE CITIZENS' AIDE

" OMBUDSMAN "

515 East Twelfth Street

Des Moines, Iowa

50319

PHONE (515) 281-3592

February 4, 1974

The Honorable Robert D. Ray
Governor of Iowa

The Honorable Arthur A. Neu
Lieutenant Governor

The Honorable Andrew H. Varley
Speaker of the House

Members of the Sixty-Fifth General Assembly

Dear Gentlemen and Ladies:

I respectfully submit the attached report of the Citizens' Aide for the period from January 1, 1973 to December 31, 1973.

The year has been one of change, some growth, and some opposition.

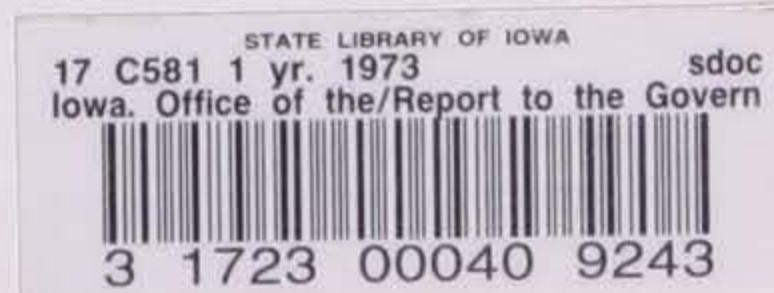
Lawrence D. Carstensen, who was appointed Citizens' Aide effective October 1, 1970, resigned effective May 21, 1973, to return to the private practice of law, and also to serve as a member of the Board of Parole.

On September 12, 1973, I was appointed by the Legislative Council to succeed Mr. Carstensen, subject to confirmation by the General Assembly.

Also in September, pursuant to a grant from the Iowa Crime Commission, an additional staff member was added whose function is to specialize in the investigation of complaints of inmates of correctional institutions.

There remains some opposition to the Office of Citizens' Aide, as evidenced by the controversy over the budget of the Citizens' Aide during the 1973 session of the General Assembly. My experience, both as Deputy Citizens' Aide, and now as Citizens' Aide convinces me that the Office of Citizens' Aide is meeting a need of the citizens of this state--not a need created by the Office, but a need which existed prior to the creation of the office. During my term of office, I hope to be able to demonstrate to even the most skeptical that the Citizens' Aide Office is performing a valuable service to the citizens of this State.

326538



3-21-74 Citizens' Aide Ggt

February 4, 1974

Governor Robert D. Ray
Lt. Governor Arthur Neu
Speaker Andrew Varley
Members of the Sixty-Fifth General Assembly

Page two.

It has been said, and my experience bears this out, that an Ombudsman cannot function well where the government does not function well. In Iowa we are blessed with good, progressive government, and in many areas lead the nation. This creates a good atmosphere in which an Ombudsman can function effectively. Most agencies have been very cooperative with the Citizens' Aide.

I believe that the vast majority of Iowa's public officials are well qualified, dedicated public servants who are genuinely interested in serving the citizens of Iowa. I believe that this report will bear this out.

Respectfully,

Thomas R. Mayer
Thomas R. Mayer
Citizens' Aide

TRM:pn

CONTENTS

1973-A YEAR OF CHANGE.....	1
A COMPARISON OF LEGISLATIVE OMBUDSMEN IN THE UNITED STATES.....	2
CASE STATISTICS.....	8
CASE SUMMARIES.....	14
DEPUTY FOR CORRECTIONS.....	67
LEGISLATIVE RECOMMENDATIONS.....APPENDIX..	I
GENERAL RELIEF.....APPENDIX..	II
CITIZENS' AIDE OFFICE-EMPLOYEE'S MANUAL.....APPENDIX..	III

1973

A YEAR OF CHANGE

Lawrence D. Carstensen served as Citizens' Aide from October 1, 1970 until he resigned effective May 21, 1973. Initially, the Citizens' Aide Office was a part of the Governor's Office and was funded by a grant from the Office of Economic Opportunity. Mr. Carstensen performed his duties so well that the Citizens' Aide Act (now 601G of the 1973 Code of Iowa) was passed by the General Assembly in March, 1972, and funds appropriated to keep the Office functioning after the funds from O.E.O. were gone. The Act took effect on July 1, 1972. Mr. Carstensen has returned to the private practice of law and is a member of the Board of Parole, but his influence on the Citizens' Aide Office will long be felt.

Upon the resignation of Mr. Carstensen, Thomas R. Mayer, who had been Deputy Citizens' Aide, became Acting Citizens' Aide. On September 12, 1973, the Legislative Council appointed Mr. Mayer Citizens' Aide. The appointment is subject to confirmation by the General Assembly. Mr. Mayer has a Bachelor's degree and Law degree from the University of Iowa. He served as an assistant county attorney in Clinton, Iowa, and joined the Citizens' Aide staff in June, 1971.

The staff is composed of Douglas L. Hart, who is the Deputy Citizens' Aide, Ruth L. Mosher, Second Deputy, Raymond A. Cornell, Deputy for Corrections, and Patricia Nett, Confidential Secretary. Mr. Hart has a Bachelor's degree from Coe College, and has earned several hours towards a Masters degree in Public Administration. He has been with the Office since June, 1972. Mrs. Mosher has several years of experience in government work. She worked in the Iowa Senate for 13 years, and served as the first secretary to Mr. Carstensen after his appointment as Citizens' Aide. Mr. Cornell has a Bachelor's degree from Drake University, and has experience in the field of corrections. Mrs. Nett has been with the Citizens' Aide office since January, 1972 in the position of Confidential Secretary.

The Iowa Citizens' Aide Office compares favorably with other Ombudsmen offices established in the United States on the state level. On the following pages is a chart comparing Ombudsmen offices which are established by statute in their respective states.

1

A COMPARISON OF LEGISLATIVE OMBUDSMEN IN THE UNITED STATES

Three states presently having Ombudsmen offices in the United States. They are Hawaii, Nebraska, and Iowa. The following chart compares the three offices:

POPULATION

Hawaii	0.8 million
Nebraska	1.4 million
Iowa	2.8 million

CREATION OF THE OFFICE

Hawaii	Title: Ombudsman Initiating Act: Ombudsman Act of 1967. Act took effect on June 24, 1967. First appointed on April 17, 1969; first took office July 1, 1969. Influenced by model law proposed in <u>Harvard Journal on Legislation</u> .
Nebraska	Title: Public Counsel Initiating Act: Public Counsel Act of July 29, 1969. First took office on June 1, 1971.
Iowa	Title: Citizens' Aide Initiating Act: Citizens' Aide Act effective July 1, 1972. Previously operating as an executive Ombudsman since October 1, 1970. Influenced by Harvard Model.

APPOINTED OR ELECTED BY WHOM

Hawaii	Appointed by both houses in joint session by a majority vote of each house.
Nebraska	Appointed by two-thirds vote of the Legislature.
Iowa	Appointed by Legislative Council subject to confirmation by majority vote of both houses of the General Assembly.

1

Ombudsmen Around the World: A Comparative Chart, Kent M. Weeks, Dean, College of Liberal Arts, University of Dubuque, Iowa, Institute of Governmental Studies, University of California, Berkeley, 1973.

TERM OF OFFICE

Hawaii Six years. Maximum of three years.

Nebraska Six years.

Iowa Four years.

REMOVAL PROCEDURES

Hawaii May be removed or suspended by a two-thirds vote of the Legislature for neglect of duty, misconduct, or disability.

Nebraska May be removed by two-thirds vote of the Legislature.

Iowa May be removed by majority vote of the General Assembly.

QUALIFICATIONS FOR OFFICE
AS SET FORTH IN STATUTES

Hawaii None.

Nebraska Required to be a person well equipped to analyze problems of law, administration and public policy.

Iowa Ability to analyze questions of law, administration and public policy.

SALARY OF OMBUDSMAN

Hawaii Fixed by the Legislature; equivalent to that received by Circuit Court Judges

Nebraska Fixed by the Executive Board of the Legislative Council.

Iowa Fixed by the Legislative Council.

SIZE OF STAFF

Hawaii Eight: four professionals and four clerical.

Nebraska One secretary and part-time legal staff.

Iowa Four: three deputies and one secretary.

PRINCIPAL DUTIES

Hawaii	To investigate the administrative act of a department, agency or officer, whereby any person is aggrieved.
Nebraska	To receive complaints from the public or from persons working in government, to investigate, and where appropriate to negotiate remedial action with the agencies involved. A secondary duty is to answer questions and assist people with problems relating to government.
Iowa	To investigate on complaint or on his own motion the administrative acts of agencies. To recommend changes to agencies and to the General Assembly.

AVERAGE YEARLY NUMBER OF COMPLAINTS

Hawaii	1,300
Nebraska	480
Iowa	1,300

NUMBER OF VALID COMPLAINTS

Hawaii	About 30% of those fully investigated.
Nebraska	About 40% of those fully investigated.
Iowa	About 30%.

FEE FOR FILING A COMPLAINT

Hawaii	None.
Nebraska	None.
Iowa	None.

DOCUMENTS AVAILABLE

Hawaii Has access to all; including internal papers of governmental agencies.

Nebraska All; based upon need.

Iowa Has access to all not specifically made confidential by law.

COMPLAINTS INITIATED BY OMBUDSMAN

Hawaii Has such authority.

Nebraska Has such authority.

Iowa Has such authority.

AUTHORITY TO BRING LEGAL ACTION AGAINST PUBLIC OFFICIALS

Hawaii None, but if evidence of any breach of duty or misconduct by any agency, officer or employee is discovered, he shall refer the matter to the appropriate authority.

Nebraska None, but if reason to believe any public officer or employee has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the appropriate authority.

Iowa None, except to enforce power of subpoena. He shall report misconduct of any public official or employee to the appropriate authority.

INSPECTIONS

Hawaii Authority to make inspections of governmental agencies.

Nebraska Authority to initiate inspections.

Iowa Authority to make inspections of governmental agencies.

ANNUAL REPORTS

Hawaii	Submitted to both Houses of the Legislature and the Governor.
Nebraska	Submitted to the Legislature and to the Governor
Iowa	Submitted to the Governor and the General Assembly.

JURISDICTION OVER LOCAL GOVERNMENTS

Hawaii	Over every level of local government in his jurisdiction.
Nebraska	None over local governments.
Iowa	Over all entities of local government.

JURISDICTION OVER COURTS

Hawaii	None.
Nebraska	None.
Iowa	None.

JURISDICTION OVER THE MILITARY

Hawaii	Over state military officials, (None over U.S. military which is under the control of the federal government.)
Nebraska	None.
Iowa	Over state military officials.

ATTITUDE TO THE PUBLIC SERVICE WHEN THE OMBUDSMAN'S OFFICE WAS FIRST CREATED

Hawaii	No opposition.
Nebraska	Some opposition.
Iowa	Some opposition.

NEWS MEDIA COVERAGE

Hawaii Considerable media coverage during first two years.

Nebraska Excellent press coverage, and other news media have also assisted in the aims of the program.

Iowa Limited media coverage due to restriction in statute. Media coverage has been favorable.

INCUMBENT

Hawaii Herman S. Doi, lawyer and former Director of the Legislative Reference Bureau.

Nebraska Murrell B. McNeil, retired military officer and former State Tax Commissioner.

Iowa Thomas R. Mayer, lawyer and former Deputy Citizens' Aide.

CASE STATISTICS

During the calendar year 1973, there were more than 1200 citizen contacts with the Citizens' Aide Office. Files were opened in 1200 cases. There were numerous contacts, mainly by telephone, of which no record was made because the advice given or the referral made did not take much time and did not require a follow up. A record is now being kept on such calls, and statistics will be available for the next annual report.

As in the past, the telephone is still the means by which most citizens initially contact the Citizens' Aide. However, the use of mail has increased, while the percentage of those whose first contact with the Citizens' Aide is by visit remained about the same. The figures are:

Telephone.....	566	(47.5%)
Mail.....	498	(41.7%)
Visit.....	135	(10.8%)

Apparently more citizens of Iowa are aware of the presence of the Citizens' Aide Office as reflected by the increased percentage of cases which were not referrals. The percentage of referrals from the Governor's Office remained about the same, while the referrals by members of the General Assembly doubled. However, referrals from the General Assembly are still a relatively small percentage of total number of cases. It is expected that such referrals will increase as more members of the General Assembly become aware that the Citizens' Aide Office can be a useful means to handle their constituents' complaints. The figures are:

Governor.....	328	(27%)
General Assembly.....	106	(9%)
Attorney General.....	13	(1%)
State Agencies.....	67	(6%)
Other.....	150	(13%)
Not Referred.....	541	(44%)

The following is a breakdown of cases by county. As might be expected, Polk County leads in the number of cases. The number of cases from Lee and Jones counties have increased substantially, mainly because of the addition of the Deputy Citizens' Aide for Corrections (Correctional Ombudsman), which started under a grant from the Iowa Crime Commission on September 25, 1973. The breakdown is as follows:

Adair.....	3
Adams.....	2
Allamakee.....	3
Appanoose.....	6
Audubon.....	2
Benton.....	7
Black Hawk.....	40
Boone.....	8
Bremer.....	4
Buchanan.....	7
Buena Vista.....	4
Butler.....	1
Calhoun.....	12
Carroll.....	2
Cass.....	7
Cedar.....	3
Cerro Gordo.....	22
Cherokee.....	7
Clarke.....	2
Clay.....	2
Clayton.....	6
Clinton.....	29
Crawford.....	1
Dallas.....	17
Davis.....	0
Decatur.....	2
Delaware.....	4
Des Moines.....	13
Dickinson.....	4
Dubuque.....	7
Emmet.....	4
Fayette.....	11
Floyd.....	4
Franklin.....	3
Fremont.....	1
Greene.....	3
Grundy.....	4
Guthrie.....	5
Hamilton.....	9
Hancock.....	2

Hardin.....	9
Harrison.....	10
Henry.....	5
Howard.....	8
Humboldt.....	2
Ida.....	1
Iowa.....	2
Jackson.....	4
Jasper.....	11
Jefferson.....	4
Johnson.....	37
Jones.....	22
Keokuk.....	3
Kossuth.....	7
Lee.....	94
Linn.....	55
Louisa.....	1
Lucas.....	4
Lyon.....	0
Madison.....	5
Mahaska.....	5
Marion.....	9
Marshall.....	9
Mills.....	1
Mitchell.....	1
Monona.....	2
Montgomery.....	2
Muscatine.....	3
O'Brien.....	5
Osceola.....	0
Page.....	11
Palo Alto.....	5
Plymouth.....	0
Pocahontas.....	0
Polk.....	355
Potawattamie.....	23
Poweshiek.....	8
Ringgold.....	4
Sac.....	4
Scott.....	14
Shelby.....	1
Sioux.....	3
Story.....	27
Tama.....	6
Taylor.....	2
Union.....	9
Van Buren.....	1
Wapello.....	10
Warren.....	17
Washington.....	4

The following is a breakdown of cases by category. Approximately 51% of the cases involved matters over which the Wisconsin State Bar has jurisdiction. The following is a breakdown of cases by category:

Wayne.....	5
Webster.....	11
Winnebago.....	2
Winneshiek.....	3
Woodbury.....	18
Worth.....	7
Wright.....	1

There were 49 contacts from citizens of other states and one from France. The breakdown is as follows:

Alaska.....	1
Arkansas.....	1
California.....	6
Colorado.....	1
Idaho.....	1
Illinois.....	8
Indiana.....	1
Kansas.....	2
Maryland.....	1
Minnesota.....	6
Missouri.....	3
Nebraska.....	4
North Dakota.....	1
Oregon.....	1
South Dakota.....	5
Texas.....	3
Utah.....	1
Virginia.....	1
Washington.....	1
France.....	1

The following is a breakdown of cases by category. Approximately 61% of the cases involved matters over which the Citizens' Aide has jurisdiction, that is, relating to agencies of State and local government. In the non-jurisdictional matters, many times the Citizens' Aide was able to help by referrals, inquiries, or by offering advice. For example, 22 complaints about insurance matters were referred to the Iowa Insurance Department. The total of these will be more than 1200 because many complaints and inquiries concerned more than one agency. The breakdown is as follows:-

Agriculture Department.....	3
Attorney General.....	5
Banking Department.....	2
Iowa Bonus Board and Veteran's Affairs Commission..	7
Car Dispatcher.....	1
Civil Rights Commission.....	5
Commerce Commission.....	7
Conservation Commission.....	10
Employment Security Commission.....	37
Engineering Examiners.....	1
Fair Board.....	6
General Services.....	1
Health Department.....	19
Higher Education Facility.....	3
Highway Commission.....	27
History and Archives.....	1
Industrial Commissioner.....	11
Insurance Department.....	6
Labor Bureau.....	5
Legislative Service Bureau.....	1
Beer & Liquor Control Department.....	3
Merit Employment Department.....	8
Natural Resources Council.....	2
Nursing Board.....	3
Planning and Programming.....	1
Public Defense.....	2
Public Instruction.....	4
Vocational Rehabilitation.....	4
Public Safety.....	11
Highway Patrol.....	2
Motor Vehicles.....	13
Fire Marshall.....	3
Driver's License.....	8
Dealer's License.....	2
Real Estate Board.....	3
Reciprocity Board.....	17

Board of Regents and Institutions.....	15
Revenue Department.....	21
Secretary of State.....	4
Social Services (excluding Corrections).....	125
Bureau of Adult Corrections.....	106
Judiciary.....	3
State Appeal Board.....	4
Municipal Government.....	101
County Government.....	90
School Districts.....	22
Federal Government.....	96
Wage and Employment Problems.....	9
Miscellaneous Legal Problems.....	140
Criminal Problems.....	51
Consumer Problems.....	31
Child Custody, Marital, and Support Problems.....	15
Insurance Problems.....	22
Auto Dealer Complaints.....	2
Utility Complaints.....	11
Miscellaneous.....	114

There are no statistics available as to whether a complaint was justified, or whether a case was successfully solved. Any attempt at showing success or failure by way of statistics would probably be misleading. A statistical showing of when a citizen was right and an agency was wrong would probably show that this happens in about 25% to 35% of the cases, a relatively small percentage. In a majority of cases, the citizen is wrong and the agency is right. But in many of these cases, the citizen feels aggrieved because he does not understand what the agency has done, or has not received a satisfactory explanation from the agency. In the majority of such cases, if, after investigation, the Citizens' Aide finds that the agency was right and makes the proper explanation to the citizen, the citizen has accepted the explanation and no longer feels aggrieved. Such a case could be termed "successful" in the same way as a case where the agency was wrong and rectified the situation. By including both categories, the percentage of "successful" cases would probably be between 50% and 60%.

CASE SUMMARIES

The following are summaries of selected cases from the year 1973. An attempt was made to select cases not only on the basis of noteworthiness, but also to show some cases which are typical of the types of complaints and inquiries received by the Citizens' Aide Office. Some of these examples might be termed "successful," some are not. Some contain Legislative recommendations. These are listed separately in the Appendix also with references to the cases. Some are critical of agencies and contain recommendations to agencies for changes in rules or policies. Included with such summaries are responses from the agencies involved if they indicate that they want a response included. The responses are unedited with the exception that names have been omitted. In some cases, this is a last effort to solve problems that have not been solved by the Citizens' Aide through other means by making the Governor, the General Assembly, and the citizens of Iowa aware of the problems.

APPEAL BOARD

(73-480;73-556;73-575) Several complaints were received concerning the delay in processing claims against the State Reciprocity Board by the State Appeal Board. Delays ranged from several months to over a year after the filing of the claim. The Citizens' Aide realizes that it does take time in many cases to verify a claim, but we feel that in these cases the delay was excessive.

The agencies involved advised that these claims have been paid.

BONUS BOARD

(73-864) A citizen complained that he had applied for Soldiers' Relief (Commission of Veterans Affairs) and had been turned down because he had been a member of the Reserve Armed Forces. The citizen was referred to General Relief and did receive some assistance. CA called the executive secretary of the Iowa Bonus Board who advised that a reservist was not eligible for Soldiers' Relief, but could not point out the section of the Iowa Code which so states. He referred to this as an "unwritten policy" which is generally understood.

CA feels that if such a policy is to be made, it should be made by the General Assembly.

The agency's response was as follows:

(73-864 cont'd...)

Thank you kindly for your communication dated December 13, 1973.

In compliance with Chapter 250.1, Code of Iowa, it is of assumption that wartime personnel are those only entitled to assistance from the County Commission of Veteran Affairs. Reserve component personnel are never entitled to same rights and privileges as wartime.

Indigent "wartime" veterans, and dependents, have earned a preference. The State of Iowa has been very cooperative by numerous ways and means to honor their prestige.

Speaking in behalf of the Bonus Board and Veterans Organizations (Iowa Veterans Council) the undersigned is of the opinion that "unwritten policy" of Chapter 250.1 does not adhere.

CONSERVATION COMMISSION

(73-59) A citizen complained that a conservation officer was harrassing him because drainage from his hog lot flowed onto the officer's property. The citizen also complained that the conservation officer used his state vehicle for his own private use. CA contacted the State Conservation Commission which investigated and reported that the officer felt that there was pollution coming from the feedlot and had now reported the problem to the Department of Environmental Quality. The citizen reported that the harrassment had stopped, but that the officer was still using his state car for his own private use. CA realizes that it is difficult to determine in a case such as this whether a state employee is abusing the use of the state vehicle assigned to him, but if an agency does in fact find that an employee of that agency is abusing the use of the state vehicle, the agency should take appropriate measures to insure that it did not happen in the future, and possibly take disciplinary action against the employee.

(73-693) A State Senator contacted the Citizens' Aide reporting that she had received a number of complaints about the restroom facilities at Rock Creek State Park. The State Park has two toilet facilities (combination toilet-shower), but one unit has been torn down and is being reconstructed and would not be completed until the following year. During peak periods at the Park, such as on week-ends, there was a definite shortage of rest room facilities.

(73-693 cont'd....)

CA wrote to the Conservation Commission suggesting the installation of portable toilet units until the reconstruction is completed.

The Conservation Commission responded directly to the Senator with a copy to CA advising that four such portable units had been installed.

(73-742) A well known motorcycle organization made arrangements to camp at Wilson Island, a state recreational area near Missouri Valley, Iowa. On August 14, 1973, a citizen was bitten by a German Shepherd dog allegedly belonging to a member of the motorcycle club. This incident did not take place at Wilson Island, but rather at a gas station in the area. The citizen contacted a Highway Patrolman who referred him to a member of the Iowa Bureau of Criminal Investigation. Reportedly, the BCI agent attempted to investigate, but was advised by the park officer in charge of Wilson Island, where the owner of the dog was camping, that the park officer would take care of the matter and keep the dog under surveillance. The park officer stated that he had orders from his superior that only he (the park officer) could go into the area where the club was camped. The County Sheriff's office was also notified and attempted to investigate, but was also advised that the park officer would handle the matter.

The motorcycle club left the park early in the morning on August 22, 1973. The citizen called the Governor's Office on August 22, 1973, and was referred to the Citizens' Aide. The citizen was concerned because he felt that nothing had been done to restrain the dog and to determine whether it had rabies, and the club members had now left and he would have to take rabies shots, which can be very painful.

CA's investigation revealed that neither the park officer nor his supervisor had asked the name of the owner of the dog nor had they recorded the license of the owner's vehicle during the eight day period that the club members remained in the park. Reportedly, the park officer had received assurances from the owner that he would have the health authorities examine the dog when he got back to his home state of New York, and he would then report back to the park officer. CA feels that the credibility of this assurance was very questionable and that more should have been done to insure that the dog be checked and the findings reported.

(73-742 cont'd...)

CA asked the park supervisor if there were any records that would disclose the identity of at least one member of the club so that he could be contacted and the identity of the dog's owner ascertained. The park officer advised that there was not. CA suggested that there must be some record of the person who contacted the park to reserve the camp ground. He said that there was and checked the record and gave the name to CA. The person was a resident of Omaha, Nebraska. CA contacted the person, who gave CA a name of a person who supposedly was the owner of the dog from New York. CA made several long distance calls to the State of New York, but was unable to find out any information which would have been of help to the citizen who was bitten by the dog. CA feels that not enough was done by the park officer and his supervisor to insure that the dog was placed under observation, as required by law.

CA takes notice of the fact that much notariety was given to the fact that the well-known motorcycle club was visiting Iowa, and that their stay was virtually without any major incidents. But, it appears that the park officer and his supervisor were too busy "patting themselves on the back" that they chose to ignore this incident, thereby keeping the record unblemished, to the detriment of the citizen who was bitten.

The citizen was left with no alternative but to take the rabies shots.

The agency's response was as follows:

"This is in response to your letter dated December 13 and our telephone conversation of last week concerning the Citizens' Aide report regarding (the citizen).

We feel that the Citizens' Aide report is in error, incomplete and misleading and that the following points should be made:

As stated, the subject was reportedly bitten by a dog allegedly belonging to a member of a motorcycle club on private property at the I-80/I-29 interchange at Loveland, Iowa. Sometime following the biting incident, the dog apparently was taken by its owner to a reserved campsite in the Wilson Island Recreation Area.

The organization, which was identified by many as the (motorcycle club), had reserved a group campsite at Wilson Island. Due to their identification some threats of creating a disturbance had been made locally. In discussing the matter with representatives of the camping group we were assured that they would not cause any disturbance outside their campsite and related that the problems

(73-742 cont'd....)

are generally created by people who are aware of the (motor-cycle club's) reputation coming into their camp area with the intention of creating a disturbance. For this reason we blocked the road to their specific camping area to provide reasonable security both to the campers and to the general public. It is the general policy of this Commission to restrict campsites in all regular campgrounds to registered campers only. Our Park Ranger, was designated as the coordinator of activities and anyone wishing to enter the area was referred to the Park Ranger, so he could ascertain if he had legitimate reason to enter the reserved camp area. Everyone that attempted to enter the reserved area was referred to the Park Ranger and all of those who had a legitimate reason for doing so were permitted into the area.

On the evening of August 14, three men in a pickup truck stopped at the camp check-in station. One of them said he had been bitten by a dog which was owned by a man enroute to this campsite and stated that he wanted to recover the dog. He was told of the security regulations and it was suggested that he go to the house, approximately 150 yards away, where the Park Ranger, was eating supper and was informed that he was the only one that could handle matters of that nature. None of the three men identified themselves and there was no visible evidence of any of the three having been bitten by a dog. The three men got back in the truck and instead of driving to the Ranger's house as directed, drove away leaving the area.

Subsequent to the above incident, the Ranger went to the campsite and found that there were 7 or 8 dogs which fit the description of the one which had supposedly bitten (the citizen). All of them were on leash as required by Park regulations and all of them appeared to be healthy. One or two days later the Pottawattamie County Sheriff's office called and requested that the Ranger request the group to keep the dog under observation. The Ranger's report shows that he asked the Sheriff's office if they wanted the dog picked up and they replied that they did not; they merely wanted the dog kept under observation by the owner and wanted to be informed if the dog got sick or acted strange in any way. Representatives of the group assured him that this would be done. The representatives of the group also informed the Ranger that all of the dogs had been vaccinated for rabies and the dog which they assumed was being referred to in the Loveland incident was a rather unruly dog and had bitten members of their group in previous occasions.

In reviewing the reports of the five Commission employees involved, it appears that no official or individual, other than the one unidentified man in the pickup, made any attempt or request to impound the dog until after the dog with his owner had left the area.

(73-742 cont'd...)

In addition to the above it also appears that the Citizens' Aide investigator failed to familiarize himself with the Code of Iowa and the responsibilities of the various officials in regard to the apprehension and impounding of dogs. These responsibilities are quite clearly brought out in Chapter 351, Code of Iowa, 1973. During the various observations by our officers, the dogs were not running at large, but were on leash under the control of the owners or in transit. Section 351.37 of the Code states that the duty to apprehend and impound applies to dogs found running at large. Section 351.42 exempts certain dogs from the vaccination requirement and 351.39 makes a specific designation of responsibility in case a person has been bitten by an animal. At no time did anyone from the local Board of Health investigate or make any attempt to impound the dog or request the cooperation of our officers in carrying out such activities.

A Mr.--, who identified himself as a Citizens' Aide investigator, did contact some of our local personnel by telephone and they reported that he was personally abusive and made improper accusations and conclusions. As a matter of fact, his arrogance reached the point that they doubted his identification as a State employee.

The name of the representative of the motorcycle club was on our records and available to anyone who wanted to look at those records. At no time did Mr.-- or any other investigator come to or call this office to obtain the names or any other information or to request the cooperation of our employees in conducting his investigation. All of the personnel involved at the Wilson Island recreation area have made written reports to this office covering the incident. Those reports are available, however to date, no one has requested them.

The Citizens' Aide investigator took notice of the fact that our personnel were proud of their recreation area and their attempt to manage it and the people in accordance with the Code of Iowa; had he been as accurate and thorough in his reporting as they were with their responsibilities, perhaps this report would not be necessary.

EMPLOYMENT SECURITY COMPENSATION

(73-470) A citizen wanted to know why his unemployment checks had stopped and also wanted to know why he had been notified to appear at the local office of the Employment Security Commission.

CA checked with the ESC and was advised that the delay had been due to the employer's appeal, but that the citizen should be getting paid, and that the notice to appear was a routine procedure of the ESC in helping a citizen to find a job.

CA so advised the citizen.

(73-490) A citizen was retiring from government employment and was seeking advice as to how to get the maximum benefits from her I.P.E.R.S payments. CA checked into the matter and advised her as to what she should do.

(73-99) A citizen complained that she had filed for unemployment compensation, but was informed that she had insufficient wages from the employer against whom she filed. She stated that she had worked for this same employer previously and felt that she should be entitled to benefits.

CA contacted the Employment Security Commission and advised that the citizen had worked for this employer before and should have accumulated benefits. The ESC checked the citizen's file and reported that she was entitled to benefits, and should be receiving a check within a week.

CA reported this to the citizen.

(73-616) A citizen complained that he did not get the unemployment compensation that he was entitled to. CA checked with the Employment Security Commission and was advised that a mistake had been made and the citizen should have been receiving compensation. The Commission advised that the citizen would get back benefits as well as current benefits.

(73-802) A citizen complained concerning the fact that an employee who terminates employment with the State before his I.P.E.R.S. vests does not receive interest on the money in his account. The complaint was that I.P.E.R.S. does not make this clear to terminating employees.

CA contacted I.P.E.R.S. and was advised that a person who is employed by the State receives a booklet at the time of employment but it is up to the employing agency to inform the employee again at termination, as the law does not require that I.P.E.R.S. inform terminating employees concerning the money in I.P.E.R.S.

CA agrees, but expressed the opinion that the giving out of such information by I.P.E.R.S. at termination would be permitted under the law.

The matter was taken up at a meeting of the Employment Security Commission and the Commission decided to revise their pamphlet for terminating employees to point out to the non-vested employee that he will not receive interest on his contributions to I.P.E.R.S.

The agency's response was as follows:

"With regard to case number 73-802, we wish to advise that a procedure is being implemented to run a computer list by employer of all inactive non-vested accounts each year following the year of termination. This list will be sent to the employer advising a member that his contributions will no longer be credited with interest thus he should check his account and decide whether or not he wishes to withdraw his contributions."

(73-1131) A Mexican-American who is also a veteran complained that when he contacted the local Employment Security Office for assistance in finding employment, he was advised that he would have to speak to the Veteran's interviewer and could not speak to the Spanish speaking interviewer, because he was a veteran. CA contacted the local office and was advised that this indeed was the practice. CA contacted the director of Employment Services who looked into the matter and advised that the policy would be changed. He stated that the office was there to serve the public, and therefore, the rules should effect that purpose.

(73-891) An attorney called the Citizens' Aide because he had requested that I.P.E.R.S. send his client information concerning his options relating to I.P.E.R.S. The Attorney had contacted I.P.E.R.S. in August, 1973, and again in October, 1973, and had been told to be patient. The attorney stated that his client had requested the information in May, 1972, as had the school district that the client worked for, but apparently the information was never received.

CA contacted I.P.E.R.S. and was advised that the information would be sent out the same day. CA feels that such delay was not reasonable.

The agency's response was as follows:

"With regard to the above case, it appears that we did not receive the request from the school in 1972 for information regarding the above individual's account. The 1973 session of the legislature amended the I.P.E.R.S. Law which permitted a buy-back of prior service credit and as a result we were swamped and still swamped with thousands of letters regarding information and a ruling on each members eligibility for buy-back. Each case has to be personally reviewed and with our limited staff it has not been possible to reply in all cases as promptly as we would like. We are about to get everything current and hope that in all cases a request for information can be answered promptly."

(73-794) A widow whose husband had worked for the Highway Commission called to say that she had not received her I.P.E.R.S. check, even though it had been four months since her husband had died. CA called I.P.E.R.S. and was advised that the delay was because a form which had been sent to the Highway Commission was not returned until three months later, and that the check was now being processed by the Comptroller's Office and the woman should receive the payment within a week.

CA feels that the delay in this case was unreasonable.

The agency's response was as follows:

"With regard to your letter of December 11, 1973, on file #73-794, you did not identify the account involved, but we assume it is the case you discussed with an employee of this office. Naturally we are most desirous of making payment on all claims as soon as possible. We are dealing with substantial sums of money on some of these cases and it is very necessary that we determine for the benefit of the beneficiary, as well as the

(73-794 cont'd....)

system, the proper amount that is to be paid. To do this certain information must be available to us and in the instant case, the beneficiary failed to submit same when she filed her application, thus we had to ascertain the information elsewhere. There was an apparent oversight on the follow-up which caused the delay. Steps have been taken to try to prevent this in the future.

(73-1027) A citizen left state employment and applied for a refund on his I.P.E.R.S. He was informed that it would be six months before he would receive his check. The citizen wanted the money as soon as possible because he was going into business for himself. The citizen contacted his state senator and was referred to the Citizens' Aide.

CA contacted I.P.E.R.S. and was advised that the citizen had terminated employment prior to the end of the fiscal quarter and that it would be 90 days after the end of the quarter before he would receive his refund. CA advised that the citizen was planning to go into business and that he needed the money as soon as possible. A representative of I.P.E.R.S. advised that in "hardship cases" they can process a refund of contributions accumulated prior to the quarter in which the person terminates employment, but must wait until the end of the quarter to process that which was accumulated during that quarter. Also, if the citizen were to return to work for the state, he would be required to repay the amount which was refunded.

CA so advised the citizen.

The citizen called a few weeks later to state that he had received his check.

(73-961) A citizen applied for unemployment benefits after being discharged from the U.S. Air Force. He was denied benefits based upon the fact that he left the state looking for a job, when he found nothing locally. He appealed and the denial was upheld by the Employment Security Commission in a split decision, even though it was acknowledged that the citizen was indeed looking for work as required by law. The citizen was at that time working in Colorado, and did not appeal to the court.

The citizen advised that he had never been informed that he would have to seek work in the immediate area where the claim was filed.

(73-961 cont'd...)

CA contacted the Commission and was advised that it was indeed the policy that when a claimant leaves the area where he filed his claim to seek work, he must have his claim transferred to the local office in that area. However, this policy was not written down anywhere, apparently, and the interviewer was supposed to so advise each claimant at his initial interview. It was also pointed out that this was not a common problem. CA feels that the policy has merit, but that it should be a written policy, so that a claimant will definitely be informed of the policy.

CA determined that there is no provision in the law for reconsideration by the Commission on a claim where the claimant has failed to appeal to the District Court, therefore, there was nothing further that CA could do for the citizen.

The Commission advised that they are revising their pamphlets which are given out to claimants to include a statement of the rule requiring that a person seeking work out of the area where he filed his claim, have his claim transferred to the employment office in that area.

CA so advised the citizen and also advised that if he felt that the Commission was negligent in not advising him of the requirement, he might wish to file a tort claim against the state.

(73-1122) A citizen complained that school employees are not covered by Iowa's employment security law, and therefore are not eligible for unemployment benefits. CA advised that the citizen contact his state Senator or Representative if he felt that the law should be changed.

CA suggests that the General Assembly look into the matter to determine whether the law should be changed to allow out-of-work teachers and other former public school employees to receive unemployment benefits.

FAIR BOARD

(73-376) A citizen wanted to know why little league teams are charged for the use of a diamond at the State Fair Grounds while at other diamonds in the city there is no charge. CA contacted the Fair Board who advised that there has never been a charge, but it was recommended that the teams carry liability insurance.

CA so advised the citizen.

(73-1064) A woman complained that her daughter had worked 43 hours at the Iowa State Fair Teen Town, but was only paid for 28 hours. After several attempts, CA finally contacted Mr. Fulk who advised that there was a mix-up and that the woman's daughter should receive a check within a week.

HEALTH DEPARTMENT

(73-560) A citizen who is in the furniture and carpet business complained that the Union County Alcoholics Commission had become insolvent and therefore she could not collect the \$50.00 balance owed to her by the Commission for carpet furnished for the Commission Office. The carpet was installed so that it was not feasible to repossess.

The Iowa Commission on Alcoholism took the position that it did not want to "bail out" a local commission which got into financial troubles. The County denied liability and advised that the citizen go after the individual commissioner personally. The citizen did not wish to sue these individuals.

Citizens' Aide feels that the citizen should not have to bear the loss when she felt she was dealing in good faith with a governmental agency.

The amount owed was not in dispute.

Citizens' Aide feels that the law should be amended to set out the lines of liability when governmental agencies act in cooperation, as in this case.

The agency's response was as follows:

(73-560 cont'd...)

"The position of this Commission is that we, or the State of Iowa, are not responsible for the debts incurred by the Southwest Iowa Alcoholism Commission, which appointed its own board, registered itself as a non-profit organization and otherwise acted as a responsible and independent group.

The person who should be contacted in regard to the \$50.00 balance owed for carpeting is Mr.----."

HIGHWAY COMMISSION

(73-142) A citizen complained on behalf of a corporation concerning the practice of the Highway Commission to require a company which is awarded a contract under bid to agree, as part of the contract, to the following provision: "We propose to indemnify and save harmless the State of Iowa and the Iowa State Highway Commission against all claims for infringement of, and/or royalties claimed under, patents on materials and equipment furnished under this bid."

The citizen felt that this practice was "illegal" and produced a letter from his corporate attorney to prove this. CA notes that the wording of the attorney's letter was not that the practice was "illegal," but that the company "should resist giving patent indemnities with respect to bids for state contracts on products which are not (the company's) design."

CA reviewed the matter in view of the Iowa Commercial Code and feels that the practice of the Iowa Highway Commission is not illegal, at least with regard to state law. Whether the practice is in violation of any federal patent law is beyond the scope of the Citizens' Aide to determine. It appears that this type of clause is permissible under the Commercial Code, but whether or not it would be effective in each case would have to be determined by the Courts on a case by case basis.

CA feels that the advice of the attorney for the corporation was sound, but also feels that the practice of the Highway Commission is sound from its point of view. CA so advised the citizen.

(73-862) A citizen called to complain that the Highway Commission is interpreting section 321E.14 of the Iowa Code to mean that a person driving an escort vehicle for oversized loads on the Highway can only charge a maximum of \$6.00 per hour for this service. CA reviewed the Code section and believes that the Highway Commission's interpretation is correct. CA so informed the citizen.

CA feels that the General Assembly should consider amending section 321E.14 in view of the problems caused by establishing maximum limits which can be charged for a particular service. The citizen estimates that, after expenses, he is actually earning about \$1.50 per hour, which is below the federal minimum wage.

(73-9) An Iowa manufacturer of mobile homes contacted the Citizens' Aide. He stated that his company builds only 12 foot wide mobile homes in order to conform with Iowa law which restricts the movement of mobile homes wider than 12 feet. However, he stated that the Highway Commission is allowing 14 foot wide mobile homes manufactured by out-of-state companies to be moved a greater distance than the 50 mile restriction (Chapter 321E of the 1973 Code of Iowa).

Investigation showed that this was indeed the case and the procedure is as follows: An out-of-state manufacturer obtains a trip permit from the Highway Commission to move an oversize mobile home to a storage lot owned or rented by the manufacturer. Title is then transferred to a dealer who obtains a second permit to move the mobile home to his lot. Upon sale, title is again transferred and the purchaser may be granted a permit to move the mobile home another 50 miles, thereby completing a total of 150 miles.

If the purpose of section 321E.3 of the Iowa Code is to restrict the movement of vehicles over 14 feet in width, to a maximum of 50 miles, the intent of the law is being circumvented. The Citizens' Aide feels that the Highway Commission has the authority to exercise discretion as to whether to issue a permit and thereby could limit the distance of single over-size mobile home is moved. Based on an Opinion of the Attorney General which states that this practice is permissible, the Highway Commission has been exercising its discretion to allow this practice to continue.

We feel that this practice favors out-of-state manufacturers over Iowa manufacturers who attempt to comply with Iowa law, and private individuals who wish to move their oversize mobile

(73-9 cont'd...)

home. (see 73-546). An extension of the present system by the transfer of title to several dealers, each moving the mobile home 50 miles under permit could mean unrestricted movement of oversize mobile homes and other oversize vehicles within the state.

The Citizens' Aide suggests that the General Assembly take a look at Chapter 321E. of the Code to see if it should be amended in accordance with legislative intent.

The agency's response was as follows:

"This will acknowledge receipt of your letter of December 10, 1973 and attachment concerning the movement of mobile homes.

It is difficult from your report to determine who this citizen talked to in order to learn of the entire conversation. It appears possible from your report that this citizen has inquired about a permit to move a mobile home that is not eligible for movement on Iowa's roads. Chapter 321E prohibits the granting of permits to mobile homes in excess of 68 feet in length, however it is possible that her home measures 70 feet in length including the hitch. If this is the case, it may be possible to shorten the hitch and comply with the length limit.

Our permit officers who receive several calls each day concerning the movement of 14 foot wide vehicles and loads, are advising the callers as provided in the attached copy of the procedures. Owners of construction equipment and materials, utility equipment and materials, mobile cranes, mobile homes and other vehicles and loads in excess of 12' 5" in width are told routinely by our permit people that permits can only be granted for 50 mile maximum trip distances when they retain ownership.

Procedure for movement in Iowa of mobile homes and other loads which exceed 12' 5" in width are as follows(ref.321E)

A. Manufacturer to purchaser (sold unit)

The invoice must show manufacturer's name, dealer's name and the purchaser's name and if all three names appear on the invoice, three permits may be granted, one for each owner shown. Each permit will be issued for a maximum trip distance not to exceed 50 miles and each of the three permits will be dated for the same 5 moving days. Total moving distance cannot exceed 150 miles.

(73-9 cont'd...)

The invoice must be carried with each of the three permits and be open to inspection by enforcement personnel. Failure to do so will be considered a permit violation.

B. Manufacturer to dealer

The invoice must show manufacturer's name and dealer's name and if both names appear on the invoice two permits may be granted, one for each owner shown. Each permit will be issued for a maximum trip distance not to exceed 50 miles and both of the permits will be dated for the same 5 moving days. Total moving distance cannot exceed 100 miles. The invoice must be carried with each permit and be open to inspection by enforcement personnel. Failure to do so will be considered a permit violation.

C. Dealer to purchaser (sold unit)

Sold mobile homes moved from the dealer's sales lot must display dealer's paper plates showing purchaser's name, taxes collected and license applied for. At no time can this or any other move be made from one sales lot to another or can it be made from one dealer's storage lot to another dealer's storage lot.

This same procedure applies to modular homes, half houses and other loads exceeding 12' 5" in width.

Every mover is cautioned that repeated violations of the above procedures may result in our reverting back to procedures requiring single day moves for each owner shown on the permits and the use of storage lots. Your cooperation is appreciated.

(73-546) A citizen living in Mason City was planning to move to Cedar Rapids, but was unable to get a permit from the Iowa Highway Commission to move her 14 foot by 70 foot mobile home since the distance was more than 50 miles. The Highway Commission advised that 50 miles is the limit as stated in 321E. of the Iowa Code and that "this is the law" and there are "no exceptions."

The Citizens' Aide feels that the Highway Commission is applying the law differently than in case (73-9), by stating that there are "no exceptions".

"This will acknowledge receipt of your letter of December 11, 1973 and attachments concerning Chapter 321E. of the Iowa Code.

326538

(73-546 cont'd...)

First of all, Iowa mobile home manufacturers can and do follow the same procedures as out-of-state manufacturers. Therefore, the Iowa practice does not favor out-of-state manufacturers as your report indicates. For example, Cardinal Craft, a 14 foot wide mobile home manufacturer at Cedar Rapids, has for several years moved its products to Des Moines and out of state through Minnesota and Wisconsin. The total distance involved in these moves is certainly greater than 50 miles and the moves are accomplished by the same procedures used by other manufacturers. Other Iowa manufacturers using this procedure are: Colonial Mobile Homes at Kalona, Iowa; Belmont Homes at Belmont, Iowa; Design Homes at Humboldt; and Sandler Built Homes at Boone, Iowa. May I suggest that you contact these companies for verification and the Iowa Mobile Housing Institute for further information. Should you desire, we can provide permit records showing that this procedure is followed by Iowa Manufacturers.

Secondly, transfer of title from one dealer to another dealer is not permitted by the procedure. Therefore, such movements are restricted by the Highway Commission.

May I suggest that you contact our Traffic Weight Operations Department for clarification of our procedures."

(73-876) A citizen complained concerning work which is being done by the Highway Commission on Highway 44 west of Highway 169 in Dallas County. The citizen lives along a four mile stretch which is under construction and does not have access to her property, especially during wet weather when conditions are completely impassible.

The citizen stated that the Highway Commission Resident Engineer had promised that the Commission would build a road for the citizen if necessary to insure a means of ingress and egress. However, this was not done.

CA contacted the Director of Highways who stated that the Commission was doing all it could, but that no one had promised the citizen that a road would be built if necessary because this was not the Commission policy. He did indicate that the Commission may have to change certain policies in this regard stating that in the past a farmer who lived along a road or highway under construction didn't worry about the conditions because he knew that he could get through with his tractor if necessary and he didn't need to go to town very often anyway.

893086

AVON TO WASHINGTON FIELD OFFICE

893086

(73-876 cont'd...)

The weather conditions stayed dry for a while and the citizen reported that she could get out to the South, but she still felt that she had not been treated right by the Highway Commission.

CA agrees with the Director of Highways that there is need for a change in policy. CA further feels that the Highway Commission should, in general, be more sensitive to human needs when constructing and reconstructing highways.

The agency's response was as follows:

"This is in reply to your report dated December 13, on your file (73-876).

Mr. and Mrs. --- have complained on many occasions to the Highway Commission about the inaccessibility of their property during construction of Highway 44 west of U.S. 169 in Dallas County.

There were undoubtedly some periods during the fall when rainy weather made it very difficult for these people to have access to their property. However, we have many other property owners along this project who apparently were able to make arrangements to get into and out of their homes; and I know that the contractor made every effort to have vehicles available to transport them as necessary.

I am sure that there were inconveniences in this instance, but I take exception to your comment that the "Highway Commission should, in general, be more sensitive to human needs when constructing and reconstructing highways."

The reason we build highways is to respond to human needs and it is a very strict policy of this Commission to consider every possible alternative in order to minimize the inconveniences caused by our projects.

We will continue to review each project in an attempt to keep the adverse impacts of them to a bare minimum."

(73-294) A citizen complained that his land was being acquired by the Highway Commission, but the Commission's offer was much lower than the appraised value of the land including relocation allowances.

(73-294 cont'd...)

CA advised the citizen of his right to take the matter to condemnation. The citizen did so and received \$12,500 more for his property. This indicates to CA that the Commission's offer was indeed low and that much time and expense could have been avoided by a fairer offer being made in the first place.

The agency's response was as follows:-

"This letter will refer to the above captioned parcel. It is your file (73-294). We certainly do not agree with the conclusion.

Permit me to give you a brief resume' of our acquisition activity on this particular parcel of land. We secured the services of two independent appraisers to make a complete appraisal for us. One appraisal report was prepared by Mr. A. of Waterloo, Iowa. His appraisal indicated the fair market value of the property as of November 29, 1972, was \$30,300.00. Mr. A. is a well-qualified appraiser. He is a member of the prestigious American Institute of Real Estate Appraisers and other professional appraisal organizations. It is our opinion that Mr. A. is one of the best qualified and most experienced appraisers in the State of Iowa.

The second appraisal prepared for us was by Mr. B. of Des Moines, Iowa. Mr. B. is also a professional appraiser and is a member of the Society of Real Estate Appraisers. We feel that Mr. B. is also a very competent appraiser. His appraisal valued the property at \$30,000.00.

The two appraisal reports were reviewed by a member of the Commission staff. We accepted the A. appraisal. In our opinion, the fair and reasonable market value of the property was \$30,000.00 for the real estate and \$300.00 for the fixtures for a total of \$30,300.00.

Negotiation was started on January 16, 1973. The Right of Way Negotiator from the Commission contacted (the citizen) and offered \$30,300.00 for the real estate and fixtures.

We were unable to negotiate an agreement with (the citizen). A compensation commission was convened on June 19, 1973, and the condemnation award was \$42,500.00. Our representatives at the compensation commission hearing presented information to the effect that our offer was \$30,300.00. (The citizen) also appeared at the compensation commission hearing and indicated this compensation should be approximately \$67,500.00. A local realtor from Cedar Rapids by the name of Mr. C. also appeared at the compen-

(73-294 cont'd...)

sation commission hearing on behalf of (the citizen). His testimony indicated market value to be \$47,400.00.

The property owner prior to condemnation was asking for a settlement of \$100,000.00. Before the compensation commission, he was asking for the \$67,500.00 previously indicated. Based upon the evidence that was presented and the compensation commission's final determination of value, it is apparent that the Highway Commission's appraisals were far more realistic than any of the expectations of the property owner.

It has been the State Highway Commission's experience that we acquire approximately ninety percent of all of the right of way needed for highway construction. When one considers the litigation that is necessary to secure adequate title, it is obvious that there are very few controversies over the amount of the State's appraisals and our offers of compensation.

Based upon the action of one compensation commission raising the State's offer, I am hard pressed to see how you could draw the conclusions that you state in your report. We take exception to those conclusions and feel that your office would be inaccurate in releasing any reports that contain the assumptions that you have outlined."

(73-628) A citizen complained that the Highway Commission had failed to comply with a clause in the contract for acquisition of land for an interstate highway through the City of Burlington, Iowa. The clause in question states: "The buyer (Highway Commission) agrees to construct a turn around at the north end of the alley on State owned land." The turn around was necessary so that the citizen could exit the alley at the other end once the alley had been closed off for highway construction next to his property. The turn around, as constructed, was inadequate, according to the citizen since he could turn his vehicles around with some difficulty only by using the area of the turn around on State owned land in conjunction with the area of the adjoining alley and part of his own property, which was opposite the turn around on the other side of the alley. The citizen requested that an additional ten feet be cut out of an embankment which is part of the land acquired from a neighbor so that the turn around would be enlarged. CA feels that this request was not unreasonable, especially since the citizen may possibly have a legal claim for breach of contract against the Highway Commission based on the above cited contract clause. A representative of the Commission stated to CA that the Commission would fight the citizen in court

(73-628 cont'd...)

if necessary and would not enlarge the turn around unless ordered to do so by the court.

CA realizes that in many instances the Highway Commission has to go to court, but feels in this case, weighing the chance of success, and the relative costs of excavating an additional ten feet as opposed to the cost of court action, which, presumably would be most costly to the taxpayer, that the Commission should have given more consideration to accomodating the citizen at less expense and possibly with an additional benefit of good public relations.

CA notes that other facts may have had a bearing on the decision in this case, namely, problems concerning the land acquired from the neighbor and personality conflicts between the citizen and Resident Engineer.

The citizen indicated that he intended to take the matter to court.

The agency's response was as follows:

"The complaint made by (the citizen) has been reviewed. The District Office has discussed this with the Resident Construction Engineer in charge of the project.

The contract with (the citizen) did not require the purchase of land. The payment was for access rights to Curran Street to the west of the property. It also included payment for right of entry to construct steps and shape slopes. The contract included a provision that the Buyer would construct a turn around at the north end of the alley on state owned land. The size and surfacing was to be determined by the Resident Construction Engineer.

The turn around is on the east side of a 16 foot wide alley. It is constructed twenty feet east of the alley and is 20 feet long parallel to the alley with 20' radius curves at each side. From the west side of the alley to the east limits of the turn around, there is 35 feet for a vehicle to head in and back out making a turn to the desired direction. It is the field opinion that this is sufficient room. Other turn arounds have been constructed with the same dimensions and have been satisfactory. The north end of the radius is at the right of way line. This is as far north as possible.

Based on these facts, we feel that the state has fulfilled the intent and conditions of the right of way contract. "

HISTORY AND ARCHIVES

(73-968) A citizen was trying to obtain some articles back from the State Historical Society because he stated that they were given in 1926 without the permission of the two other owners.

CA contacted the Curator for History and Archives who produced a document showing that the articles were donated with the permission of all the owners. A copy of this document was sent to the citizen.

INSURANCE DEPARTMENT

(73-459) A citizen complained that her pension had been terminated and she felt that an insurance company was at fault. CA referred the matter to the Iowa Insurance Department. Although CA requested that the Insurance Department report its findings to CA, no report was received. Finally, after numerous inquiries from CA, the Insurance Department responded that its investigation showed that it was not an insurance company who was at fault, but was the company the citizen had worked for, and the citizen's remedy, if any would be through the courts. CA so advised the citizen.

The agency did not request to have a reply, but indicated that part of the delay was that the Department's staff attorney was attempting to find some way to help the citizen, and that this case points up the problems of the present pension systems of some companies. It is dependent upon the continued corporate existence of the employer. The agency apologized for the lack of timely response.

BEER AND LIQUOR CONTROL DEPARTMENT

(73-350) A citizen complained that a recently constructed building for a State Liquor Store did not provide access for handicapped individuals in wheel chairs. CA wrote to the Director of the Iowa Beer and Liquor Control Department inquiring why ramps had not been installed. The Director replied that the building had not been built with State funds and was just being rented by the Department, but that he had given instructions to have a ramp installed.

MERIT EMPLOYMENT DEPARTMENT

(73-444) A citizen applied for a position through the Merit Employment Department and felt that he had been unfairly treated when he did not get the job. After much correspondence between the Citizens' Aide and the citizen and much contact with the Department, the citizen still felt aggrieved. CA then arranged a meeting between the citizen and a representative of the Department. CA attended the meeting with the citizen and the citizen indicated that he was satisfied with the results.

DEPARTMENT OF PUBLIC SAFETY

(73-242) A citizen had been convicted of operating a motor vehicle while under the influence of alcohol and was having trouble obtaining a work permit to drive. CA contacted the Department of Public Safety and the problem was worked out.

(73-404) A citizen came to the Citizens' Aide Office and stated that he was a resident of California, but was planning to move permanently to Des Moines, Iowa. His right leg was missing below the knee and he walked with a crutch. He stated that he had a California driver's license with the restriction that he could only drive a car with an automatic transmission. He wanted to know whether he would be able to obtain a driver's license in Iowa.

CA called the Department of Public Safety and was advised that the citizen would be permitted to obtain a license in Iowa under the same restrictions as in California. CA so advised the citizen.

(73-688) A citizen from Iowa who is currently a student in Maryland, bought a car in Maryland and wanted to license the car in Iowa. She stated that she would be returning to Iowa in the near future, but wanted to register the car in the meantime.

The county advised that she would have to have the car inspected and that the information that the citizen had sent was not sufficient to allow the car to be registered.

CA contacted the Motor Vehicle Registration Division of the Department of Public Safety and was advised that the law had been changed regarding inspection so that a citizen from Iowa living out of state could register a vehicle in Iowa after August 15, 1973. The department sent out the necessary forms to the student.

(73-874) A citizen was involved in an accident in September, 1971. The driver of the other car listed on the accident form that he had insurance with a certain company. The insurance company denied coverage, but, the Department of Public Safety did not suspend the license of the other driver. The citizen stated that he had been trying for two years to either get payment for the damage to his vehicle or have the other driver's license suspended. He stated that he had lost his faith in government.

CA contacted the Department and asked that the matter be looked into. The Department advised that under section 321A.5(3) the Department sends out a form (SR-21) to the insurance company which is listed on the accident report form, and if the SR-21 form is not returned to the Department of Public Safety, denying coverage, it is presumed that the driver was covered. In this case, the SR-21 form had been sent out, but had not been received back by the Department of Public Safety, thereby creating a presumption of coverage.

CA advised that the citizen file in Magistrate Court. The Department received a notice of the denial of coverage dated October 10, 1973. Since the accident had occurred over a year prior to that time, the license could not be suspended based on this denial.

The Department suggested that if the citizen obtained a judgement against the other driver, and the judgement remains unsatisfied for 60 days, and providing that the Clerk of Court certifies such to the Department, the Department would suspend the license of the other driver.

CA suggests that the General Assembly review section 321A.5(3) to determine whether it would be more desirable to make mandatory that the insurance company notify the Department either affirming or denying coverage, rather than presuming coverage if notification of denial is not received.

The agency asked that the following response be included:

"In response to your letter concerning the Iowa Financial Responsibility Law, I would not favor a change in the Iowa Code to require insurance companies to notify the Department of Public Safety either affirming or denying coverage in all accidents.

This provision was a part of the Iowa Code when the Financial Responsibility Law was first enacted and it was changed later due to the many administrative problems created by that particular provision. The Department contended and the legislature agreed that it would be reasonable to assume that coverage was afforded unless

(73-874 cont'd...)

the insurance company advised the Department otherwise. There have been only a mere handful of cases through the years where a situation developed as in the case you mentioned and we feel that for the small number involved a change in the law back to its original provision is not justified.

The Financial Responsibility Law is aimed at making all drivers financially responsible for any damage they do, but it is not intended to settle claims or to replace the courts in determining who should pay. We believe that technically speaking we do not even have legal authority to disclose information on accident reports as to insurance coverage at all and it has only been through the leniency of this Department that people have been able to obtain this information. We realize that some individuals feel that they should be able to use the Department's records as a lever for forcing claim settlements and that they prefer this over taking the legal action afforded to them by the Code. There has been considerable talk among legislators in recent years about making the Department's records even more restrictive and even to the point of prohibiting the Department from maintaining records of accidents unless convictions resulted from the accidents. We do not necessarily concur with such restrictive action, however, we do feel that considerable confidentiality should be maintained by the Department's records and that the Financial Responsibility Law should be used only to enforce or encourage drivers to be financially responsible and that the law should not be used to replace the courts in claim settlements.

Again I would reiterate that we would not favor a change in the Code as you suggest.

If I may be of further service in the matter please advise."

(73-1106) A citizen complained that he had lost his driving privilege because of a conviction for unlawful use of a license. He must file proof of financial responsibility before he can have the suspension lifted. CA notes that under present law, such proof is mandatory, but there is legislation being proposed (S.F.391, H.F.248) which would give discretion to the Commissioner of Public Safety to require or not require proof of financial responsibility for this offense. CA feels that this change would be good because it gives the Commissioner the opportunity to consider mitigating circumstances, as appeared to be the case in this instance.

(73-828) An automobile dealer in western Iowa complained that a field man for the Department of Public Safety had informed him that he could not make application for registration and title for a new car sold on "announcement day" unless the figures were available as to price, etc., from the factory. Normally, when a dealer displays the new models, he has not received the invoices, and many times they are not received for several days. If he can not use the paper plates until the information is received from the manufacturer, his sales might be hurt because people buying new cars would not be able to drive them until the paper plates are installed. He stated that the practice all over the state is to issue the paper plates and send in the registration application when the information is received from the manufacturer. CA checked the relative sections of the Iowa Code, 321.25 and 321.26, and feels that the field man's interpretation was correct. Apparently the practice of most dealers is to issue the plates and not ask whether this is lawful.

CA feels that this provision in the law would be very difficult to enforce and advises that the General Assembly consider amending the law to allow the present practice of most dealers to be legitimized, thereby allowing dealers to use the paper plates, but requiring them to forward the necessary information to the Department immediately upon receipt from the manufacturer.

"With reference to the recommendation you have made in your report numbered (73-828), concerning the use of "Registration Applied For" cardboard plates, I am hereby making reply to said report and request that this reply be included in the published report of the Citizens' Aide.

In reviewing your report it appears that you recommend that the dealer be allowed to issue a "Registration Applied For" cardboard plate, but require the dealer to forward the necessary information to the department immediately upon receipt by the manufacturer. I believe that the information you refer to relates to the weight and list price of the vehicle, which is required so that the department can determine the appropriate registration fee.

However, this information is required to be submitted to the department by the manufacturer and not the dealer. The procedure relating to this matter is contained in sections 321.157 through 321.162, Code 1973. Section 321.158, Code 1973 provides that no motor vehicle shall be registered in this state unless the manufacturer thereof has furnished to the department the sworn statement showing the various models manufactured by him, and the retail list price and weight of each model. The department determines the appropriate registration fees for passenger type vehicles, based on the manufacturers certification, and furnishes this data to each of the county treasurers.

(73-828 cont'd...)

Assuming that the dealer could issue "Registration Applied For" cardboard plates without collecting the appropriate registration fee, numerous problems would very probably arise. For instance, the manufacturer very probably would no longer be concerned with forwarding the certification to the department on a timely basis, inasmuch as the dealer could issue the cardboard plate without collecting the fee. Thus, the buyer of the vehicle might be unable to obtain a valid plate within the twenty days that the cardboard plate remains valid. In addition, who would ultimately be responsible for forwarding the proper fees to the county treasurer would be difficult to establish. That is, the fees could not be collected by the dealer at the time of sale because he would not know what the appropriate fee was, and after obtaining the information he might well find it next to impossible to contact the owner in order to obtain the appropriate fee, especially within the twenty day period that the temporary cardboard plate remained valid.

Under the present procedure, the manufacturer knows that the dealer cannot legally deliver the new car with temporary plates displayed thereon, until such time as he, the manufacturer, furnishes the certification of vehicle weight and list price data to the department. Although it is true that in a number of instances the manufacturer does not furnish this information to the department until the date that new cars are shown to the public, the department almost always has the information at least by "new car show time" and is able to get the information concerning registration fees to the various county treasurers shortly thereafter. Consequently, the problem with issuance of temporary plates caused by the lack of information concerning the registration fee, is usually of short duration.

The entire problem could be resolved if the manufacturer would furnish information to the department at least ten days prior to the date that new models are offered for sale to the public. The department has contacted many of the manufacturers concerning this problem and it is known that the automobile dealers association in this state has also contacted the manufacturers on this matter. At the time the 1974 models were first offered for sale, the department received the information on a more timely basis than in the past, and hopefully it will be received in the future in sufficient time to enable the department to determine the appropriate registration fee and have the information to each county treasurer prior to "new car show time."

Based on the above, it is the opinion of the undersigned that no legislation should be enacted, which would result in repealing the requirement that registration fees be collected by a dealer as a pre-requisite to issuance of "Registration Applied For" cardboard plates."

RECIPROCITY BOARD

(73-884) An out of state non-commercial trucker contacted the Iowa Revenue Department to obtain a fuel tax permit. He thought that he had done all that was required to bring his truck into the State. However, he was stopped and ticketed for failure to have a permit from the Iowa Commerce Commission and from the Iowa Reciprocity Board. The citizen stated that he was not told that there were other agencies which he would have to contact in order to comply with the Iowa law. CA feels that this complaint is justified.

CA contacted all three departments involved and requested that they routinely advise citizens who apply for a permit that they should contact the other agencies too. The departments stated that they would do so.

This problem would most likely not occur if all these permits were issued by the same department, which would be the case if Iowa created a Department of Transportation.

(73-686) A citizen was having trouble obtaining license plates for his truck in pro-rating through the Reciprocity Board.

CA called Reciprocity and arranged a meeting with the Director. The Director spent about an hour with the citizen and the problem was worked out. The citizen indicated that he was pleased with the results.

BOARD OF REGENTS

(73-76) A citizen complained that he did not understand his bill from the University of Iowa Hospitals. CA wrote the University asking for an explanation. CA forwarded the University's response to the citizen.

(73-147) A citizen felt that he had been overcharged by the University Hospitals in Iowa City. CA contacted the doctor involved to see whether he would reconsider the charges made. Initially, the doctor refused, stating that he felt that the charges were justified. The citizen was not satisfied, and still felt that he had been overcharged. CA arranged for the citizen and the doctor to communicate directly. At a later date the citizen called to state that the charge had been lowered.

(73-16) A citizen was planning to apply to the University of Iowa for post graduate study. His first preference was Law School. Realizing that his chances of being accepted to Law School were not very good, due to the large number of applicants, he wished to apply to the graduate college at the same time and, make a decision later if either or both alternatives became open to him. He was informed by the Admissions Office that he could not make application to two departments at the same time. The stated reason was that there would be computer problems if a prospective student applied to more than one department.

CA could find nothing in the Departmental Rules for the Board of Regents which stated such a policy. CA contacted Iowa State University to inquire whether such a policy existed at that institution, and was informed that no such policy existed at I.S.U. and, to the contrary, a student was encouraged to apply to as many colleges as he was qualified to do so, since he might then choose from a number of alternatives that which appeared to be in his best interest.

CA felt that the policy at I.S.U. had merit and CA also feels that the computer should be the slave of the people, and not vice versa, as it appeared to be in this case.

CA wrote to the Dean of Admissions asking that the policy be reviewed. The Dean responded that, based upon CA's letter, the matter had been reviewed by the Academic Deans and the policy had been discontinued.

The University's reply was as follows:

Dear Mr. Mayer:

President Boyd asked me to respond to your letter because of my involvement in the matter at the time it originally was presented. The proper box of the three to check would probably be the first one. This not because we have any objection to the report, but merely that the report being complete in itself requires no reply. We are pleased to have this brought to our attention and have the matter resolved on the side of public convenience.

Yours truly,
Howard N. Sokol.

(73-34) A citizen had been working for the Johnson County Department of Social Services and had accumulated about ten days of vacation time, as well as about 70 days sick leave. She terminated her employment with the county department in order to take a job with the University of Iowa. The county department would not pay her for her vacation, and the University would not transfer her vacation time. There are two different Merit systems involved here, and apparently they conflict on the points of vacation leave and sick leave.

CA advised the citizen that section 601G.9(1) prohibits the Citizens' Aide from investigating the complaint of an employee of an agency in regard to the employee's employment relationship with the agency. CA therefore advised that the citizen submit a claim to the State Appeal Board.

CA suggests that the Merit Employment Department and the Board of Regents get together and standardize certain policies which might effect someone transferring from a department under one merit system to a department under the other system.

CA notes that the citizen received her pay after filing a claim with the Appeal Board.

The agency's response was as follows:

"Dear Mr. Mayer:

I am writing in reply to your letter (a copy of which is attached) concerning the case of an employee of the Johnson County Department of Social Services, covered under the State Merit System, who terminated that employment to accept a position with the University of Iowa. The Johnson County employer refused to pay her accumulated vacation time, and the university will not assume her vacation credits.

You suggest that the Merit Employment Department and the Board of Regents jointly review and standardize policies covering this situation, and conclude by noting that the employee-citizen did receive her pay after filing a claim with the Appeal Board.

I agree with your suggestion that we get together with the State Merit Employment Department to explore the possibility of establishing a standard policy to equitably resolve situations such as the one at hand, and will take appropriate action.

Sincerely,

R.Wayne Richey."

REVENUE DEPARTMENT

(73-141) A citizen complained that she is starting a business and the Iowa Revenue Department is requiring her to post a bond in order to obtain a tax permit.

CA contacted the Department and was advised that this was authorized under section 422.52 of the Iowa Code, and the Department felt that this was necessary due to the rate of failure of small businesses.

CA so advised the citizen that the Department was acting within the law, and the law could only be changed by the General Assembly.

(73-1002) A citizen called from Garrison, Iowa which is a small Benton County Community where a number of artists and craftsman live and maintain small shops. These artists also sell their crafts at shows throughout the state. The problem is that when selling at a show in another part of the state, an agent from the Revenue Department always shows up and issues a sales tax permit and demands that the tax be paid on the spot. The citizen wanted to know why the tax could not be paid under the artist's regular tax permit, and reported in the same manner as regular taxes.

CA contacted the Director of the Sales Tax Division of the Revenue Department who advised that the tax has to be collected on the spot because the sales tax collected under the regular permit would be credited to Benton County, but taxes collected elsewhere in the state should be credited to the county where collected. He further explained that the citizen would not have to report the taxes on the sales outside Benton County, on his regular quarterly tax reports, since the tax had already been collected.

The director stated that the Department is in the process of studying the procedures and considering changes regarding the collecting of taxes by field agents at shows such as these. CA advised the citizen of the findings and suggested that he might write to the Department requesting that the procedures be changed.

(73-1028) An attorney called stating that due to the fact that his law partner had been convicted of federal income tax evasion, his books were being audited. Since the audit is very time con-

(73-1028 cont'd...)

suming, and, therefore, costly to him, he wanted to know why the state and the federal revenue agencies could not share the results of one audit, thereby saving time and money for all concerned.

CA contacted the Iowa Department of Revenue and was advised that there is an agreement whereby the state and federal agencies can share the results of an audit. CA contacted the local office of the Internal Revenue Service and was advised that in many cases they do accept the state audit, but since they had already started their audit and were about half-way through, they intended to continue.

CA suggests that a sharing of audits in such cases might be beneficial to all concerned.

The agency's response was as follows:

"It is my desire to reply to the case regarding the sharing of audits between the Iowa Department of Revenue and the Internal Revenue Service. This case is your file (73-1028).

Currently, the Iowa Department of Revenue and the Internal Revenue Service do have an agreement for exchange of information, which includes audit data which may be ascertained from an audit by either agency. This eliminates duplication of audits in the majority of cases.

There are some instances when the Department may be conducting an audit on a tax payer which is unrelated to an audit being conducted by the Internal Revenue Service. For example, the Department may be auditing for sales, motor vehicle fuel and income taxes, whereby the Internal Revenue Service is only concerned with income tax. Also, the situation may occur when the Internal Revenue Service may be conducting an audit and notification has not been received by this Department that such an audit is occurring. This does not occur in most instances, although the possibility exists.

(73-481) A citizen called to complain on behalf of his brother. Allegedly an Iowa Revenue Department agent had contacted the county treasurer's office requesting that new license plates not be issued to the brother because he owed back income taxes. Under section 321.30 (6) the county treasurer shall refuse to issue license plates if the sales tax is not paid. CA could find no authority in the Code of Iowa which permitted for a State Revenue agent to cause such stop order to be issued for non-payment of income taxes.

(73-481 cont'd...)

CA contacted the Revenue Department, Collections Section, and was advised that the agent had requested the stop order because the citizen's brother had not been at all cooperative with the Revenue Department, i.e., would not answer the door when an agent stopped at his house. The Department advised that the request had been withdrawn.

The Department pointed out that a lien or security interest in the motor vehicle could have been perfected by the Department under Rule 260 (b) of the Iowa Rules of Civil Procedure. CA agrees, but this is hardly justification for issuance of a stop order on the license plates as an alternative.

CA feels that the action taken by the agent in this case was not in accordance with law, and even though the citizen had been uncooperative, the agency should have resorted to legal remedies rather than acting beyond the scope of his authority.

SECRETARY OF STATE

(73-995) A club formed a non-profit corporation. In 1972 the president of the corporation moved out of state and a new president was chosen. When filing the 1972 annual report with the Secretary of State, the new president requested a form to change the address of the corporation, since the old address was that of the former president. According to the new president, he never received the form, therefore, the address was never officially changed, although the 1972 report did have the new address listed on it. Apparently, the new president was not aware of the requirement that the corporation had to file an annual report for 1973. At least, this was not done. Before cancelling a corporation which fails to file an annual report, the Secretary of State's office sends out a notification that the corporation will be cancelled in 30 days if the annual report is not received. In this case, the notification was sent to the address of the former president of the corporation, and from there it apparently was forwarded to him in Florida.

Since the new president did not receive the letter of notification he did not file the annual report within the 30 day period, and the corporation was cancelled. When the new president received word that the corporation had been cancelled, he was also advised that penalties totaling \$32.50 would have to be paid before the corporation could be re-instated. The president felt that he wasn't notified due to the fact that no one in the Secretary of State's office sent out the change of address form as

(73-995 cont'd...)

requested at the time of filing the 1972 annual report.

CA reviewed the Secretary of State's file on the matter and concluded that there appeared to be fault on both sides. CA contacted the Corporations Director who advised that he would not waive any penalties unless the Secretary of State himself ordered him to. CA contacted the Secretary of State and advised him of the facts and advised him that there appeared to be fault both on the citizen's part by failing to file a report for 1973, and on the part of the Secretary's staff for failing to send out a change of address form. CA asked the Secretary of State to review the case and decide whether it would be appropriate to waive any part of the penalty.

The Secretary of State reviewed the matter and voided the corporation's cancellation and waived most of the penalty involved. The corporation was required to file its 1973 report. In making his decision, the Secretary took note of the fact that it was a non-profit corporation and had little money in its corporate treasury.

DEPARTMENT OF SOCIAL SERVICES

(73-53) A citizen complained that her mother could not be removed from the nursing home where she was a resident without jeopardizing her Old Age Assistance grant. She had been so informed by the Director of the nursing home. CA checked with the State Department of Social Services and was advised that the policy is as follows: Old Age Assistance will not pay for any absence in excess of 48 hours, but the grant will be renewed upon the recipient's return to the home.

CA asked that the Department contact the nursing home director to clarify the Department policy. CA so informed the citizen.

(73-35) A citizen had been authorized to cash checks for her sister who was receiving Aid to Disabled. A new system of identification has been started by the Department of Social Services whereby a person authorized to cash a welfare check is issued an I.D. card with his or her picture on it. The citizen had been asked to come in to have her picture taken, but did not know where to go.

CA found out the information and so advised the citizen.

(73-116) A citizen complained that she did not receive her February, 1973 check for Aid to Dependent Children (ADC), and had been informed that she had been terminated. CA contacted the county department of Social Services and discovered that a mistake had been made and that corrective action would be taken by the county.

(73-887) A citizen complained because the Clinton County Department of Social Services had cut her off of Aid to Dependent Children payments (ADC). CA contacted the County Department who advised that the citizen had been cut off because she had been uncooperative and had refused to furnish information to the Department which would help in determining her continued need for assistance. CA felt that the County was reasonable in its requests for information and advised the citizen to cooperate. CA also advised her that she did have the right to appeal to the State Department of Social Services.

(73-894) A citizen wrote to the Governor and the letter was referred to the Citizens' Aide. The citizen stated that she is on Old Age Assistance and could not afford repairs which were necessary after her basement was severely damaged by water. CA consulted the Social Services manual which showed that funds for repairs are available in certain cases. In this case, the Department of Social Services had a lien on the property and it made sense to have it repaired.

CA contacted the County Department which was most cooperative and advised the procedure that the citizen would have to go through to have the property repaired at the Department's expense. CA so advised the citizen.

(73-408) A citizen who was receiving Aid to Dependent Children (ADC) called her state Senator, who referred the citizen to the Citizens' Aide. The problem was that she had recently moved and had notified the Department of Social Services, but she still did not receive her check on the date it was expected. CA contacted the Department who advised that the check had indeed been sent to the former address. The Department advised that they would look through the returned checks as they came back in and would forward hers to her new address as soon as possible. CA called back the citizen and so advised her. She stated that in the meantime she did not have any food in the house and she didn't know what she would do to feed her children. CA contacted the

(73-408 cont'd...)

Polk County Department of Social Services who stated that they would give her the food stamps which she could normally get and that she could pay for them later. CA called back the citizen and advised her that she would be allowed to pick up her food stamps. She stated that she did not have transportation to the County Department to pick them up. CA advised that we would furnish transportation for her. CA took her to the County Department to get her food stamps.

On the following day, the State Department of Social Services notified CA that the citizen's check had been mailed to her new address. CA so informed the citizen.

(73-722) A citizen complained that his son had been taken away from him by the county department of social services and he wanted the boy returned to him.

Investigation disclosed that the child was removed under order of the juvenile court and placed in the custody of social services. The boy had been placed in a foster home several times in the past voluntarily by the parents because they were having marital problems.

CA contacted the social worker involved who advised that she would like to place the boy back with his parents, but felt that the time was not right at the moment. She stated that she felt that the parents would have to work out their marital problems before the child should be returned to the home. She felt that if she returned the child too soon, that he would have to be removed again and she felt that the juvenile court might go farther and sever parental ties. She stated that another social worker was working with the parents and she felt that the problems could be worked out and the child eventually could be returned for good. She advised that the parents cooperate with social services. She also arranged for visits between the parents and the child.

CA so advised the citizen that he should cooperate with the department. The citizen agreed that this would be the best course of action.

(73-657) The Citizens' Aide received a complaint on behalf of several persons that the Woodbury County Social Services Director had on numerous occasions given orders to the local Post Office to hold up certain welfare checks. Citizens' Aide investigation disclosed that this had indeed been happening, but the practice had been discontinued prior to the complaint being received by CA. CA feels that the County Director was acting beyond the scope of his authority and may have violated federal mail statutes.

MUNICIPAL GOVERNMENT

(73-338) A citizen called to complain that she had received her notice of assessment on April 2, which was one day after the last possible day to appeal to the Board of Review.

CA checked the law and discovered that the time for appeal had been changed and the citizen still had time to appeal since the dates were now between April 16 and May 5. CA so informed the citizen.

(73-474) A group of citizens from Creston, Iowa complained that the City Council planned to tear down the Creston Railroad Depot and build a parking lot. CA requested that the council give the citizens more time since the citizens were attempting to secure funds from the State Historical Preservation Office to renovate the building and make it into a historical site.

CA notes that the matter became an issue during the city election campaign and that the majority of the members elected to the council in November, 1973 were on record as favoring the renovation of the depot.

(73-12) A citizen who was formally from Council Bluffs, Iowa, complained that the city had "illegally" destroyed his home. He is now living in Omaha, Nebraska. CA travelled to Council Bluffs to review the city's file to determine whether the city had conducted itself in accordance with the law.

The file showed that the property had been in very bad condition and the city had been trying to condemn the structure for about ten years. In December, 1970, a fire had destroyed about half of the structure. The file contained pictures both before and after the fire. The file disclosed that the city

(73-12 cont'd...)

council had approved the condemnation and that notice had been published for three consecutive weeks in the local newspaper, and there was an indication in the file that the citizen had in fact seen the notice, since he inquired into the matter by letter after the last date of publication.

From the file, it appears that the city's reasons for condemnation, namely, that the structure was a health and safety hazard, were justified. Since the citizen was notified of the proposed action to be taken, he had the opportunity to pursue the legal remedies available to him, and after the fact, CA feels that his complaint is not justified.

(73-885) A citizen complained that the procedures being used for the upcoming election in November, 1973 for councilmen were not in accordance with the law. CA contacted the Iowa League of Municipalities and the city attorney and changes were made to correct the problem.

(73-647) A citizen representing the Grinnell Policemen's Association was referred to CA by the Attorney General's Office. He complained that although Grinnell is a city of over 8,000 in population, it does not have civil service for its' policemen and firemen as provided by Section 365.1 of the Iowa Code. The citizen has been attempting to rectify the problem for a long period of time with no positive results.

CA contacted the City Manager of Grinnell who admitted that there had been some delay, but that action was being taken to implement a civil service system for the city.

CA feels that delay on the part of the city in this case was unreasonable.

The city's response was as follows:

"Please be advised that in regard to the Civil Service question mentioned in your letter of December 13, 1973, an ordinance has been adopted providing for a Civil Service Commission for the City of Grinnell, Iowa. The ordinance has an effective date of April 1, 1974."

(73-215) A couple from Knoxville, Iowa, complained to their state Senator concerning noise pollution. The Senator referred the matter to the Citizens' Aide. The couple have operated a business in downtown Knoxville and live in an apartment above the business. A common wall is shared with a night club which frequently employs "rock" bands which play at very high volumes. The couple had contacted an attorney who negotiated an agreement with the Mayor and Council of Knoxville to regulate the decibel reading of the bands employed by the night club. CA feels that, while the city officials did not have to enter into such an agreement, since they did enter into the agreement, they should have acted to regulate the sound levels as best as they could. The problem continued, however. CA feels that the city could have done more to help solve this problem.

CA advised that the couple continue to seek a legal remedy through their attorney under the nuisance statute. CA also sent them a copy of House File 79 which relates to noise pollution and advised them that they should express their opinions on the bill to their state Senator and Representative. CA suggests that the noise pollution bill be given consideration by the General Assembly since noise pollution problems, when they exist, can be very serious to those affected.

The city's response was as follows:

"The Club did not renew its beer-liquor license in July, 1973 and closed its doors, which completely solved the problem.

We do not feel this case warrants being used as an example to further the cause of a noise pollution bill in State Legislature.

We've been told that morals cannot be regulated so how can noise level be regulated? What is too loud for one person is too low for others or just right."

(73-954) A citizen complained that the city government had advised her that she could no longer operate her business because it was located in an area which was zoned commercial. The citizen had previously operated the business as a non-conforming use, but, due to an illness, had been unable to operate the business for over a year. The city advised that the non-conforming use could not be re-established after being discontinued for such a long period. The citizen wanted to have the area re-zoned commercial, so that there would not be any future problems. The citizen felt that this request was not unreasonable since her

(73-954 cont'd...)

property was surrounded by property which was zoned for commercial.

CA contacted the city and requested a copy of its zoning ordinance. CA advised the citizen to request the zoning change through the proper channels, and that if, after a final determination was made, she still felt aggrieved, the Citizens' Aide would investigate further.

The citizen called back several weeks later to state that her property had been re-zoned commercial.

(73-667) A citizen who wished to remain anonymous called to complain that the Des Moines Water Works would not allow a person to fill out forms by mail to transfer water from one house to another within the city of Des Moines. CA contacted the assistant director who verified that a citizen must come down in person and that applications are not allowed by mail.

CA contacted the director who advised that there was no such policy and that applications could be accepted by mail. He advised that possibly some of the summer help gave out mistaken information. CA advised that the information had come from the assistant director. The director advised that he would straighten the matter out.

(73-934) A citizen complained that section 365.17(7) of the Iowa Code prohibits the hiring of conscientious objectors for civil service jobs. The citizen has had contact with several members of the General Assembly concerning having the law changed. CA agrees that the sections merits review by the General Assembly, and CA further suggests that sections 365.17(1), requiring a person to be a U.S. citizen, 365.17(3) requiring a person to be able to read and write the English language, and 365.17(5), requiring that the person has not been convicted of a felony, be reviewed to determine whether these sections should apply only when the requirement is actually related to the job being sought.

COUNTY GOVERNMENT

(73-70) A citizen complained that the county did not maintain the street in front of his home. He lives in a residential area of Polk County. He further stated that this particular street had been deeded to the county in the 1950's.

CA investigated and discovered that the street had indeed been deeded to the county, but that the county refused to accept this street because it was not paved. CA so reported to the citizen.

(73-85) A citizen complained that he had been over-assessed on his property taxes for eight years and wanted to know if he could get a refund. CA checked the applicable statutes and determined that the failure by a citizen to protest his taxes assessment to the Board of Review at the appropriate time acts as a waiver, and he cannot recover, therefore, for overassessment.

(73-122) A citizen complained that she had been given a motor vehicle, but that the county treasurer refused to transfer the title until she had the vehicle inspected. CA advised that there are exceptions in the law for antique vehicles and for vehicles transferred by operation of law, such as through inheritance, but that there is no exception for vehicles transferred by gift. CA sent the citizen a copy of the applicable statute.

(73-168) A citizen complained about the condition of the county road in front of her residence. CA contacted the county engineer who suggested that the matter be brought up before the county board of supervisors. CA advised the citizen to contact the board and the board promised to repair the road. Within a few days, work was begun on the road.

(73-441) A citizen complained that the county General Relief Director had promised that the county would pay for her medical expenses which were not covered by her hospitalization insurance. The Director later refused to pay, stating that the citizen should have gone to the University Hospitals in Iowa City. The attending physician, however, had stated that she could not be moved.

CA contacted the General Relief Director who stated that the problem was that the hospital involved had not filled out the insurance forms correctly, and the bill was too high. CA asked the Director to check into the matter and report whether anything further could be done. The citizen later reported that the forms had been correctly filled out, and the insurance had covered all but \$400.00, but Medicare covered most of this amount, and General Relief had taken care of the rest.

(73-469) A citizen forgot to file for his homestead exemption on his property tax and wanted to know how to avoid paying the tax. CA explained that section 425.6 states that a citizen has waived his right to the exemption if he fails to file by the July 1 deadline.

(73-1011) A citizen complained that the county refused to maintain a road past his farm. He had been told by the county that the road had been abandoned. CA called the county engineer who advised that he would re-check the records on this road. After re-checking, the engineer advised that a mistake had been made and the road had only been abandoned in part, but the section past the citizen's farm had not been abandoned. He stated that he would take steps immediately to see that the road was maintained.

(73-872) A citizen complained that he had attempted to get a copy of his mother's commitment hearing record from the Polk County Clerk of Court files but was refused. CA called the Clerk's office and was informed that the Clerk had ordered that no records be given out without his permission. The Clerk was out of the office, so a message was left for him to call. After several days, when the Clerk did not call, CA wrote a letter stating that CA had not been able to contact him by phone and asking him to call CA.

The Clerk called and stated that the citizen was entitled to the copies and that a new employee in the office had been mistaken

(73-872 cont'd...)

in the information given to CA. He stated that he would inform the new employee of the policy on public records.

The agency's response was as follows:

"I did not receive message of the call. Undoubtedly a clerical error. Misunderstanding cleared up by time I did visit with Mr. Mayer."

(73-140) The widow of a veteran was moved from a Nursing Home in Cass County to a Nursing Home in Polk County by her son and daughter-in-law. The Cass County Commission of Veterans's Affairs had been paying for her nursing home care. After the move to Polk County, application was made to the Polk County Commission of Veteran's Affairs to pay expenses for the nursing home care. The Polk County Commission denied assistance on the grounds that the woman was a resident of Cass County and not Polk County, and also, apparently for this reason, that the application was not made in good faith.

CA contacted the chairman of the Polk County Commission and pointed out the decision of the United States Supreme Court in Shapiro v. Thompson, and a recent Iowa Attorney General's Opinion which dealt with the residency requirement. CA asked that the Commission review the decision.

The Commission did review the decision and reached the same result. The woman's son was in contact with an attorney and CA advised that he proceed through his attorney.

CA feels that the decision of the Commission was contrary to existing law on residency requirements as they relate to public assistance programs.

CA notes that at a later date the matter was taken by writ of certiorari before the District Court in Polk County and the Court ruled that the action taken by the Commission of Veteran's Affairs was not supported by substantial evidence and was contrary to law.

(73-272) A resident of Illinois complained that her son had been robbed of \$16.00 in Blackhawk County and that, although the offender had been caught and convicted, the money had not been returned to her son. CA wrote to the County Attorney's Office in June, 1973 asking whether the money could be returned. No answer

(73-272 cont'd...)

was received and CA wrote again in October, 1973 asking whether any action would be taken. A response was received that a money order had been sent to the victim in July, 1973 in the amount of \$16.00.

CA wrote to the citizen requesting that she let us know if the money order had not been received.

The County Attorney's response was as follows:

"Enclosed you will find a copy of your latest letter to our office regarding (the citizen). Enclosed you will also find your previous letter regarding the same individual. We have already sent to you, as you noted in your second letter, a response and explanation of the reimbursement to (the citizen). This is our second and last response.

You will note that at the top of your first letter sent to our office, we have copied a receipt for the money order dated July 3, 1973, and sent to (the citizen) or about that date. Enclosed you will also find a letter which accompanied said money order, dated July 3, 1973, from our Chief of Police apologizing for the delay in his reimbursement and enclosing the amount of \$16.00. It is obvious to us that (the citizen) did in fact receive all the money stolen from him at the time he was robbed. We wish to hear nothing further from your office nor anyone else regarding this matter as we have already spent, between our office and the Police Department, over six hours trying to get this point across to you. We are satisfied that (the citizen) has gotten his money and we have more than enough evidence to prove it."

(73-239) A couple living along a county road near Cumberland, Iowa, complained that the road in front of their residence was under construction and had been torn up for several months, and was impassable during wet weather. CA contacted the County Engineer who stated that the road work would have been completed the previous fall if there had not been so much rain. The Engineer assured CA that if good weather held out, the road would be completed within a week, and it would be passable in the meantime. CA so advised the citizens involved. Besides the inconvenience, they were concerned that in the event of an emergency, no vehicle would be able to reach their residence to assist them. CA advised that should such an emergency occur, they should contact CA so that CA could contact authorities and have a helicopter brought in if necessary. This appeared to relieve their anxiety somewhat.

(73-239 cont'd...)

CA feels that roadbuilders should not plan their road building for optimum weather conditions, but rather should make provision for inclement weather so that citizens can be assured of access to their property at all times.

The county's response was as follows:

"In reply to your letter, file 73-239-M. it is felt that this office should point out that every effort is made to take into consideration possible inclement weather in scheduling our construction projects. We are fallible, however, and proved this conclusively in the project referred to.

As I believe you were aware, every effort was made to provide access for the people on this road and your investigation seemed to bring this out.

Your evaluation seems adequate and your keeping us posted on this is appreciated."

SCHOOL DISTRICTS

(73-764) A citizen complained because her son had been asked to leave school because he would not shave his beard. CA contacted the Iowa Civil Liberties Union for advice on the matter and was advised of recent court cases concerning the unenforceability of hair codes. CA contacted the school superintendent and advised him of the court cases. The superintendent advised that he would take care of the matter, and the young man was asked to return to school.

FEDERAL GOVERNMENT

(73-167) A citizen complained that she had not received her Social Security benefits, and had not heard anything from Social Security in a long time. CA advised that this office does not have jurisdiction over agencies of the federal government, but that we would make an inquiry on her behalf if she so requested. The citizen did so request and CA contacted the local Social Security Office, but was informed that the local office could not make an inquiry through their channels until a period of at least 60 days had elapsed.

(73-167 cont'd...)

CA contacted the office of U.S. Senator Dick Clark in an attempt to expedite matters. Five days after contacting Senator Clark's office, the citizen reported that she had received her first check which included back benefits.

(73-182) A citizen complained that she could not make ends meet on her Social Security. CA attempted to determine whether she might be eligible for any other assistance, and discovered that the citizen had about \$4,000.00 in savings, and therefore, is not eligible for anything further. CA so informed the citizen.

(73-270) A citizen wanted to know whether a conscientious objector who completed alternate service would be eligible for veteran's benefits. CA advised that a U.S. District Court in Boston, Massachusetts had ruled that C.O.'s are eligible for veteran's benefits if they completed alternate service, that the case would likely be appealed, and would probably have to be re-litigated in Iowa at this time. CA referred the citizen to the Iowa Civil Liberties Union.

(73-74) A citizen complained concerning the Veteran's Administration. He stated that he had served two tours in Vietnam, but had been given a dishonorable discharge because of his drug problem. CA contacted the Veteran's Administration asking for advice on the matter, since CA does not have jurisdiction. The VA responded that the citizen should request a discharge review, and sent him the forms.

(73-1001) A citizen complained that she was charged a \$10.00 fee when she made application for her elderly mother for a low rent housing project in Newton, Iowa. CA contacted the low rent housing office in Des Moines, and was advised that no such fee was charged as far as they knew, but advised that the Newton project was an F.H.A. project which is different than low rent housing. CA called F.H.A. and was advised that the Newton project is a rent supplement program for low income elderly, and that the \$10.00 fee was not approved by F.H.A. The person from F.H.A. stated that he would see that this practice was stopped and the money returned.

MISCELLANEOUS LEGAL

(73-805) A citizen from Ottumwa contacted CA stating that he was in need of legal assistance, but was on welfare and could not afford to hire an attorney. CA advised that CA could not provide legal assistance, and attempted to obtain an attorney for the citizen through the local Bar Association.

CA notes that there are legal assistance program available in only some of the larger counties in Iowa. CA further notes that, under Chapter 252 of the Iowa Code, general relief money may be spent for legal assistance for an indigent provided that a legal assistance program is established in the county that is approved by the Board of Supervisors. Very few of the counties that CA has been in contact with have such a program and many counties are not aware that such a section exists in the Code. (See Appendix)

CA suggests that the General Assembly look into the desirability of making legal assistance programs mandatory for the counties under Chapter 252 of the Iowa Code.

(73-165) An elderly couple who are living in a nursing home wrote to the Governor and the letter was referred to the Citizens' Aide Office. Their complaint is that their Social Security checks go directly to the bank and they never see them. CA contacted the bank manager who advised that he was power of attorney, and that the bank does not charge the couple for this service, since they have been life long customers of the bank. He also stated that he makes frequent visits to this couple, and has explained things to them, but they are quite elderly, ages 86 and 82, and apparently do not understand.

CA attempted to explain the situation to the couple.

(73-49) A citizen complained that an electrical contractor had overcharged her. CA advised that this office does not have jurisdiction over private business, and advised that she contact the Better Business Bureau.

(73-935) A citizen obtained a loan through a local bank under a federal program of guaranteed student loans. The citizen got married at a later date, and the loan officer at the bank advised her that her husband would have to co-sign the note, or she would have to pay the loan back in one lump sum (\$1,000.00) instead of in installments.

CA contacted the Higher Education Facilities and was advised the federal program does not require a co-signer. CA contacted the federal education office in Kansas City and asked that the bank be contacted.

The citizen called back the next day to state that no co-signer would be required.

(73-1194) A citizen complained that he is required to pay his taxes on his home monthly to the lending institution which holds the funds in escrow, but does not pay the citizen interest on the money while it is being held. The institution does not always pay the taxes on time because it is sometimes advantageous to hold the money past the due date, even though it results in a penalty. This sometimes causes his house to be listed in the newspaper for delinquent taxes.

CA notes that this problem is not uncommon and suggests that the General Assembly look into the situation to determine whether legislation is in order to make the penalty higher and also require lending institutions to pay interest on the money held in escrow.

(73-825) A citizen complained that he had been arrested on a charge of false drawing and uttering, and had been bound over to the District Court after a preliminary hearing, but he felt that the charge was not valid. As the citizen related the facts to CA, it appeared that, under the evidence presented by the complaining witness at the preliminary hearing, the matter was a bad debt, and the bad check charge should have been dismissed. CA advised that, since the matter was in court, the Citizens' Aide did not have jurisdiction. The citizen stated that he did have an attorney. CA contacted the attorney and pointed out an Iowa Supreme Court case which defined the offense of false drawing and uttering, and clearly pointed out that the charge should not stand against the citizen on the facts as brought out at the preliminary hearing.

(73-825 cont'd...)

The attorney pointed out the case to the District Court Judge, who reviewed the record of the preliminary hearing which had been held in magistrates court, and dismissed the charge. The judge also admonished the county attorney for pursuing the matter when he knew that the charged should not have even been filed.

(73-846) A citizen contacted CA complaining about an attorney that he had retained to represent him in a traffic case. He stated that the attorney had advised him that he would obtain a continuance, and that he would not have to appear at the time which had been originally scheduled. The citizen did not appear and later found out that the attorney had not been able to obtain the continuance and had gone on vacation and had left the matter in the hands of an associate. The associate appeared at the scheduled time, but the citizen was found guilty, and had been fined. The citizen later received a bill for services for more than \$75.00 and was not too pleased about it.

CA noted that the law firm involved was highly reputable and was well respected in community. CA advised the citizen that we had no jurisdiction over members of the Bar, and advised that since it is very likely that the senior partner of the firm was not aware of what had taken place, it might be worthwhile for the citizen to make an appointment with the senior partner and tell him the same story that he had told to CA. The citizen stated that he would try this. CA advised that if he was not successful in getting the matter resolved, he should contact CA again and we would attempt to advise him as to other possible courses of action.

The citizen did not contact CA again.

(73-847) A citizen called to complain that a new law would require he and his wife to attempt to locate the natural father of their adopted daughter, who they had adopted the previous year. The law was holding up the finalizing of the adoption.

CA checked and could find no such law. CA contacted the citizen's attorney, who advised that a recent ruling of the U.S. Supreme Court in an Illinois case stated that an attempt must be made to locate the father before the adoption could become final. The attorney advised that there had been a delay in the client's case because the Iowa federal court was in the process

(73-847 cont'd...)

of determining how the ruling would affect cases already pending in Iowa. The attorney advised that he felt that the matter would be settled within a week.

CA contacted the citizen and advised that it was not a matter of state law, but rather a U.S. Supreme Court decision, and that the attorney felt that the problems would be solved in about a week. The citizen seemed relieved. CA advised that he continue to work through his attorney.

CONSUMER

(73-83) A citizen complained that she thought that she was being overcharged for natural gas from the local utility. CA referred the matter to the Iowa Commerce Commission who conducted a rather extensive investigation, which included checking the meter to see if it was functioning properly. The Commerce Commission concluded that there were no violations by the company, and so informed the citizen. The citizen had recently moved into her present residence and apparently expected that the gas bills would be lower than they actually were.

(73-109) A citizen complained of a dangerous situation near her home. Some dead trees were very close to electric power lines. She had contacted the utility company, but nothing had been done. CA contacted the Iowa Commerce Commission which, in turn, contacted the utility, and the problem was taken care of.

(73-819) A citizen complained that he was having to pay a higher rate for insurance because he is handicapped and drives using hand controls. CA referred the matter to the Iowa Insurance Department which succeeded in finding an insurance company for the citizen which does not discriminate against individuals with handicaps.

(73-1012) A citizen wrote stating that he had received a bill from a corporation, and he didn't know anything about the company. He did not recognize the name and had never done business with this company. He wondered whether some fraud might be involved. CA contacted the Consumer Protection Division of the Attorney General's Office and the Better Business Bureau and neither had any information about this particular corporation.

CA wrote a letter to the corporation's address about the bill allegedly owed by the citizen. An attorney for the corporation wrote back stating that the corporation had recently bought out the interests of another corporation to which the citizen owed money. CA contacted the citizen and advised him of the findings. The citizen said that he now understood what had happened and that he had owed money to the other corporation.

UTILITY COMPLAINTS

(73-640) A citizen called to complain that he was charged for a phone call on his latest bill that he did not make and did not even know whose phone number it was that the call had been made to. He stated that there was no possible way that the call could have been made from his phone since he keeps his apartment locked during the day while he is at work, and no one made the call while he was there. He further stated that he had contacted the business office of the phone company and was advised that the company's equipment had been checked out and was working, therefore, the citizen would have to pay for the call. The phone company had even called the number in question and had been informed that the other party did not know this citizen. The phone company still would not cancel the charge, however.

CA had recently become acquainted with Mr. Dick Reid, who is the Customer Relations Director at Northwestern Bell Telephone in Des Moines, Iowa. Mr. Reid had suggested that in the future, if the Citizens' Aide received complaints about the telephone company, we contact him directly, rather than indirectly through the Iowa Commerce Commission. CA contacted Mr. Reid in this case. Mr. Reid looked into the matter and later advised that the citizen's bill had been adjusted to his satisfaction.

CA feels that the fact that a spirit of cooperation can exist between a private business and the Citizens' Aide in a non-jurisdictional matter is a compliment to that business. CA also notes that such direct dealing can save much time and money.

(73-1178) A citizen complained that he had been charged \$99.00 for 27 days of electricity and felt that this was excessive. He had already paid a \$20.00 deposit, so the bill was just for electricity. The citizen is living in a new apartment complex.

CA contacted the Iowa Commerce Commission and asked for an investigation. The Commerce Commission investigated and discovered that the contractor who built the apartment complex had failed to put insulation in the ceiling of the building. The apartments are heated electrically, and the heat was getting out through the roof. The contractor agreed to make payment to the owner of the building, who would then make an adjustment with each tenant. The contractor installed the necessary insulation. CA advised the landlord concerning an adjustment in the bill, but that the power company should be paid, at any rate, since it was not the company's fault.

MISCELLANEOUS

(73-110) A citizen wanted to start a parcel delivery service and wanted to know what he would have to do in order to comply with the law. CA referred him to the Motor Transport Division of the Iowa Commerce Commission.

(73-238) An elderly citizen who wished to remain anonymous complained about a house in her neighborhood stating that young people lived in the house and were noisy and threw rubbish and garbage out in the yard and in general did not clean up the premises. The citizen gave the address of the house. CA contacted the City Health Department which sent an investigator out and found several violations and filed charges against the landlord which resulted in the property being cleaned up. The police had also been dispatched, but when they arrived they found no one in residence at the house.

(73-495) A citizen's daughter was travelling through Europe with a group of college students. The daughter had an accident and broke her ankle. Reportedly, the ankle was quite badly swollen, and the daughter was in a hospital in Norway. The doctors in Norway had recommended an operation, but felt that they should wait for about a week until the swelling had gone down. The citizen wanted her daughter home for the operation. She called the Governor's Office and was referred to the Citizens' Aide Office.

(73-495 cont'd...)

CA contacted the citizen and was able to discern that her main worry was the quality of medical care which her daughter might receive in Norway. CA contacted the U.S. Department of State in Washington, D.C., and asked them to look into the problem. A representative of the State Department said that he would first contact the citizen directly and then would make an inquiry through the United States Embassy in Norway.

(73-519) A student who was on a Fulbright assistanship in Tours, France wrote to the Governor stating that she was distressed because she had heard that Iowa had failed to fill a supply of corn meal for a lunch program for school children in a town in Columbia, South America. CA could find no one in state government who knew anything about any such program or any corn products directly to South America. CA wrote to the student advising that we could not find out any information about this program, and advising that it might be a federal program which uses Iowa Corn.

(73-769) An elderly citizen wrote to the Citizens' Aide stating that he had ordered certain merchandise from a drug store in Iowa City, but had not received what he had ordered and had been having trouble dealing with the store. The citizen did not live in Iowa City, and stated that he had great difficulty travelling to Iowa City, which was part of the reason why he had not been able to get the matter resolved.

CA contacted the Consumer Protection Services in Iowa City and was advised that they would try to help the citizen.

CA later received word from the citizen that the problem and been solved to his satisfaction.

DEPUTY FOR CORRECTIONS

On July 10, 1973, the Iowa Crime Commission approved a grant to the Citizens' Aide Office to fund the position of a deputy to investigate the complaints of inmates of correctional institutions. The position has been in operation since September 25, 1973. Whether this position becomes a permanent part of the Citizens' Aide Office will be determined during the 1974 session of the 65th General Assembly. Senate File 73 passed the Iowa Senate during the 1973 session and awaits being taken up in the House of Representatives. Defeat or failure to act upon this bill will ultimately cause the position of Deputy Citizens' Aide for Corrections to be discontinued.

It is felt that this position provides an outlet for an inmate with a grievance as an alternative to petitioning the Court. If the Deputy for Corrections can relieve the burden on the Courts by even a small number of cases, the savings to the taxpayer could total into thousands of dollars, and the inmate will benefit by a speedy determination on his grievance.

The United States District Court in Des Moines has begun to refer inmates complaints to the Citizens' Aide Office because it is felt that the Deputy for Corrections might solve some of the problems more expeditiously.

Since taking office, the Deputy for Corrections has made 28 visits to institutions prior to January 1, 1974. He opened 75 new files and assumed a backlog of about 60 files which were open at the time that he took office. During the year, 105 complaints were received against the Bureau of Adult Corrections and its institutions. Not all were made by inmates, as the case summaries will indicate. The total number of inmate and correctional related cases were 151.

The following are summaries of selected cases:

BOARD OF PAROLE

(73-964) An attorney with the Polk County Offender Advocate Office complained about a rule of the Board of Parole which stated that persons convicted of selling hard drugs would not be considered for parole until such person was within two years of his date of discharge.

The attorney was concerned because the rule affected one of her clients. She felt that the Board was in fact "legislating" and she felt that the Board could not do so.

She met with the Board and the Board agreed to amend its policy by stating basically that the Board would make exceptions to this, as well as other policies, for good cause shown.

After several months, the attorney felt that the Board had not actually changed the policy. Also she had heard that the Board had received information concerning her client, but would not divulge to her the substance of the information nor whether any such information had in fact been received.

The attorney complained to the Citizens' Aide that she felt that she and her client were entitled to obtain what, if any, information the Board had.

CA contacted the Board, and was advised that the matter would be taken up at the next meeting of the Parole Board.

The matter was taken up, and the Parole Board threw out its policy concerning drug offenders.

(73-925) A resident of the Women's Reformatory at Rockwell City stated that she had been denied a parole and felt that the Parole Board may have acted upon mis-information in reaching a decision in her case. She had attended college prior to her conviction on a drug charge. She wanted to return to college to complete her education. CA contacted the Board of Parole and was advised that the resident should use the appeal process, which involves the resident requesting a hearing before the Board of Parole liason officer. A hearing was held and the liason officer recommended that the Board reconsider her for parole. The Board reconsidered and the resident received a parole.

(73-965) An inmate complained that his parole had been revoked due to a violation, but that the Parole Board had not given him credit for about 36 days before the parole had been revoked. This had the effect of increasing his sentence by 36 days.

CA contacted the executive secretary of the Parole Board who discovered that the inmate was correct and that an error had been made. He corrected the error and the lost time was returned.

(73-1051) An inmate at the Penitentiary at Fort Madison contacted CA stating that he had been denied parole, but had not been informed of the reasons for denial. CA contacted the Board of Parole and obtained a list of reasons for the denial. The Parole Board's policy was that an inmate who was denied a parole could find out the reasons by contacting the Board's liaison officer at the institution, but was not routinely given a statement of the reasons for denial at the time of the denial. CA suggested that the Board consider issuing written statements to inmates who are being denied parole particularly setting out the reasons for the denial. CA feels that such routine written denials might aid in the rehabilitative process by setting definite goals for inmates in order to receive a parole.

The recommendation was reviewed by the Board and the Board Chairman notified the Board as follows:

"Dear Mr. Mayer:

You have recommended to the Board of Parole that the reasons for parole decisions be communicated in writing to the inmate affected. As you know, this was also suggested by the Penal Study Committee of the General Assembly.

We discussed the matter with the Director of Corrections and he stated that he had no objections.

We have concluded that your suggestion has merit, and we have adopted the practice of stating reasons for parole decisions in writing. We are beginning the practice effective this date.

Respectfully,

BUREAU OF ADULT CORRECTIONS

(73-625) A citizen from Puerto Rico was visiting in Burlington, Iowa. She requested and received permission to visit an inmate at the Fort Madison Penitentiary on a special visitor pass. She wanted to see the inmate again before returning to Puerto Rico, and received the forms to be filled out in order to be placed on the inmate's approved visiting list. The form requires that a married woman have her husband's consent in writing to her visiting an inmate. The citizen has been separated from her husband for a long time and does not know his whereabouts. She stated that she would like to know his whereabouts so that she might be able to collect child support. She submitted the form without her husband's signature and the application was denied.

CA contacted the Warden who advised that the policy was necessary because in the past married women have visited inmates and when the husbands found out, they were angry not only at the wives involved but also with the Penitentiary for allowing such activity. CA advised the Warden of the special circumstances in this case. The Warden stated that he would have a member of his staff look into the matter and advise as to what would be done.

On the next day, CA talked with the staff member who stated that the citizen would be approved to visit the inmate.

CA suggests that the Warden review this policy to determine whether it is really appropriate in the light of equal rights.

(73-591) A citizen from Illinois complained that she had been denied the right to correspond with an inmate at the Fort Madison Penitentiary, and had been given no reasons. CA contacted the Warden who admitted that the decision was probably arbitrary, but was waiting for a report on certain information that he had requested which he felt was relevant to the matter. He stated that he would review the matter and report back to CA within a few days.

The Warden reported back that the citizen could again correspond with the inmate.

(73-1125) A citizen requested assistance in obtaining a parole for her son who is incarcerated in Michigan. CA advised that this office had no jurisdiction, and forwarded her letter to the Michigan Parole Board.

(73-202) An inmate at the Fort Madison Penitentiary complained that the girl that he had been corresponding with had been informed by the institutional staff that she could not write to him anymore, and she had been taken off the inmate's mailing list. The reason was that she had sent the inmate a five dollar money order and two nude pictures of herself in a letter to him.

CA contacted the institution and was advised that the girl had violated the institutional rules. CA asked whether they would give her another chance. The institution advised that she would be given another chance, but if she did not conform to the rules, she would again be refused permission to write to the inmate.

The inmate wrote to CA thanking him for resolving the matter.

(73-307) An inmate complained that time had been added to his sentence at the penitentiary, and he felt that this was unjust.

CA investigated the matter and found that the inmate had lost 90 days "good time" which had the effect of adding to his sentence. CA found that an error had been made, and pointed this out to the institution. The error was corrected and the "good time" was restored.

(73-337) An inmate at the Penitentiary at Fort Madison complained that he had worked for a truck stop in Des Moines prior to being convicted and that the truck stop still owed him money. He stated that he had written to the manager several times, but had not received the money that he felt he had coming. CA advised that this office does not have jurisdiction in such matters. CA contacted the Labor Bureau and was advised that the Bureau would try to help, but really did not have any authority in the area of wage disputes.

CA contacted the Manager of the truck stop directly, and advised that the Citizens' Aide did not have jurisdiction, but asked if he would check the records to determine whether any amount was owing to this inmate. The manager invited CA out to look at the records. The records disclosed that the inmate did have some money coming, but not as much as he thought that he did. The manager prepared a check for the inmate and CA delivered it to the institution on his next visit.

(73-758) A resident of the Women's Reformatory at Rockwell City complained that she felt that she did not receive a fair disciplinary hearing. She stated that people who sat in on the hearing board were also witnesses, and she understood that this was not in accordance with the policy of the Bureau of Adult Corrections.

CA contacted the Superintendent who reviewed the matter and felt that the resident indeed may not have received a fair hearing and appointed a new hearing board composed of people not involved in the incident.

(73-924) An inmate at the State Penitentiary at Fort Madison complained that his request to attend the funeral of his parental grandmother had been denied. CA made an inquiry on the inmate's behalf and was advised that the institutional policy was that in order for a furlough to be permitted to attend a funeral, the deceased must have directly raised the inmate in order to gain the position of being of the "immediate family." The inmates records disclosed that he had been raised completely by his parents. CA so advised the inmate.

CA has no opinion as to the merit of such a policy, but in view of the time factor involved because the inmate had only learned of the death on the day before the funeral was to take place, CA felt that any further action would not be fruitful.

(73-928) An inmate complained that there was no stretcher at the Minimum Security Dormitory at the Penitentiary at Fort Madison and it took about an hour for an inmate who had become sick to be transported to the hospital inside the walls.

CA contacted the Warden's office and was advised that a stretcher would be installed.

(73-931) An inmate from the Men's Reformatory complained that he was not receiving proper medical treatment for a knee injury. CA's investigation disclosed that the inmate had been in the institution hospital 43 times and to the University of Iowa Hospital twice during the past year. Treatment had been prescribed which included exercises which the inmate could do in his cell, but the inmate had refused to do the exercises.

(73-931 cont'd...)

CA advised the inmate that the treatment appeared to be adequate and that in order to receive the maximum benefit from the treatment, he should do the exercises as prescribed.

(73-1143) An inmate at the Men's Reformatory contacted the Citizens' Aide stating that he was being denied minimum security status because he was being considered for deportation due to his felony conviction. The inmate is a citizen of Sudan.

CA contacted the office of Senator Dick Clark which checked into the matter and reported back that the deportation proceedings had been stopped due to the inmate's request for political asylum. The request will probably not be acted upon until after the inmate's discharge.

CA forwarded the information to the institutional staff at the Reformatory so that the question of the inmate's clearance to minimum security might be reviewed in view of this information.

(73-344) An inmate at the Penitentiary at Fort Madison, who is locked up in Cellhouse #20 contacted CA regarding a rule, for that cellhouse, which forbade the transfer of all items, including legal materials, from one inmate to another while in this lock-up status.

CA noted that the withholding of legal materials is in contravention of a 1969 decision of the U.S. Supreme Court (Johnson v. Avery) and pointed this out to the Director of the Cellhouse #20 unit who advised that the problem would be rectified.

(73-1153) An inmate at the Men's Reformatory at Anamosa requested assistance in gaining admission to a drug treatment program at Veteran's Hospital in Iowa City. Investigation showed that the inmate had been on work release, but had been returned to the institution because of his drug use. Therefore, work release would not be approved at this time.

The inmate stated that he first used drugs while serving in the armed forces in Viet Nam. His crime was drug related. He had been involved in several drug treatment programs, but has not been helped. This inmate's case is far from unique and points out the need for better facilities to treat the drug offender.

(73-1137) A citizen contacted her State Senator who referred her to the Citizens' Aide Office. She stated that her nephew is incarcerated in a correctional institution in Missouri, and she wanted to know if there was any way that he could be transferred to Iowa, since he had no family in Missouri.

CA investigated and discovered that Missouri is a member of the Interstate Corrections Compact. CA advised the citizen and her nephew as to the procedure to be followed in order to effect a transfer to Iowa.

(73-908) A complaint was made to the Citizens' Aide that a staff member at the Penitentiary at Fort Madison was embezzeling equipment and materials from the Penitentiary and coercing inmates at the Minimum Security Dormitory into helping him.

CA investigated and took testimony which indicated that the allegations were indeed true. CA turned the matter over to the Bureau of Criminal Investigation. As a result of the investigation, the staff member was suspended from employment, and the matter is being taken before the Lee County grand jury.

CA feels that if the allegations were true, it would have a very bad effect on inmates who were attempting to rehabilitate themselves and who observed, or were coerced into aiding and abetting this type of activity.

(73-201) An inmate at the Penitentiary complained that while he was an inmate at the Reformatory in the 1950's, he lost two fingers while working in one of the shops. He submitted a claim to the state, but had never been paid. He thought that the claim had been approved, but had lost his papers.

CA contacted the Tort Claims Division of the Attorney General's Office and was advised that a search of the State Archives would have to be made, since records were not kept that far back. After much searching, it was determined that the claim had been denied by the General Assembly. At that time, the Tort Claims Act (Chapter 25A. 1973 Code) had not been passed. CA notes that if this happened, today, an inmate might be able to win substantial damages from the State under Chapter 25A. CA feels that it would be better for all concerned for the General Assembly to amend the Workman's Compensation law to cover inmates working at correctional institutions.

APPENDIX I

LEGISLATIVE PROPOSALS

The Citizens' Aide suggests that the General Assembly consider legislation in the following areas:

1. Public school teachers are not presently covered for unemployment benefits. The General Assembly should consider whether teachers and other public school employees should be covered. See case 73-1122 on page 24 of this report.
2. A problem exists with the present method of forming and funding county alcoholics commissions as it relates to determining who is liable for debts incurred by the county commission. This could be corrected by legislation. See case 73-560 on page 25 of this report.
3. The fixing of a fee for a service by statute sometimes can cause problems, for example, section 321E.14 limits the amount which can be charged for escort vehicles for oversize loads at a maximum of \$60 for a ten hour day. This amounts to \$6.00 per hour most of which is eaten up in expenses. CA suggests that the limit be raised or, preferably, be removed so that the price might be limited by competition. See case 73-862 on page 27 of this report.
4. Chapter 321E. of the 1973 Code of Iowa should be examined to determine whether legislative intent was to allow virtually unlimited movement of 14' wide mobile homes within the state, when they are being shipped from the manufacturer. In interpreting the statute, the present practice of the Highway Commission is to allow virtual unlimited movement when a home is shipped from the manufacturer, but movement is restricted to 50 miles for a private citizen who wishes to move his 14' foot wide mobile home. See cases 73-9 and 73-546 on pages 27 & 29 of this report.
5. The Citizens' Aide suggests that the General Assembly review section 321A.5(3) of the financial responsibility law to determine whether it would be desirable to require an insurance company to notify the Department of Public Safety, after an accident is reported, either affirming or denying coverage. The law at present creates a presumption of coverage unless the insurance company notifies the Department denying coverage. See case 73-874 on page 37 of this report.

LEGISLATIVE PROPOSALS, cont'd...

6. The Citizens' Aide favors the adoption of S.F.391 (H.F.248) dealing with mandatory revocation of driver's license for certain offenses. See case 73-1106, on page 38 of this report.

7. The Citizens' Aide suggests that the General Assembly review sections 321.25 and 321.26 to determine whether dealers should be allowed to register new cars sold without the necessary information from the manufacturer, provided that the information will be forthcoming, since the present practice in many areas is that the dealer, upon selling a new car when the models are first displayed, uses a cardboard plate, and does not send in the registration until the information is received. The Citizens' Aide realizes, however, that removing this requirement may cause other problems. See case 73-828 on page 39 of this report.

8. The Citizens' Aide suggests that the noise pollution bill (H.F.79) be given consideration by the General Assembly since noise pollution problems, when they exist, can be very serious to those affected. See case 73-215 on page 52 of this report.

9. Free legal services are available only in a relatively few of the larger counties in Iowa. Under Chapter 252 of the Iowa Code, General Relief funds may be spent for legal services provided that the legal services program is approved by the Board of Supervisors. Most counties do not have programs approved. The Citizens' Aide suggests that the General Assembly consider whether to make such programs mandatory.

10. The Citizens' Aide suggests that the General Assembly consider legislation to require lending institutions to pay interest on customer's funds held in escrow to pay taxes when due, and also that penalties be stiffened when a lender does not make the payments on time because it is to its financial benefit not to do so. See case 73-1194 on page 61 of this report.

11. The Citizens' Aide suggests that the General Assembly consider amending the Workman's Compensation Act to cover inmates working in correctional institutions. See case 73-201 on page 74 of this report.

12. CA suggests that the General Assembly review section 365.17 of the Iowa Code to determine whether certain of these restrictions on hiring of persons for civil service jobs should be removed or applicable only when job related. See case 73-934 on page 53 of this report.

LEGISLATIVE PROPOSALS, cont'd...

13. Several recommendations were made by county relief directors concerning General Relief. Among them were the following:

- (a). That there is a need to increase the county quota for sending people to the University Hospital on state papers.
- (b). That the law requiring the publishing of the names of welfare recipients be repealed.
- (c). That Chapter 252 of the Code be amended to allow payment by General Relief for house payments, and not just rent as is now the case. The rationale being that Chapter 252 does provide for the establishment of liens.
- (d). That the title "Overseer of the Poor" be abolished.
- (e). That all relief administered from the county be from one office, General Relief and relief for veterans combined.

For Further Information - see APPENDIX II.

(c)

APPENDIX II

GENERAL RELIEF SURVEY

The Citizens' Aide Office undertook the task of conducting a statewide survey of all 99 County General Relief Offices because of the frequency of complaints received surrounding inconsistencies in the manner of handling individual cases of a similar nature. The following survey and corresponding responses seemed to substantiate that counties do have different administrative means of dealing with particular problems.

It should be pointed out that these differences are not all detrimental towards operating an efficient agency, however, it does make difficult the task of explaining to citizens the reasons why decisions were made one way or the other.

The survey deals with both integrated counties where the General Relief Office is operated under the same administration as the Social Services Department and with non-integrated counties where the General Relief Office is separated from the Social Services Office. It should be pointed out that a third office, exists in all 99 counties, the Veterans Affairs Commission. The V.A. office deals with veterans who are in like circumstances with those who apply for General Relief. A survey of the County Veterans Affairs Offices was published in last year's annual report.

The trend over the past few years seems to be moving towards combining the General Relief Offices with the Social Services Offices, with the one exception being Scott County where an integrated county was changed to a non-integrated status.

- #1. Number of Integrated Counties66
 Number of Non-Integrated Counties.....21
 Number of Counties Not responding to question.....12

- #2. Number having written rules, regulations or guidelines.....20
 Number Not having written rules, regulations or guidelines.67
 Number Not responding to question.....12

- #2a. Number sending a copy of written rules, regulations or
 guidelines.....15

- #3. Number of General Relief Offices within or in close proximity
 of the County Social Services Office.....83
 Number not in close proximity..... 3
 Number not responding to question.....13

- #4. Are applicants informed of their right to appeal to the County
 Board of Supervisors?

Yes.....	81
No.....	5
No response.....	13

- #4a. Of the 81 "Yes" responses, 76 report that people are verbally
 informed, and 10 counties also use a written communication.
 2 counties didn't answer the question, and in 3 counties, the
 Board of Supervisors pass on all General Relief applications.

- #5. See attached sheets for a county breakdown of the amount spent
 on General Relief for the respective counties in 1971 and 1972.

- #6. All counties had some sort of mill levy for General Relief
 except 1 with 12 counties not responding.

- #6a. See attached sheets for a county breakdown of the mill levy for
 the respective counties in 1971 and 1972.

- #7. Number of counties where the Board of Supervisors have made
 arrangements for medical and dental services pursuant to
 Chapter 252.39.....22
 Number where no arrangements made.....61
 Number not responding.....16

#8. Number of Counties where Board of Supervisors are sponsoring a legal aid program pursuant to Chapter 252.37.....10
 Number of counties not sponsoring.....72
 Number of counties not responding.....17

#9. Can applicant first apply for General Relief if he is eligible for Soldiers Relief (Veterans Affairs)?

Yes..... 11
 No..... 74
 No response..... 14

#9a. If turned down for Soldiers Relief can he then apply for General Relief?

Yes..... 71
 No..... 13
 No Response..... 15

#10. Number of counties that used their full quota at the University Hospitals in Iowa City.....65
 Number that did not use their full quota.....21
 Number not responding to question.....13

COUNTIES	Amount Spent 1971	Amount Spent 1972	Admin. Costs 1971	Admin. Costs 1972	Mill Levy 1971	Mill Levy 1972
Adair	\$ 21,010	\$ 18,215	\$ 3,265	\$ 3,349	.901	.851
Adams	30,942	42,921	7,194	7,700	None	1.491
Allamakee	34,469	35,216	2,382	2,395	3.583	3.971
Appanoose	10,962	11,145	No Report	No Report	4.5	4.5
Audubon	7,925	11,699	8,024	7,869	.656	.644
Benton	53,680	62,891	12,310	14,715	2.078	1.464
Black Hawk	189,865	206,104	47,666	53,423	5.530	4.383
Boone	11,728	9,107	5,143	7,212	2.237	3.993
Bremer	45,977	59,371	7,763	11,226	1.5	2.658
Buchanan	31,322	26,606	0,052	10,666	1.5	2.915
Buena Vista	89,240	93,549	8,264	12,116	.868	1.107
Butler	40,691	53,155	7,500	7,500	.493	1.484
Calhoun	68,000	68,000	NoReport	NoReport	NoReport	NoReport
Carroll	120,000	127,000	12,387	13,907	2.175	1.975
Cass	No Report	No Report	NoReport	NoReport	NoReport	NoReport
Cedar	4,586	4,350	4,902	5,229	2.34	1.693
Cerro Gordo	58,426	56,715	11,250	11,121	3.235	2.336
Cherokee	109,772	111,067	10,088	10,227	-o-	1.487
Chickasaw	21,956	25,699	6,722	6,812	2.529	2.906
Clarke	23,543	25,595	5,408	4,282	4.275	3.880
Clay	189,639	189,318	13,723	13,727	1.932	2.094
Clayton	119,625	109,309	8,720	8,963	4.5	4.5
Clinton	33,065	26,340	NoReport	NoReport	NoReport	NoReport
Crawford	No Report	No Report	NoReport	NoReport	NoReport	NoReport

COUNTIES	Amount Spent 1971	Amount Spent 1972	Admin. Costs 1971	Admin. Costs 1972	Mill Levy 1971	Mill Levy 1972
Dallas	172,590	196,969	19,006	19,581	1.540	1.772
Davis	7,288	4,763	2,785	2,494	1.732	1.302
Decatur	28,992	40,776	3,218	5,552	2.152	2.317
Deleware	99,385	95,729	NoReport	NoReport	2.308	1.999
Des Moines	71,266	53,603	3,312	3,236	3.096	3.013
Dickinson	29,865	33,215	5,208	3,702	2.275	2.236
Dubuque	No Report	No Report	NoReport	NoReport	NoReport	NoReport
Emmet	9,618	11,091	7,825	8,121	2.225	3.000
Fayette	33,522	33,417	6,760	6,760	3.329	3.825
Floyd	102,233	118,115	6,728	8,666	3.485	3.202
Franklin	23,593	43,821	3,324	2,977	1.252	1.462
Fremont	18,783	24,510	6,244	6,487	1.812	2.777
Greene	6,091	9,610	NoReport	NoReport	NoReport	NoReport
Grundy	52,859	48,540	3,080	1,565	.876	.984
Guthrie	10,411	7,051	5,964	5,532	.798	1.170
Hamilton	No Report	No Report	NoReport	NoReport	NoReport	NoReport
Hancock	55,464	73,290	1,497	1,664	.737	.104
Hardin	115,000	130,000	9,000	10,000	2.914	2.164
Harrison	152,770	148,747	12,006	11,786	2.763	2.868
Henry	107,545	100,455	8,230	6,975	2.813	2.80
Howard	No Report	No Report	NoReport	NoReport	4.5	4.5
Humboldt	No Report	No Report	NoReport	NoReport	NoReport	NoReport
Ida	36,236	42,808	5,755	6,301	NoReport	NoReport
Iowa	8,715	9,730	3,008	2,808	1.722	2.797
Jackson	132,672	143,856	5,641	1,955	2.437	2.662
Jasper	196,865	236,873	NoReport	NoReport	2.232	2.098
Jefferson	NoReport	NoReport	NoReport	NoReport	2.907	4.613

COUNTIES	Amount Spent 1971	Amount Spent 1972	Admin. Costs 1971	Admin. Costs 1972	Mill Levy 1971	Mill Levy 1972
Johnson	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Jones	55,230	80,070	3,758	6,314	4.5	4.5
Keokuk	66,109	61,832	4,649	4,663	1.765	1.681
Kossuth	101,129	120,543	NoReport	NoReport	1.203	.796
Lee	295,829	244,577	15,902	18,369	4.750	4.750
Linn	460,215	498,074	56,000	82,500	3.462	3.868
Louisa	28,688	39,609	10,718	10,679	3.141	3.658
Lucas	106,366	110,771	9,172	10,026	4.5	4.5
Lyon	46,015	48,263	NoReport	NoReport	NoReport	NoReport
Madison	43,800	38,578	NoReport	NoReport	NoReport	1.951
Mahaska	73,539	63,153	6,436	6,502	3.512	2.907
Marion	160,734	154,101	8,465	8,799	2.208	3.560
Marshall	246,134	308,960	13,663	15,345	6.162	5.949
Mills	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Mitchell	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Monona	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Monroe	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Montgomery	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Muscatine	59,482	57,087	18,943	21,524	3.880	4.171
O'Brien	126,751	138,634	14,319	15,972	1.183	2.917
Osceola	7,672	12,205	NoReport	NoReport	1.320	1.310
Page	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Palo Alto	NoReport	NoReport	NoReport	NoReport	2.435	2.435
Plymouth	13,272	18,783	4,964	5,047	2.621	2.195
Pocahontas	67,441	62,961	NoReport	NoReport	.854	.786
Polk	263,026	111,91	357,219	459,611	6.5	6.443

COUNTIES	Amount Spent 1971	Amount Spent 1972	Admin. Costs 1971	Admin. Costs 1972	Mill Levy 1971	Mill Levy 1972
Pottawattamie	122,918	112,102	36,155	32,005	4.780	4.726
Poweshiek	36,683	36,924	10,867	11,231	1.500	2.000
Ringgold	44,500	46,000	3,625	3,625	1.500	1.500
Sac	26,585	46,535	2,371	2,414	1.206	1.155
Scott	185,492	185,729	53,822	38,386	4.463	4.948
Shelby	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Sioux	136,383	119,779	20,124	20,388	2.543	2.003
Story	249,268	293,208	11,948	12,620	2.296	2.119
Tama	5,870	4,331	11,187	11,573	2.786	NoReport
Taylor	16,950	20,520	NoReport	NoReport	1.976	1.486
Union	170,158	172,307	800	NoReport	4.349	3.808
Van Buren	193,526	191,567	NoReport	NoReport	3.723	NoReport
Wapello	173,157	192,596	5%	5%	6.50	6.50
Warren	NoReport	21,267	NoReport	13,384	2.504	2.695
Washington	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Wayne	NoReport	NoReport	NoReport	NoReport	NoReport	NoReport
Webster	39,897	29,273	12,000	12,480	5.461	3.840
Winnebago	15,551	24,774	NoReport	NoReport	1.724	2.916
Winneshiek	39,563	31,047	10,140	11,372	2.664	NoReport
Woodbury	312,783	279,461	116,685	128,556	4.5	4.5
Worth	11,791	11,271	1,872	1,839	1.875	1.445
Wright	10,698	7,634	NoReport	NoReport	1.320	1.444

The Citizens' Aide can make no specific recommendations from this survey except to point out the differences in administering the respective counties and the corresponding lack of written rules, regulations and guidelines. The Citizens' Aide does not recommend overly restrictive rules, regulations and guidelines, but rather a basic consistent operating procedure that would establish some ground rules while permitting flexibility to deal with individual cases. These basic rules, regulations and guidelines would be helpful to the respective county offices in explaining to the citizen why a certain action or decision was made.

Also, many suggestions accompanied the survey. There appears to be a need for higher quotas to the counties so that more people can use the University Hospitals.

Other suggestions were made to make a change in the state law that would prohibit recipients names from being published in the paper, and finally, to amend the statute to allow house payments to be made by the General Relief Office rather than just rent. The rationale being that 252.10 and 252.11 do provide for the establishment of liens thereby voiding the argument that the county is helping people buy equity into their own property.

The following are other comments made that may be indicative of the attitudes of a few of the County General Relief Administrators:

"We aim to help the needy, but we do not want them on our back forever."

"At present the counties seem to do as they please which creates conflicts."

"I feel it would be of greater dignity to our office to remove the title "Overseer of the Poor", whenever and wherever applicable in the Code of Iowa."

"All relief administered from one county office general relief and veterans combined."

"Soldiers Relief is not always equitably administered because eligibility is not always based on need but the feelings of those in charge."

APPENDIX III

OFFICE OF
IOWA CITIZENS' AIDE

EMPLOYEE'S MANUAL

Effective January 1, 1974

CITIZENS' AIDE

PURPOSE AND GOALS.

The purpose of the Iowa Citizens' Aide Office is to attempt to make Iowa Governmental agencies more responsive to the people of this state, and, in so doing, combat the impersonality of Government by helping citizens in their dealings with it. To achieve this purpose, the Citizens' Aide has the following goals:

- (1) To receive citizens complaints concerning governmental agencies and attempt to solve citizens problems with agencies.
- (2) To cut "Red Tape" in government so as to minimize citizens frustration with governmental agencies.
- (3) To serve as a resource for citizens wanting information about government.
- (4) To recognize problems in government and propose solutions to the appropriate authority.
- (5) In general, to serve as the citizen's entrance to the mansion of government.

To achieve these goals, the Citizens' Aide may use the following means:

- (1) To investigate upon complaint the action of governmental agencies within the jurisdiction of the Citizens' Aide.
- (2) To make recommendations to governmental agencies when appropriate, and to make explanations to citizens when appropriate.
- (3) When appropriate, to attempt to refer a citizen to an agency or person who might be able to assist the citizen.
- (4) To point out areas where legislation might be needed.

- (5) To defend the actions of governmental agencies when appropriate.
- (6) To answer citizens' questions about government.
- (7) To act impartially and fairly in all matters in which the Citizens' Aide is involved.

PROCEDURE

The services of the Citizens' Aide are available to persons without regard to race, creed, color, sex, religious preference, financial status, or national origin. Cases will be handled in the order in which they come to the Citizens' Aide office. A case may be taken out of order when circumstances warrant, for example, in an emergency, or when time is a factor.

The Citizens' Aide, at his discretion, may require a complaint to be in writing. Complaints may be taken from persons having an interest in the outcome of the matter being complained of, or from relatives of such person. When the initial contact is from someone other than such person or relative, the Citizens' Aide shall contact such person before proceeding with any investigation or other action.

Visitors to the office should be seen immediately. The Citizens' Aide will accept collect, station-to-station calls from anywhere within the State of Iowa. Such call will be limited to three minutes, and if more information is needed, the call should be returned on the State's leased wires. The Deputies will rotate days taking new cases every other day. The Citizens' Aide will also take new cases, rotating one day to each two taken by the Deputies. Cases may be assigned to a certain person at the discretion of the Citizens' Aide. The Deputy for Corrections will not rotate days with the other Deputies, but will take the prison and correctional related cases. Legal interns who are placed in the office will be assigned work by the First Deputy.

When referring a citizen to another agency, the Citizens' Aide may make all relevant materials in his possession available to that agency if so requested by the citizen. A follow up report will be requested from the agency within three weeks after the referral.

On short calls, when no follow-up is needed, the call should be listed on the phone log, and notes taken during the call should be placed in the file to which the log is attached. Phone logs will be collected at the end of the month and filed. If further action is taken on a matter recorded on the phone log, and a file is made up, the record of the call should be crossed off the phone log, and the notes taken from the phone log file and placed in the case file.

After closing a file, the Citizens' Aide may report his findings and suggest possible legislation through either the annual report or periodic special reports.

The Citizens' Aide and his staff shall register as lobbyists, if required, but shall not actively support legislation, other than to make recommendations for legislation to the Governor and the General Assembly. An exception to this would be that the Citizens' Aide may actively support or oppose legislation which directly affects the Office of Citizens' Aide.

(c)

CODE: _____

COUNTY: _____

STAFF: _____

CONTACT
PERSON: _____

OPEN: _____

CLOSED: _____

HOURS: _____

REFERRED BY:

- GENERAL ASSEMBLY
by: _____
- GOVERNOR'S OFFICE
by: _____
- OTHER ELECTED OFFICIAL
by: _____
- STATE AGENCY
by: _____
- OTHER GOVERNMENTAL AGENCY
by: _____
- OTHER (Specify) _____
by: _____

INITIAL CONTACT:

- PHONE
- MAIL
- VISIT

DISPOSITION:

- INVESTIGATION
- INQUIRY
- NO INVESTIGATION
See 601G.12()
- REFERRAL
To: _____
- RESPONSE TO INQUIRY

() P.A.

-
- This case should be used in the annual report.
 - This case should be used for a special report.
 - This case contains a legislative recommendation.

SUMMARY:

CITIZENS' AIDE OFFICE

Rules Relating to Hearings

1. Definitions:

- a. Hearing. The taking of testimony relating to a matter before the Citizens' Aide, where either one or all parties are present.
- b. Party. The person making the complaint (complainant) and the person or agency complained against (respondent).
- c. Counsel. Any member of the Iowa Bar. Others may be permitted to act as counsel at the discretion of the Citizens' Aide.
- d. Witness. Any person who may be called to give testimony relating to a matter before the Citizens' Aide, and includes a party giving testimony.
- e. Hearing Officer. The Citizens' Aide or his Deputy.

2. Procedure:

- a. No one has a right to a hearing before the Citizens' Aide. Hearings may be held at the discretion of the Citizens' Aide and may be requested informally; by mail, phone, or personal appearance.
- b. Hearings shall be informal, and arrangements for hearings shall be made informally. If a witness fails to attend a hearing after being informally notified, the hearing may proceed, if possible, or may be rescheduled. A subpoena shall be issued to the witness who failed to appear. If necessary, said subpoena shall be enforced by petition to the District Court having jurisdiction.
- c. Hearings shall not be held in non-jurisdictional matters.
- d. A witness shall be entitled to have counsel of his choosing present during the hearing. Said counsel may advise the witness during questioning, and may register objection to questions asked. Objections shall become part of the record, but the witness shall answer all questions including those objected to, except that a witness shall not be compelled to give an answer which might tend to incriminate him.
- e. A statement of the allegations may be made by the hearing officer when appropriate, with the parties present, prior to the commencement of the hearing.

Rules Relating to Hearings cont'd.

- f. A witness shall be sworn in prior to the taking of any testimony by the raising of his right hand and being asked the following by the hearing officer: "Do you swear (affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you (God)?" To which the witness shall respond: "I do."
- g. Complainant's witnessess shall be examined first, then respondent's witnessess.
- h. A witness, prior to giving any testimony, shall state his name, address, and position for the record. Counsel, before making any objection, or any other statement, shall state his name, position and the name of the party he represents.
- i. Strict rules of evidence shall not apply, and the probative value of any piece of evidence shall be judged by the hearing officer.
- j. Questions shall be posed by the hearing officer. At the hearing officer's discretion, the hearing room may be cleared of all witnesses except the witness giving testimony.
- k. At the conclusion of the hearing officer's examination of a witness, counsel for either party may examine the witness. At the conclusion of said examination by counsel, the hearing officer may inquire into matters brought up during counsel's examination.
- l. Record of the hearing shall be made on tape and a transcript may be made at the discretion of the Citizens' Aide. If no transcript is made, tapes shall be preserved for at least (30) thirty days.
- m. At the conclusion of all testimony, the hearing officer may take the matter under advisement, in which case he shall issue a statement of his conclusions and recommendations within (10) ten days. Such statement shall be issued to the parties.
- n. A party may request a review of the hearing officer's decision by the Citizens' Aide. Such request for review shall be received by the Citizens' Aide within (20) twenty days after the date of the hearing officer's decision.

3. Record Confidential.

The record, both tape and transcript, shall be confidential and may only be released for good cause shown at the discretion of the Citizens' Aide.

