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REPORT TO
THE GOVERNOR OF IOWA
AND
THE SIXTY-NINTH GENERAL ASSEMBLY
BY THE IOWA CITIZENS' AIDE/OMBUDSMAN



1980 ANNUAL REPORT

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DES MOINES, IOWA 50319

The Citizens' Aide/Ombudsman is charged to receive and investigate citizen complaints regarding Iowa state and local government.

The office is located at 515 East 12th Street, Des Moines, Iowa 50319. Telephone: (515) 281-3592.

STAFF

William P. Angrick II	Citizens' Aide/Ombudsman
Ruth L. Mosher	First Deputy
John M. Spinnato	Legal Analyst
Ray Cornell	Deputy for Corrections
Doneen Woodward	General Deputy
Linda Leon Hoffmann	General Deputy (from November 1980)
Charles T. Richard	General Deputy (resigned September 1980)
Patricia Nett	Receptionist/Secretary
Judy Green	Secretary/Accountant

ANNUAL REPORT NARRATIVE

During calendar year 1980 the office of Citizens' Aide/Ombudsman received 4,237 contacts from individuals with complaints or requests for information. These contacts were from 97 of the 99 Iowa counties, 35 other states and 4 foreign countries. A map showing the geographic distribution of the contacts is appended.

A comparison of the agency contact statistics since 1971 indicates that citizens are increasingly availing themselves of the services offered by the Citizens' Aide/Ombudsman.

<u>YEAR</u>	<u>TOTAL CONTACTS</u>
1980	4,237
1979	4,621
1978	2,838
1977	2,733
1976	2,597
1975	2,624
1974	2,262
1973	1,199
1972	1,934
1971	1,185

Individuals may contact the office in any mode they find comfortable and convenient: by telephone, mail or in person. Flexibility is sought and there are no required forms to complete. However, complaints may be requested in writing when the issues are unusually complicated or sensitive.

Contacts are received and handled by individual staff members who, on a daily rotation basis, intake and are responsible for working the case to completion. Contacts from inmates of the Iowa correctional system are routinely assigned to the statutorily mandated

Deputy for Corrections (Prison Ombudsman). The Deputy for Corrections also regularly travels to each of the correctional institutions in order to receive and investigate those complaints. When the Deputy for Corrections is on field assignment the deputy-for-the-day assumes intake responsibility for correctional complaints.

If the problem is jurisdictional and requires inquiry by the Ombudsman, arrangements are made to secure the needed documentation, identify the relevant officials and review the appropriate statute, administrative rule or local ordinance. A case may be worked by telephone or mail, and very infrequently by site visit.

If the Citizens' Aide/Ombudsman cannot help the individual, an immediate and accurate referral is made. If the person should be communicating with another state agency such as the Insurance Department or the Consumer Protection Division of the Attorney General's office, the mail is forwarded, the call is transferred, or the individual is otherwise directed to the appropriate individual or office.

In 1980, approximately 36% of the jurisdictional complaints were found to be justified or partially justified, 54% not justified, and 10% were either withdrawn or there was no basis to judge the merits of the complaint. These figures are consistent with a seven year pattern established by the Ombudsman, since jurisdictional complaints are found to be justified approximately 30% of the time.

The telephone continues to be the most frequent mode of original contact with the office. During the year, 83% of the original citizen contact was by telephone, 14% by visit (either at the office or at an institution) and 3% were received by mail.

In order to efficiently and effectively handle this caseload, administrative procedures were developed, refined and implemented

which allow the Ombudsman staff to respond timely to citizen contacts while maintaining an accurate record of the dispositions. Of the 4,237 contacts received in 1980, 94% were completed and closed in that year.

Contacts which are simple requests for information, complaints against parties outside of the Ombudsman's jurisdiction, or jurisdictional complaints which can be immediately evaluated and resolved are entered on a Contact Log sheet and recorded monthly.

Contacts requiring inquiry or investigation by the Ombudsman, usually the jurisdictional complaints, are made into Case Files and worked to completion by the deputy responsible.

Of the 4,237 new contacts with the agency in calendar year 1980, 3,051 were recorded as logs and 1,186 were worked as case files.

The average length of time a case remained open -- that is, until the complaint was evaluated as justified or not justified, and if determined to be justified, an equitable resolution achieved -- was thirty-five days. Case statistics show that 76% of the cases were completed in sixty days or less.

<u>DAYS OPEN</u>	<u>NUMBER OF CASES</u>	<u>PERCENT</u>
10 days or less	337	28%
11-30 days	331	28%
31-60 days	235	20%
61-90 days	121	10%
91-120 days	52	4%
121-180 days	29	2%
181 days or longer	10	1%
Remained open into 1981	<u>71</u>	<u>6%</u>
	1,186	99%*

*Total does not equal 100% due to rounding.

One of the primary goals of the office is to make citizens aware of the services available. This goal is being reached as evidenced by the increasing number of contacts recorded.

The office has maintained the level of contacts generated in late 1978 and through 1979 by a Public Service Television Announcement. It is assumed, therefore, that the Iowa citizenry is more familiar today than ever before with the Ombudsman office.

Outreach efforts continued during 1980. The Ombudsman and staff accepted speaking engagements from many different organizations throughout the state. Appearances on radio and TV public affairs and talk shows also served to increase public awareness of the office. Staff members spoke about the office to junior and senior high, as well as college government classes, thereby extending knowledge of the Citizens' Aide/Ombudsman to the "next" generation of Iowa citizenry.

Over the past several years, as the office has become more visible, other government officials have increasingly referred citizens with complaints to the Ombudsman for resolution. A tabulation of those referral sources is appended.

Noteworthy during 1980 was the interaction between the federal court in Iowa and the Citizens' Aide/Ombudsman. The year was marked by several cases before the federal judiciary regarding Iowa corrections. The publicity entailed in these cases fostered increased inmate petitions to the courts. In order to attempt speedy and equitable resolution of correctional complaints to the federal court, the Ombudsman met with U.S. District Court judges, magistrates and their law clerks to facilitate a referral system for those which might be most expeditiously handled by the Ombudsman office. This procedure led to fourteen such referrals after its implementation in mid-1980.

The nature of contacts with the office is varied. On any given day, the mix might include jurisdictional and non-jurisdictional contacts ranging from complaints about a local dogcatcher, unemployment compensation or food stamp eligibility determinations, consumer problems, drivers license or automobile registration issues, to private legal matters.

A complete listing of the agencies, levels of government, and miscellaneous problem areas about which the Citizens' Aide/Ombudsman received contacts is appended.

The office operates with a small staff of six professional, including the director, and two clerical personnel. The staff size has not expanded since 1978, when an additional deputy was allowed by the Legislature. During this period, however, the caseload increased fifty-five percent.

In Fiscal Year 79-80 the state appropriation plus cost-of-living salary adjustment was \$214,123; for 80-81 the budget was \$213,315, reduced to \$203,503 after the across-the-board 4.6% state appropriation reduction. Being a direct service agency, the largest proportion of the budget has always been, and continues to be, personnel costs.

The Citizens' Aide/Ombudsman staff recognizes the importance of prompt, courteous service to the citizens of the State of Iowa and will continue to provide that quality of service in dedication to "Making Good Government Better."

STATUTORY CHANGE

During the 1980 session of the 68th General Assembly the Citizens' Aide/Ombudsman Act was modified by House File 79 to allow members of the office to serve as notary publics.

Previously, Section 601G.7(1), Code of Iowa, 1979, had language prohibiting a member of the Ombudsman staff from holding "any other public office of trust or profit under the laws of the state." A 1978 Opinion of the Attorney General held that such prohibition extended to the office of notary public.

The statutory change allows the office to extend its services to Iowa citizenry should the need arise rather than referring individuals elsewhere for the services of a notary public. As with the other services of the office there will be no charge for serving as a notary public upon request.

A complete printing of the Citizens' Aide/Ombudsman Act with the above change included follows.

CHAPTER 601G

CITIZENS' AIDE

(Ombudsman)

601G.1	Definitions.	601G.13	No investigation—notice to complainant.
601G.2	Office established.	601G.14	Institutionalized complainants.
601G.3	Appointment—vacancy.	601G.15	Reports critical of agency or officer.
601G.4	Citizen of United States and resident of Iowa.	601G.16	Recommendations to agency.
601G.5	Term—removal.	601G.17	Publication of conclusions.
601G.6	Deputy—assistant for penal agencies.	601G.18	Report to general assembly.
601G.7	Prohibited activities.	601G.19	Disciplinary action recommended.
601G.8	Closed files.	601G.20	Immunities.
601G.9	Powers.	601G.21	Witnesses.
601G.10	No charge for services.	601G.22	Penalties.
601G.11	Subjects for investigations.	601G.23	Citation.
601G.12	Complaints investigated.		

601G.1 Definitions. As used in this chapter:

1. "Person" means an individual, aggregate of individuals, corporation, partnership, or unincorporated association.

2. "Agency" means all governmental entities, departments, boards, commissions, councils or institutions, and any officer, employee or member thereof acting or purporting to act in the exercise of his official duties, but it does not include:

a. Any court or judge or appurtenant judicial staff.

b. The members, committees, or permanent or temporary staffs of the Iowa general assembly.

c. The governor of Iowa or his personal staff.

d. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.

3. "Officer" means any officer of an agency.

4. "Employee" means any employee of an agency.

5. "Administrative action" means any policy or action taken by an agency or failure to act pursuant to law. [C73, 75, 77, 79, §601G.1]

601G.2 Office established. The office of citizens' aide is established. [C73, 75, 77, 79, §601G.2]

601G.3 Appointment—vacancy. The citizens' aide shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appointment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation.

The citizens' aide shall employ and supervise all employees under the citizens' aide's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of the citizens' aide. [C73, 75, 77, 79, §601G.3]

601G.4 Citizen of United States and resident of Iowa. The citizens' aide shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration and public policy. [C73, 75, 77, 79, §601G.4]

601G.5 Term—removal. The citizens' aide shall hold office for four years from the first day in July of the year of his approval by the senate and the house of representatives, and until his successor is appointed by the legislative council, unless he can no longer perform his official duties, or is removed from office. The citizens' aide may at any time be removed from office by constitutional majority vote of the two houses of the general assembly or as provided by chapter 66. If a vacancy occurs in the office of citizens' aide, the deputy citizens' aide shall act as citizens' aide until the vacancy is filled by the legislative council. [C73, 75, 77, 79, §601G.5]

601G.6 Deputy—assistant for penal agencies. The citizens' aide shall designate one of the members of his staff as the deputy citizens' aide, with authority to act as citizens' aide when the citizens' aide is absent from the state or becomes disabled. The citizens' aide may delegate to members of the staff any of his authority or duties except the duty of formally making recommendations to agencies or reports to the governor or the general assembly.

The citizens' aide shall appoint an assistant who shall be responsible for investigating complaints relating only to penal or correctional agencies. [C73, 75, 77, 79, §601G.6]

601G.7 Prohibited activities. Neither the citizens' aide nor any member of his staff shall:

1. Hold another public office of trust or profit under the laws of this state other than the office of notary public.
2. Engage in any other employment for remuneration.
3. Knowingly engage in or maintain any business transactions with persons employed by agencies

against whom complaints may be made under the provisions of this chapter.

4. Be actively involved in partisan affairs. [C73, 75, 77, 79, §601G.7; 68GA, ch 1178, §1]

601G.8 Closed files. The citizens' aide may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before him, except that the general assembly, any standing committee of the general assembly or the governor may require disclosure of any matter and shall have complete access to the records and files of the citizens' aide. The citizens' aide may conduct private hearings. [C73, 75, 77, 79, §601G.8]

601G.9 Powers. The citizens' aide shall have the following powers:

1. He may investigate, on complaint or on his own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that he shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency.

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

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

4. He may issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence deemed relevant to a matter under his inquiry. The citizens' aide, his deputy and his assistants shall have the power to administer oaths to persons giving testimony before them. If a witness either fails or refuses to obey a subpoena issued by the citizens' aide, the citizens' aide may petition the district court having jurisdiction for an order directing obedience to the subpoena. In the event the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey such court order shall be subject to punishment for contempt. [C73, 75, 77, 79, §601G.9]

601G.10 No charge for services. No monetary or other charge shall be levied upon any person as a prerequisite to presentation of a complaint to the citizens' aide. [C73, 75, 77, 79, §601G.10]

601G.11 Subjects for investigations. An appropriate subject for investigation by the office of the citizens' aide is an administrative action that might be:

1. Contrary to law or regulation.
2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
3. Based on a mistake of law or arbitrary in ascertainties of fact.
4. Based on improper motivation or irrelevant consideration.

5. Unaccompanied by an adequate statement of reasons. The citizens' aide may also concern himself with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur. [C73, 75, 77, 79, §601G.11]

601G.12 Complaints investigated. The citizens' aide may receive a complaint from any source concerning an administrative action. He shall conduct a suitable investigation into the administrative actions complained of unless he finds substantiating facts that:

1. The complainant has available to him another remedy or channel of complaint which he could reasonably be expected to use.
2. The grievance pertains to a matter outside the citizens' aide power.
3. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.
4. The complaint is trivial, frivolous, vexatious, or not made in good faith.
5. Other complaints are more worthy of attention.
6. The citizens' aide resources are insufficient for adequate investigation.
7. The complaint has been delayed too long to justify present examination of its merit.

The citizens' aide may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time. [C73, 75, 77, 79, §601G.12]

601G.13 No investigation—notice to complainant. If the citizens' aide decides not to investigate, he shall within sixty days inform the complainant in writing of that decision and shall state his reasons. If the citizens' aide decides to investigate, he shall within sixty days notify the complainant in writing of his decision and he shall also notify the agency of his intention to investigate. After completing his consideration of a complaint, whether or not it has been investigated, the citizens' aide shall without delay inform the complainant of the fact, and when appropriate, the administrative agency or agencies involved. The citizens' aide shall on request of the complainant, and as appropriate, report the status of his investigation to the complainant. [C73, 75, 77, 79, §601G.13]

601G.14 Institutionalized complainants. A letter to the citizens' aide from a person in a correctional institution, a hospital, or other institution under the control of an administrative agency shall be immediately forwarded, unopened to the citizens' aide by the institution where the writer of the letter is a resident. A letter from the citizens' aide to such a person shall be immediately delivered, unopened to the person. [C73, 75, 77, 79, §601G.14]

601G.15 Reports critical of agency or officer. Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the citizens' aide shall consult with that agency, officer or employee, and shall attach to every report sent or made under the provisions of this chapter a copy of any unedited comments made by or on behalf of the officer, employee, or agency. [C73, 75, 77, 79, §601G.15]

601G.16 Recommendations to agency. If, having considered a complaint and whatever material he deems pertinent, the citizens' aide finds substantiating facts that:

1. A matter should be further considered by the agency;
2. An administrative action should be modified or canceled;
3. A rule on which an administrative action is based should be altered;
4. Reasons should be given for an administrative action; or
5. Any other action should be taken by the agency, he shall state his recommendations to the agency. If the citizens' aide requests, the agency shall, within twenty working days notify him of any action taken on his recommendations or the reasons for not complying with them.

If the citizens' aide believes that an administrative action has occurred because of laws of which results are unfair or otherwise objectionable, he shall notify the general assembly concerning desirable statutory change. [C73, 75, 77, 79, §601G.16]

601G.17 Publication of conclusions. The citizens' aide may publish his conclusions, recommendations, and suggestions and transmit them to the governor, the general assembly or any of its committees. When publishing an opinion adverse to an administrative agency or official he shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media or others who may be concerned. [C73, 75, 77, 79, §601G.17]

601G.18 Report to general assembly. In addition to whatever reports he may make from time to time, the citizens' aide shall by February 15 of each year report to the general assembly and to the governor concerning the exercise of his functions during the preceding calendar year. In discussing matters with which he has been concerned, the citizens' aide need not identify specific persons or agencies if to do so would cause needless hardship. If the annual report criticizes named agencies or officials, it must also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected. [C73, 75, 77, 79, §601G.18]

601G.19 Disciplinary action recommended. If the citizens' aide believes that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the appropriate authorities. [C73, 75, 77, 79, §601G.19]

601G.20 Immunities. No civil action, except removal from office as provided in chapter 66, or proceeding shall be commenced against the citizens' aide or any member of his staff for any act or omission performed pursuant to the provisions of this chapter unless the act or omission is actuated by malice or is grossly negligent, nor shall the citizens' aide or any member of his staff be compelled to testify in any court with respect to any matter involving the exer-

cise of his official duties except as may be necessary to enforce the provisions of this chapter. [C73, 75, 77, 79, §601G.20]

601G.21 Witnesses. A person required by the citizens' aide to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, provides oral or documentary information requested by the citizens' aide shall be accorded the same privileges and immunities as are

extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned. [C73, 75, 77, 79, §601G.21]

601G.22 Penalties. A person who willfully obstructs or hinders the lawful actions of the citizens' aide or the citizens' aide's staff, or who willfully misleads or attempts to mislead the citizens' aide in his or her inquiries, shall be guilty of a simple misdemeanor. [C73, 75, 77, 79, §601G.22]

601G.23 Citation. This chapter shall be known and may be cited as the "Iowa Citizens' Aide Act". [C73, 75, 77, 79, §601G.23]

CRITICAL REPORTS

Three Critical Reports were issued by the Citizens' Aide/Ombudsman pursuant to Section 601G.15, The Code, in 1980. The titles of those reports are listed below and complete copies, including the unedited replies of the respondents, will be provided upon request.

- | | |
|-----------------------|---|
| Critical Report #80-1 | Matters Relating to the
Implementation of Iowa Code
Chapter 400, Civil Service,
in Designated Cities |
| Critical Report #80-2 | Matters Relating to the Denial
of Public Access to Public
Records by the Washington
County Assessor |
| Critical Report #80-3 | Matters Relating to the Iowa
Department of Job Service
Appeal Board |

1980

CITIZENS' AIDE/OMBUDSMAN
CONTACT STATISTICS

Department	Number of Logs	Number of Cases	Number of Contacts	Percent of Total Contacts
Iowa Law & Government, general	123	20	143	3.38%
Governor*	12	3	15	0.35%
Secretary of State	12	-	12	0.28%
Auditor	-	1	1	0.02%
Treasurer	3	-	3	0.07%
Department of Agriculture	9	3	12	0.28%
Attorney General	11	5	16	0.38%
Judiciary*	13	4	17	0.40%
General Assembly*	11	2	13	0.31%
Citizens' Aide/Ombudsman	10	2	12	0.28%
Accountancy Board	2	-	2	0.05%
Commission on Aging	2	1	3	0.07%
Architectural Examiners Board	1	-	1	0.02%
Banking Department	1	-	1	0.02%
Beer & Liquor Control Department	1	1	2	0.05%
Blind Commission	-	1	1	0.02%
Civil Rights Commission	10	14	24	0.57%
Commerce Commission	7	2	9	0.21%
Comptroller	3	2	5	0.12%
Conservation Commission	7	10	17	0.40%
Crime Commission	1	-	1	0.02%
Development Commission	4	-	4	0.09%
Energy Policy Council	3	-	3	0.07%
Department of Environmental Quality	6	6	12	0.28%
State Fair Board	1	1	2	0.05%
Department of General Services	10	4	14	0.33%
Geological Survey	1	-	1	0.02%

*Non-jurisdictional to Citizens' Aide/Ombudsman -- includes referrals and informational requests.

Department	Number of Logs	Number of Cases	Number of Contacts	Percent of Total Contacts
Department of Health	19	14	33	0.78%
Higher Education Facilities Commission	3	-	3	0.07%
State Historical Departments	1	-	1	0.02%
Housing Finance Authority	5	-	5	0.12%
Industrial Commission	5	2	7	0.17%
Insurance Department	14	4	18	0.42%
Job Service Department	99	66	165	3.89%
- Job Placement Division	(19)	(8)	(27)	
- Job Insurance Division	(72)	(49)	(121)	
Bureau of Labor	17	7	24	0.57%
Merit Employment Department	9	3	12	0.28%
Natural Resources Council	1	3	4	0.09%
Board of Nursing	3	1	4	0.09%
Board of Pharmacy Examiners	1	-	1	0.02%
Office of Planning & Programming	11	-	11	0.26%
Department of Public Defense (includes National Guard (Army & Air) and Disaster Services)	3	2	5	0.12%
Board of Parole	32	47	79	1.86%
Department of Public Instruction (includes Vocational Rehabilitation, Area Education Agencies and Community Colleges)	14	13	27	0.64%
Department of Public Safety (includes State Patrol, Division of Criminal Investigation, Fire Marshal and Capitol Security)	9	4	13	0.31%
Real Estate Commission	2	2	4	0.09%
Board of Regents and Regent Institutions	13	13	26	0.61%
Department of Revenue	37	18	55	1.30%
Department of Social Services	365	466	831	19.61%
- Division of Adult Corrections, Correctional institutions and programs	(239)	(397)	(636)	(15.01%)
- Division of Mental Health Resources	(4)	(9)	(13)	
- Division of Community Services	(65)	(22)	(87)	
- Division of Field Operations	(44)	(35)	(79)	

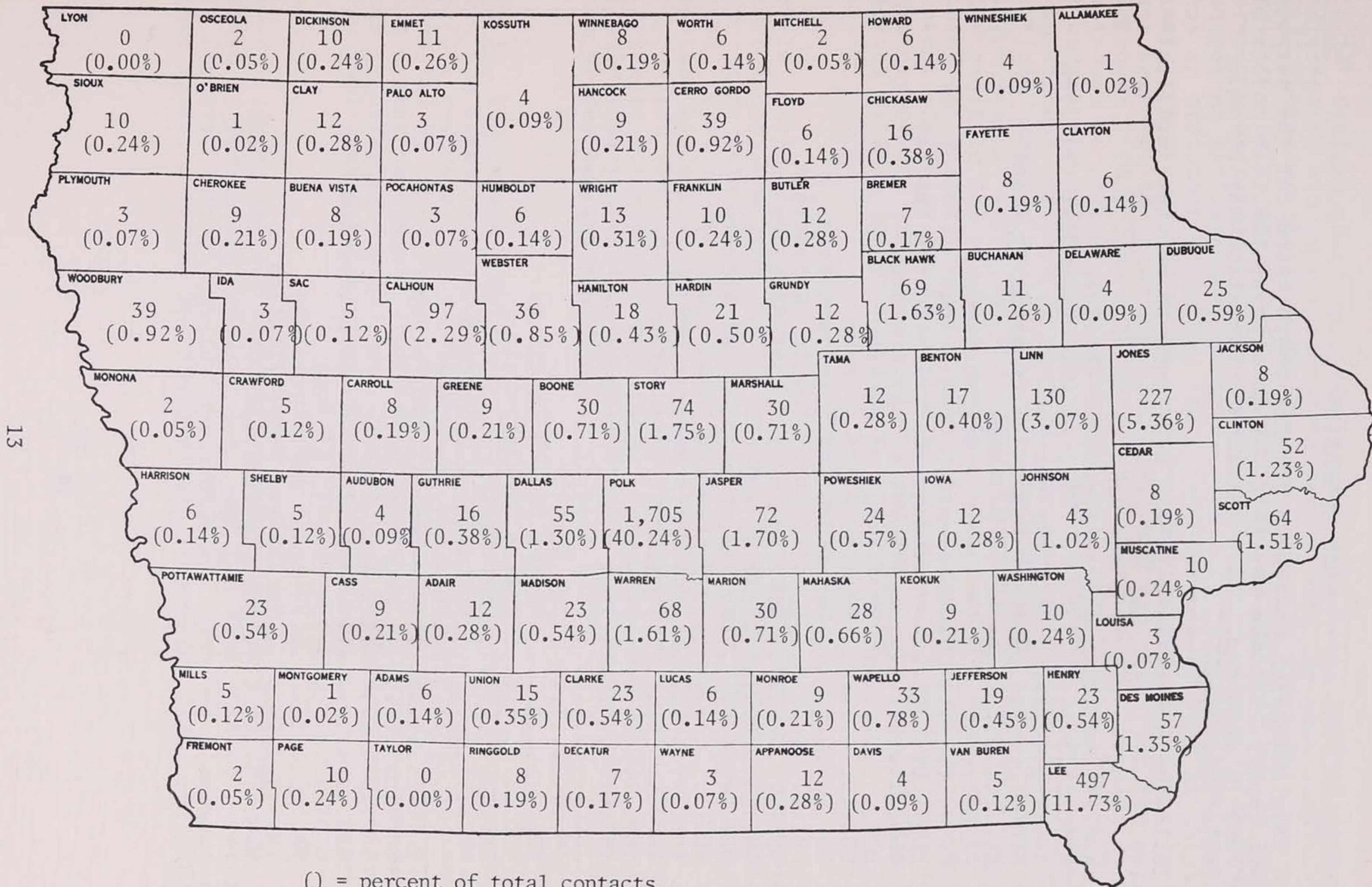
Department	Number of Logs	Number of Cases	Number of Contacts	Percent of Total Contacts
Prisoner Legal Assistance Program	24	1	25	0.59%
Soil Conservation Department	-	1	1	0.02%
Department of Transportation	60	36	96	2.27%
- Motor Vehicle Division	(47)	(21)	(68)	
Commission on Uniform State Laws	1	-	1	0.02%
Spanish Speaking People's Commission	1	-	1	0.02%
Appellant Defenders Office	1	-	1	0.02%
County Government (combined)	111	107	218	5.15%
School Government (combined)	23	17	40	0.94%
Municipal Government (combined)	141	141	282	6.66%
Metro/Regional Government & Community Action Agencies (combined)	22	3	25	0.59%
Federal Government (combined)	157	10	167	3.94%
Misc. Non-jurisdictional (combined)	<u>1,583</u>	<u>123</u>	<u>1,706</u>	<u>40.26%</u>
TOTAL	3,051	1,186	4,237	100.00%

1980

CITIZENS' AIDE/OMBUDSMAN
REFERRAL SOURCE TABULATIONS

<u>SOURCE</u>	<u>NUMBER OF TOTAL REFERRALS</u>
General Assembly	156
Governor's Office	147
Attorney General's Office	78
Other Governmental, state	213
Congressional Delegation	91
Other Governmental, federal	33
Federal Court	14
Correctional Institutions	600
Other Governmental, local	95
Previous Case	426
PR/Outreach	259
Self-Initiated	11
Other (media, Legal Services, friends, etc.)	361
No Record	<u>1,753</u>
	4,237

NUMBER OF CONTACTS BY COUNTY



() = percent of total contacts

Iowa Unk/Unk 16 (0.38%)
 Other States 54 (1.27%)
 Foreign 4 (0.09%)

CASE SUMMARIES

These case summaries have been greatly abbreviated for the purpose of this report. Should you have any questions, the file number of each case is recorded. More detailed information may be made available upon request.

The following abbreviations have been used to further facilitate brevity.

ADC.....	Aid to Dependent Children
AFDC.....	Aid to Families with Dependent Children
AG.....	Attorney General
BEOG.....	Basic Education Opportunity Grant
BOL.....	Bureau of Labor
CA/O.....	Citizens' Aide/Ombudsman
CC.....	Conservation Commission
DEQ.....	Department of Environmental Quality
DOA.....	Department of Agriculture
DOH.....	Department of Health
DOR.....	Department of Revenue
DOT.....	Department of Transportation
DPI.....	Department of Public Instruction
DSS.....	Department of Social Services
GR.....	General Relief
HEW.....	Health, Education and Welfare
ICC.....	Iowa Commerce Commission
IMR.....	Iowa Men's Reformatory
ISP.....	Iowa State Penitentiary
ISU.....	Iowa State University
IWR.....	Iowa Women's Reformatory
JBCC.....	John Bennett Correctional Center
JS.....	Job Service
MHI.....	Mental Health Institute
MSU.....	Medium Security Unit
OB.....	Obstetric
PA.....	Physician's Assistant
PE.....	Physical Education
Rule.....	Iowa Administrative Code
Section.....	Iowa Code, 1979
SS.....	Social Security
SSA.....	Social Security Administration
U of I.....	University of Iowa
VA.....	Veterans Administration
VR.....	Vocational Rehabilitation
WIN.....	Work Incentive

80-14 Citizen complained that horses were being kept on property adjacent to his in a residential zone inside the city limits. CA/O contacted the City Manager who agreed to check into the matter. He reported back, stating that he had been out to the property on several occasions and that he was unable to observe horses on the adjoining property. He also confirmed that the city has an ordinance requiring that large animals be kept at least 200 feet from a dwelling place. Citizen maintained that the city had not been out to check the situation, and the situation had not improved. CA/O then made an on-site visit to the property, and although no horses were observed, there were piles of large animal feces on the adjoining property. CA/O concluded that the property was undoubtedly used to confine some sort of large animals. The citizen admitted he had not seen the horses for approximately three weeks. CA/O then followed up with the City Manager regarding the visit to the property and he stated that the Assistant Police Chief had formerly kept horses there, but that they had now been moved. CA/O informed him that we should have been apprised of the history of the situation in the first place. He assured CA/O that horses will no longer be allowed on the property.

80-18 Citizen was treasurer of a County Bicentennial Commission that had \$5,000 left in the bank after the Commission had dissolved. The funds were to have been used for a project that never materialized. Citizen questioned whether the funds could now be used for another historical project. CA/O contacted the State Auditor who discovered that the funds in question were federal and that funds that were not expended were to have been returned to the American Revolutionary Bicentennial Commission. Citizen was referred to the proper federal agency.

80-30 ISP inmate complained that he had been transferred from minimum security without a disciplinary report or due process. CA/O's review of the matter determined that due process was not mandated by case law or statute but that essential fairness indicated that the inmate should be informed of the reasons why he was transferred. Subsequent to this recommendation, such a policy was implemented by the Division of Corrections.

80-47 Inmate alleged that she was being detained at IWR after the Board of Parole had released her. She had been granted a parole in January, however, parole was contingent upon her placement at Hope Haven, a center for the mentally retarded. CA/O explained

to inmate the conditional aspects of her parole, and consulted with IWR. CA/O learned that IWR was having problems securing funding for the placement at Hope Haven. Prior to the Parole Board's March visit to IWR, the IWR staff discussed the case with the Board, and it was decided that inmate would be approved for work release. An alternative placement was arranged, and she was released.

80-48 Citizen, an Iowa-licensed barber, decided to open a barber college. Iowa Barber Board licensure rules required that either the owner of a barber college be certified to teach, or that a certified instructor be employed. Existing rules for barber instructor certification required that the applicant serve an internship in an already established private barber college in the state. Without the internship, the applicant would be ineligible to take the exam. The complainant alleged that this rule was too restrictive, and in effect inhibited competition in private enterprise. CA/O found that the Barber Board was considering proposed rule changes to expand the examination eligibility criteria to provide an alternative means to certify as a barber instructor. This rule change was adopted. Under the rule change, the citizen was able to certify his instructors and school.

80-58 CA/O received several complaints in a short period of time alleging that inmates of IWR in the security area who filled out a medical request form to see the Physician's Assistant were not being seen by the PA unless referred by the nursing staff. CA/O asked IWR Acting Superintendent to clarify the policy. He subsequently issued a memorandum to the Medical Services Supervisor, which stated that any inmate held in the security area was to be seen by the PA each time the PA visited the institution regardless of whether the medical department had received a request from the inmate.

80-63 Citizens asked the Superintendent of Schools to sign an affidavit of necessity for their daughter to obtain a minor's school drivers license. The Superintendent did not sign the affidavit. He raised the issue of minor's school licenses with the School Board. The Board implemented a new policy which required that requests for affidavits of necessity for this license register the vehicle with the school, that a conference between parents and the school be held, and that the license plate numbers of each of the registered vehicles be turned over to local law enforcement

officials. The parents objected to the policy. CA/O researched the law and concluded that the school policy exceeded the school's authority, violated the family's privacy, and placed the school in a position of enforcing the law. CA/O raised the objections to the School Board and informed the citizens of their right to appeal to the DPI. They did so. CA/O monitored the case with DPI and testified at the hearing. The DPI overruled the School Board's policy on the basis that it violated federal privacy laws. Citizen's daughter's affidavit was signed by the school.

80-64 Citizen complained of the hazard created by a neighbor's leaking water stop box which resulted in an icy street. CA/O contacted the City Public Works Department. They contacted the absentee owner who agreed to have the stop box repaired. The work was completed. Citizen complained months later that water continued to leak and that he had been informed by the city that the leak was on his property and that he was responsible for its repair. Citizen believed that the damage was done when the other leak was repaired. CA/O contacted the City Water Works who found that the leak was again in neighbor's water line. Water Works assisted by contacting the property owners. The work was completed. Several months later citizen complained that his driveway was sinking because the plumber who repaired the leaks did not properly restore the driveway after repairing the leak. CA/O again contacted the Public Works Department. They notified the plumber and he properly restored the driveway.

80-74 CA/O discovered that no administrative rules had been promulgated for the JBCC at ISP. CA/O recommended that rules be promulgated, and they were.

80-75 ISP inmate complained that he had gonorrhoea and that no one at the prison would believe him. CA/O contacted the prison officials who indicated they did not believe him. At CA/O's request, a gonorrhoea test was given and it proved positive. Medication was then provided.

80-85 Citizen received drainage assessment. There had been no work in the district and their abstract attorney had assured them when they purchased the property in 1977 that there was no unpaid drainage assessment against it. CA/O learned that the assessment

was for legal fees accrued in the district in 1962, 1963, 1966 and 1967. CA/O contacted the Board of Supervisors expressing concern as to whether it was appropriate to assess present property owners for legal fees rendered to the district so many years ago, particularly when some of the amount assessed was for interest which had accumulated because of inaction on the part of the county in spreading the assessment. CA/O received a response from the County Attorney explaining that the assessment in question was made in April of 1975 requiring payment on or before September 30, 1975. He attached substantiating documents. CA/O found no statute limiting the time period for spreading such assessments. CA/O explained to the citizen that apparently the abstract attorney had overlooked the charges and, therefore, his complaint should be directed to the attorney or the abstract company.

80-89 Citizen alleged that she had been wrongfully denied two weeks of unemployment benefits. CA/O learned from JS that the citizen had submitted proof of her work searches for the two weeks in question on the wrong forms. CA/O requested that JS arrange a telephone hearing for the citizen. The hearing was held, and she received benefits for the two weeks in question.

80-111 Citizen complained that she licensed her 1974 Blazer for \$75 and learned later that she could have removed the back seat and licensed it for \$35. The Legislature defined the multi-purpose vehicle and set the statutory registration fee at \$75. With the back seat removed the vehicle could be considered a truck and so licensed for \$35. CA/O contacted the Treasurer's Office to be certain that such information had been made available to the citizen. The Treasurer assured CA/O that everyone is given the opportunity to delay registration should they prefer to remove the back seat of the vehicle and that everyone registering this type of vehicle was obligated to sign a statement indicating the intended purpose of the vehicle and whether or not the back seat was in the vehicle. The Treasurer's Office told CA/O that they suggested that she consult with her husband prior to registering the vehicle as a multi-purpose vehicle but that she was unwilling to delay the registration. CA/O so informed the citizen.

80-117 ISP lock-up unit inmates complained that their one-week loss of commissary privileges for disciplinary reason was going to be extended for two additional weeks, due to an administrative error. CA/O contacted Warden, and the commissary privilege was reinstated.

80-129 Citizen complained that his son had been arrested for "spotlighting" (hunting at night with a high-powered light focused on the animal causing the animal to freeze), pled guilty and was fined \$108 and loss of his hunting license for one year. At the time of sentencing the magistrate could not inform the complainant as to how the loss of the hunting license would run. The CC officer took the boy's license at the time of the arrest. Therefore, the complainant felt that the one year suspension of license should run from the date of the arrest and not the date of the hearing. Section 110.21 gives the magistrate the authority to suspend or revoke license for any definite period. CA/O, therefore, explained to the citizen that the one year loss of license would be from the date of the court hearing, unless otherwise stipulated in the order. CA/O also explained that the peace officer could seize the property without a warrant when there was probable cause to believe that a crime has been committed. The officer did not suspend the license, he seized it and delivered it to the magistrate having jurisdiction in the case. CA/O explained that this was proper procedure.

80-131 President of Iowa Hotel-Motel Association complained that the State Comptroller's Office had discriminated against smaller towns deciding to allow fifteen "higher-rate" reimbursement areas (generally larger cities) for state employee travel claims. CA/O made inquiry to the Pre-Audit Division and found that the decision to allow "higher-rate" areas was based on a survey of room rates in over 600 hotels and motels throughout the state, and on the average claim amount per area of travel reimbursement claims filed. CA/O responded that the decision had been based on factual survey results and actual travel claims and thus substantiated a need for "higher-rate" areas.

80-133 Citizen was a provider of babysitting services under the DSS WIN program and had not received her paycheck. CA/O investigated and found that the citizen had moved and not sent DSS her new address which resulted in the check getting lost in the mail. DSS stopped payment on the original check and sent a duplicate to the citizen's new address.

80-137 Citizen's sister in MHI was being coerced into relaying romantic messages between another patient and a staff member. She feared retaliation from the staff person if she did not cooperate since, according to her, that staff member had a friend who abused patients on her direction. CA/O contacted the director of the

institution emphasizing the importance of protecting the patient. The matter was resolved without adverse affect to the patient.

80-141 The stepfather and natural mother of a child in foster care wanted DSS to arrange for reinstating of family visitation because the child was nearing age eighteen and they felt that he should become reacquainted with his natural family. Allegations were that the boy was being held in foster care against his will. Investigation revealed that the boy did not wish to become reacquainted with his natural family and that any discussion involving the family upset him greatly. DSS assured CA/O that if and when the boy indicated that it was his wish, they would reinstate the visitation. CA/O asked DSS to arrange a discussion with the boy to be certain that his feelings have not changed in this regard. CA/O contacted the natural parents asking that the family allow the boy to make the decision without urging or pressure of any kind and assuring them that upon request from the boy the contact would be made. CA/O later received word from DSS that they had discussed the matter with the boy and that it was his wish to finish high school before he re-established relationship with his family.

80-145 The county owed a local veterinarian some \$4,000 for services provided during an outbreak of brucellosis. The county could not pay because the Brucellosis Fund was depleted. The Brucellosis Fund is established by property tax levy estimating the cost of an outbreak of the disease. By law, this fund can only be interchanged with the County Tuberculosis Fund. That fund was also insufficient to cover costs. The veterinarian was, therefore, required to wait until the county could levy and collect tax to pay him. CA/O recommended that the Legislature consider a central fund at the state level upon which counties could draw in case of an outbreak of the disease. This would eliminate ninety-nine county funds and the impossible task of estimating the cost of an outbreak. The county would be required to reimburse the state, with interest, after experiencing the outbreak with full knowledge of the amount required to cover costs.

80-151 Wife of ISP inmate complained that her husband's dormitory was too cold. CA/O's inquiry determined that there was a shortage of appropriate grade coal and that no attempt was being made to raise the temperature from 55 degrees. CA/O indicated to the Division of Corrections that they risked litigation from prisoners

and that this matter should be resolved. Within four hours, appropriate grade coal was available.

80-158 Owner of a bar and restaurant business alleged that his rate of contribution for JS benefits had significantly increased because he had incorporated his business. CA/O reviewed his records and explained to him that the rate is computed by averaging the annual payroll with the reserve. The ratio is then applied to a table of contribution percentages in effect in a given year. The table changes from year to year. His rate of contribution was low for many years. However, the raise in the contribution rate was because of a claim which had been filed that greatly reduced the reserve.

80-159 Citizen complained that she had purchased a car from a local car dealer and that the dealer had not properly inspected the vehicle and should therefore not be allowed to serve as a motor vehicle inspection station. The complaint, however, was not made until after the deadline for contesting an inspection. The citizen went to small claims court and was awarded damages on the basis that the dealer had misrepresented the vehicle and that it was dangerous. CA/O then contacted the DOT Dealers License Division and asked that they review the circumstances in this case with an eye toward suspending or revoking the dealer's license on the basis that the dealer committed a fraudulent act in the sale of the motor vehicle in question. The dealer's license was suspended.

80-160 Publisher of a small town newspaper complained that the city was not publishing City Council meeting minutes as required by law. CA/O wrote the City Clerk, and cited the Code section which requires cities of over 200 population to publish Council meeting minutes. Clerk responded, assuring CA/O that the requirement would be met, and stating that the intention had not been to deprive citizens of their right to review the minutes.

80-164 DEQ called CA/O stating that there had been a fire in a drugstore and there was considerable smoke damage. They inquired as to who they should contact to determine which drugs could be sold and which would have to be destroyed. CA/O contacted the Board of Pharmacy Examiners and the field representative was instructed to handle the matter.

80-165 Director of U.S. Census Bureau county office inquired whether DSS was disregarding income earned by AFDC recipients hired temporarily as census enumerators in determining eligibility for AFDC. He stated that he had not been able to get an answer from DSS, and that he wanted to know before hiring enumerators. CA/O contacted DSS Bureau of Financial Assistance and learned that the Commissioner had received a mailgram from HEW which made whether or not to disregard census income the prerogative of the State Commissioner. The Commissioner, by letter to HEW, had stated that the income would not be disregarded or exempted for determining AFDC eligibility. CA/O informed citizen of the decision and sent him a copy of the mailogram and letter.

80-169 Citizen complained to CA/O that DOR had been attempting to collect from her tax due on a 1971 income tax return she and her husband had filed separately on a combined return. The tax due was attributable to the ex-husband portion of the filing. He could not be located. A lien had been filed in both of their names. CA/O contacted DOR and found that in usual circumstances, there would be a combined tax liability on such a return. However, because the couple is no longer married, and the tax is attributable to the ex-husband who can't be located, further clarification was needed. DOR decided to cease collection efforts against the citizen and remove her name from the lien. DOR notified her of this by letter, stating that information she may have as to her ex-husband's whereabouts would be helpful.

80-179 Citizen contacted CA/O after having been denied copies of his "state papers" (indigent medical payments) by the U of I Hospitals billing department. He needed to furnish a copy of the papers for a financial aid application form (FAF) for school aid. He said that the billing department informed him that it was against hospital policy to release the papers to the patient. CA/O contacted local DSS and was informed that citizen needed only to come into the DSS office to sign a release form so that he could obtain copies of the papers.

80-181 Attorney called on behalf of his client who complained from the county jail that he had not been given a mattress or blanket. CA/O contacted the Sheriff who insisted that this could not be possible. CA/O requested that the Sheriff "double check". The Sheriff called and informed CA/O that the mattress and blanket had not been provided. They were immediately issued.

80-189 Citizen complained that the CC did not have a policy regarding identification procedures for CC employees. He explained that he had been stopped by an off-duty CC officer who requested to see his hunting license. He asked to see the officer's credentials, which the officer could not produce. A verbal spat ensued. CA/O contacted the Acting Director of the CC in this regard. He responded that due to CA/O's inquiry, the CC staff had formulated a procedure governing the identification of CC personnel, and that it would become part of the CC policy book.

80-192 An inmate complained about a pre-trial evaluation that was conducted by an employee of an MHI who was found to be practicing psychology without a license. CA/O informed citizen that any relief that he might seek would have to be handled by his attorney. CA/O raised concerns to DSS Mental Health Division that other inmates might be similarly affected and asked them to screen for other such potential cases. The Division reviewed all files and evaluations handled by the unlicensed psychologist and referred the matter to the AG.

80-193 IMR inmate complained that inmates were being forced to shower at 6:00 a.m. and that no hot water was available at that time. CA/O informed the Warden, and suggested that showers be given at times when hot water is available. The recommendation was accepted.

80-197 Citizen, a supplier of both retail and wholesale novelty items to carnivals and other game operations, complained that DOR had improperly assessed her for \$6,000 back sales tax and penalties. The citizen argued that no sales tax was due because this merchandise was not sold at retail. She argued that the game vendor was the ultimate retail merchant, and that her transactions were wholesale. CA/O reviewed the matter, and determined that since this is a dispute of what is a retail transaction, the matter would most appropriately be handled through the administrative hearing process and the judicial system and so advised the complainant.

80-219 ISP inmate complained that he had been transferred to that facility from the MSU subsequent to a mild heart attack and that he was only to be at ISP until he was pronounced fit to return to the MSU. The information on this transfer had apparently been

mislaid, and he had simply been forgotten at ISP. CA/O informed the staff, and he was transferred back to the MSU in accordance with the initial recommendation.

80-230 Client queried whether employers in Iowa must allow employees time off the job with pay for jury duty. CA/O responded that Iowa has no statute which makes this mandatory.

80-238 Citizen complained that the County Auditor had refused to sign the ballot for a benefited water district election, even though required by state law to do so. CA/O contacted the Auditor and she stated that the County Attorney had advised her not to sign the ballot. CA/O contacted the AG's office who called the Auditor and informed her that she was so required. The Auditor signed the ballot.

80-241 Client inquired about state regulation of burial vaults and crematory ashes after receiving conflicting information from several funeral homes. After finding no statutes regulating vaults or crematory ashes, CA/O contacted DOH which confirmed that no statutory regulations exist. The DOH's only requirement pertains to depth of casket interment. CA/O then contacted the Iowa Funeral Director's Association and learned that vault requirements are established by the individual cemetery, in accordance with the authority granted cemetery associations by Chapter 566A of the Code.

80-254 Citizen complained that he had been attempting to get a job at a local factory for years, but that JS would not okay him for an interview. He felt that he had the needed qualifications. CA/O contacted JS and found that the man did, in fact, meet the criteria set by the employer. He was subsequently given an interview. Citizen called CA/O later explaining that he did not get a job, but thanked CA/O for facilitating the interview.

80-255 Citizen, an AFDC recipient, complained that he was "caught between agencies." DSS and the SSA had refused to pay for a disability determination exam that he was required to undergo by AFDC regulation. He did not have \$25 to pay for the exam, and his doctor refused to release the report without payment. CA/O

contacted the Disability Determination Unit of VR and found that the client's disability application is on file with that Unit. The Unit agreed to pay for the exam, and called the client's doctor to ask him to release the information immediately.

80-257 The director of a funeral home had a contractual agreement that he would receive all cash on hand at the time of death to cover prearranged funeral expenses, with a man who died in a state MHI. The man had \$442 in cash at the time of his death. The funeral director was, however, unable to collect these funds. CA/O researched the Code and found that Section 218.65 specifies that the institution takes possession of all property of the deceased and delivers it to his duly appointed qualified representative. This would be the heir of the deceased or the legal conservator or executor appointed by the court. In the absence of an heir such funds must be transferred to the State Treasurer. CA/O informed the funeral director that after one year he should file a claim for payment from the state treasury for the funds due him. CA/O explained that he could not be considered the duly appointed or qualified representative of the deceased since the case was settled by will and not by contract.

80-277 ISP inmate who is sixty-six years old suffers from cancer of the bladder. He was having considerable pain in the lower extremities and had asked for Bengay ointment. The institution responded that Bengay ointment was contraband. CA/O convinced prison officials of the reasonableness of this request, and the ointment was provided to him.

80-295 ISP inmate complained that in addition to time served in isolation as the result of disciplinary committee sanction for throwing hot coffee on an officer, he had been told he would not be allowed any coffee. CA/O informed prison officials that once the due process punishment had been stated and carried out, additional punishments could not be imposed. The inmate was allowed coffee.

80-303 Client complained that the county had damaged his fence during snow removal operations three years ago and that nothing has as yet been done, despite promises from the Board of Supervisors. CA/O wrote Chairman of the Board of Supervisors. The County

Attorney responded that the county is willing to replace the fence posts and that the Supervisors had made this offer to the citizen on several occasions. CA/O asked the rationale for replacing only the posts. The County Attorney said that, in the opinion of the Supervisors who viewed the damage, the fencing could be restretched instead of replaced. CA/O informed citizen of the county's offer. Citizen stated that he had been unaware that the county was willing to replace the posts and restretch the fencing, and that this is acceptable to him.

80-304 Citizen alleged that an accident report in his DOT drivers license file was in error, and caused him problems when changing insurance companies. He stated that in July, 1977, the family's automobile was involved in a minor parking lot accident. The accident went unnoticed until a police officer arrived at his home, having obtained his address from a witness who recorded the automobile license number. As a result, the citizen met with the other car owner and agreed to pay for the damage, which was under \$50. However, the citizen stated that the automobile had been driven to that parking lot twice the day of the accident, once by his wife, and once by his daughter. There was no indication which driver was involved in the accident, but the report was in his drivers license file. CA/O asked that DOT Drivers License Division research the report. They found that the officer's report had indicated "driver unknown", and the amount of damage under \$100. Therefore, the accident was deleted from the file.

80-316 ISP inmate complained that he had been assessed costs for damage he did in Cellhouse 20 (maximum security) and that he could not pay unless released into the general population so that he could work. He would not be released from the security area until the assessed costs were paid. CA/O called this "Catch-22" situation to the attention of prison officials. Inmate was released into the general population and paid the costs.

80-340 Citizen learned from County Attorney that the criminal charges she had filed against her ex-husband had been dismissed because she did not appear to testify. Citizen stated that she had received no subpoena or notice of the hearing. CA/O contacted the Clerk of Court and learned that the subpoena had been returned by the Sheriff as they were unable to locate citizen. CA/O recommended that the County Attorney initiate a follow-up system to contact important witnesses when a subpoena is returned. Such a system was implemented.

80-350 Inmate alleged that ISP Security Director had informed him he would not be released from disciplinary segregation as scheduled, because "the Warden said not to let you out". CA/O contacted Security Director. He stated that he was having a problem finding an empty cell to assign to the inmate. He stated that if the inmate spent the weekend in disciplinary segregation, he would be able to accommodate him on Monday. CA/O informed Security Director that this was unsatisfactory. CA/O also told him he should express concern to the Warden if he disagreed with the decisions of the discipline committee rather than imposing his own sanctions. The inmate was released to the general population.

80-360 Citizen, owner of a bottle redemption center, was sued by five beer distributors for accepting bottles and cans from outside their distribution districts. CA/O contacted DEQ to see if citizen was in violation of the law and learned that he was not. CA/O contacted the AG to request their assistance for citizen since a significant issue concerning a state law was going to be litigated. The AG obtained a declaratory ruling from DEQ that stated that citizen's actions did not violate the Iowa Bottle Bill. Citizen was not benefited by the ruling as he settled outside of court, but the declaratory ruling will stand in the event of future court challenge.

80-368 IMR inmate complained that he had been sent back to IMR from a halfway house placement while placement for him in another halfway house was pending. CA/O's review determined that he could have been transferred directly from one halfway house to the other, without returning to the IMR. CA/O informed the Division of Corrections of this. Within a few days, he was placed in another halfway house and resumed working for the employer he had worked for originally.

80-372 IMR inmate complained that other inmates in the administrative segregation area were turning on all the cold water when unpopular inmates were showering, scalding the showering inmate. CA/O requested that a plumbing adjustment be made to make this impossible. This was done. The inmate further complained that there was a great deal of noise from a ventilator fan in the area. At CA/O's request, the fan was resealed with rubber grommets to reduce the vibration and noise.

80-374 Citizen's car was towed by a service station at the direction of the Police Department after the vehicle had been reported stolen by citizen. The service station refused to return the vehicle to citizen without a release from the impoundment order. Both the Police and Sheriff denied impounding the vehicle. CA/O's investigation uncovered that the service station wrongfully held the vehicle as it had never been legally impounded. CA/O explained to citizen that the law enforcement agencies were not at fault and that any cause for action would be against the service station.

80-378 Citizen complained that her former husband did not adequately support her two children. When her second husband died, he was determined by the SSA to be their primary source of support and, therefore, each child was granted \$280 per month in SS benefits from the second husband's SS. The biological father is employed by the SSA. The fifteen year old daughter has gone to live with him. Therefore, the stepfather's SS benefits are now being paid to the biological father. The irony is that if the biological father had adequately supported his children through the years, the determination of the stepfather as the primary means of support would not have been made in the first place. Citizen felt that this was a misuse of SS funds and it was unfair and unreasonable. CA/O explained that this office had no jurisdiction over federal government agencies and that her concern would require a change in the Social Security Act. CA/O volunteered to write a U.S. Senator's office explaining the situation and requesting his assistance, in her behalf, for considering legislation to implement a change.

80-381 Citizen queried CA/O whether the city can charge him for garbage pick-up he does not use, and whether a city can charge a late fee if a city utility bill is not paid on time. CA/O explained that whether or not a resident uses the garbage service, he can be required to pay for its availability, since all city residents benefit. CA/O also informed the citizen that there is nothing in state law which prohibits a municipal utility from charging a late fee.

80-383 Citizen obtained permits to use specific school grounds for Little League practices from the Parks and Recreation Department. He was later informed that the school administration had instructed them to stop such practices on elementary and junior

high fields. Permits were cancelled. A school board member said that he was unaware of any such policy. CA/O asked that Parks and Recreation apprise us of the basis of the rescission of the permits and by whose authority. CA/O was informed that baseball practice had been restricted on certain fields, however, the fields in question were not so restricted. Permits were reissued.

80-386 Inmate in ISP lock-up unit complained that a back brace he is required to wear for medical reasons had not been given to him when he was placed in the lock-up unit. CA/O contacted ISP hospital administration and the back brace was provided.

80-396 An inmate at the ISP complained that there were no rules for the "jailhouse lawyers" there. CA/O contacted the institution, and rules were promulgated.

80-399 Wife of an epileptic ISP inmate complained that her husband had had a number of seizures and was not receiving proper care. She further complained that his cell was on an upper range in the cellhouse, which could be dangerous to him. CA/O asked that he be moved to a lower range and provided proper care. These recommendations were met.

80-402 Citizen completed a printing job for DSS through the State Printing Division and when the job was finished the director exercised his authority granted in Section 18.48 reducing the amount of the award by fifty percent. The citizen alleged that the delays and less than perfect printing job was in part the fault of DSS and he felt that he should not, therefore, be penalized. CA/O met with the director of the Printing Division and reviewed samples of the booklet in question. CA/O found that they were not of acceptable quality. Further, CA/O was informed that the citizen was given the opportunity to reprint the booklet and that citizen had declined. CA/O informed citizen that there was little doubt but what DSS had been responsible for certain delays in completing the order. However, the issue was not the delivery date, but the quality of the workmanship. CA/O found that the director of the State Printing Division had therefore not exceeded his authority.

80-406 Citizen reported that she discovered a mound of animal carcasses while mushroom hunting. CA/O called the State Veterinarian and he sent an inspector to the site with citizen. The carcasses were on property that had been turned over to the CC for management. The Veterinarian contacted the CC and requested that they bury the animals. The decomposed condition of the carcasses prevented establishing responsibility.

80-407 Citizen's children were in foster care placement. She complained that the foster mother was not allowing her to visit the children and that the DSS was not providing assistance to her. CA/O contacted the caseworker who established a long-term schedule for DSS supervised visits. Citizen also complained that the caseworker had gone through her cupboards and refrigerator while on a home visit. CA/O learned that the citizen had been given funds by DSS to eradicate cockroaches and the client had agreed that the caseworker could check to insure the money was used for an exterminator. CA/O determined that the caseworker's action was appropriate and so informed the citizen.

80-412 Citizen complained that his probation officer had informed him that he could not reenlist in the military service while on probation. He stated that he knew that that wasn't so because a cousin of his had done so. CA/O contacted an army recruiter and was informed that under certain circumstances a probationer could go into the military. It depends on the nature of the offense and the restrictions placed on the probationer by the terms of the probation. He stated that they would not accept a probationer who had to report periodically or who had any restraints on his whereabouts. CA/O wrote the complainant accordingly and suggested he contact a recruiting officer to ascertain whether the conditions of his probation would qualify him for reenlistment.

80-419 Citizen complained that a hog confinement operation near his home had pumped waste water from its waste storage lagoon directly onto the ground and that the seepage had caused a fishkill in the adjacent creek. He contended that the owners had convinced the regional DEQ investigator that it was an accident. CA/O learned from the DEQ report that the regional officer had concluded that a violation occurred, and that the fishkill resulted from the violation. CA/O contacted DEQ Compliance Director and learned that the matter was referred to the AG for legal action. CA/O so informed citizen.

80-423 Citizen has been a registered nurse for many years but she was unable to practice nursing in Iowa without first taking the Iowa Board examination. In view of the shortage of nurses, this seemed to the complainant to be unreasonable. Investigation revealed that Iowa does have a procedure for licensure by interstate endorsement without examination (Rule 590--3.2). In most instances nurses may endorse from state to state with ease because they have written the national examination. All fifty states use the national licensing exam for registered nurses. Iowa has required this exam since 1946. This applicant had never taken the national licensing exam. Her credentials indicated that she graduated in 1949 in Norway and apparently came to the U.S. in the early fifties. Not only had she not written the national exam in any U.S. jurisdiction but she had not been examined in Norway since that country's examination in nursing was not introduced until 1956. Because this applicant had been licensed in three states without being required to write the exam, her credentials were taken to the Iowa Board of Nursing. The Board did not believe that her credentials warranted a waiver of the existing requirements. Iowa nurses must pass the national exam in order to practice nursing in Iowa. To waive this requirement for nurses from other states or countries would create the impression of discrimination against Iowa-trained nurses.

80-426 A businessman complained of a city ordinance which prohibits the painting of business names on the side of a building. CA/O reviewed the city's zoning ordinances and studied sign ordinances using local publications. CA/O also reviewed the matter with the American Planning Association in Chicago and with the Institution of Signage Research in Palo Alto, California. The conclusion was that even though this ordinance is stricter than most, the city was prohibiting only painting directly on the wall of buildings. A businessman could substitute a small plastic sign with the same information or put up a piece of plywood and paint on that.

80-442 Citizen complained that the BOL's Wage Collection Division had inadequately investigated his complaint against a former employer for failure to pay back wages. Although wages were paid between the time that he contacted the Division and the time that they contacted the former employer, citizen questioned the employer's calculation of federal withholding tax. He believed that the Wage Collection Division had not adequately challenged this calculation. CA/O wrote the Wage Collection Division. They responded that they had already recovered \$33.50 in this regard, which was due the citizen.

80-448 ISP employee complained that when minimum and medium security inmates needed medical attention, they had to go inside the prison compound to the hospital and were often harassed by maximum security inmates. On CA/O's recommendation, a schedule was arranged whereby the minimum and medium security inmates would be taken inside the compound only at times when the general population was locked up.

80-450 Attorney complained that his client, a diabetic inmate at ISP, was not receiving a diabetic diet. CA/O learned through investigation that the diabetic diet was not being provided, and contacted the dietitian in this regard. The diet was provided.

80-458 Citizen was denied certification as a school bus driver because of a hearing impairment. Rules by DPI require that bus drivers must pass hearing requirements without use of a hearing aid although eye glasses are permitted for the testing of people with visual problems. CA/O gathered information and reports which indicated, among other things, the fact that hearing impaired drivers have average to superior safety records and that ninety-seven percent of driver warning signals are visual, not auditory. DPI promulgated emergency rules changing its position on the basis of the fact that they could no longer justify the position previously taken.

80-484 CA/O investigated following many inmate complaints against a certain correctional officer at ISP. These complaints concerned his attitude and general conduct. After reviewing the matter, CA/O recommended to the staff of the ISP that this officer be transferred to a different unit. The recommendation was followed. Subsequently, a Merit grievance was filed by the employee about the action recommended by CA/O. CA/O's recommendation was affirmed by the grievance process.

80-499 Citizen complained that the Chief of Police and a Deputy Sheriff entered his residence without permission and without a warrant. He was arrested for burglary and was taken to the city's holding cell. His parents complained that they were not permitted to visit their son while he was in the cell. CA/O made an on-site investigation and took sworn testimony from all involved parties. CA/O concluded that the law enforcement officials went to the

complainant's home to talk to him regarding his promise to surrender certain stolen weapons. CA/O found that the city had a firm policy to deny visits as their cell is for short-term holding of prisoners and is not equipped to handle visitors. CA/O found this policy to be reasonable and requested the police to post signs to inform the public of that policy. The city did so.

80-522 Citizen complained that her child's name appeared in a memo, prepared by the high school principal, that indicated that she had excessive absences from class due to the fact that she was undergoing psychological counseling. Several other students' names appeared on the list, many with flippant remarks or personal information next to the names. The memo was distributed to the faculty and a copy was improperly obtained by a student. The "list" quickly spread through the school and was reported by the local media. Citizen contended that the principal acted improperly and owed the students an apology for his actions. CA/O contacted the principal who accepted the responsibility for his indiscretion and agreed to apologize to the citizen's child. CA/O also referred citizen to the Commission on Professional Teaching Practices under the DPI. They investigated and issued a reprimand to the principal.

80-542 CA/O was contacted by a Congressman regarding an inmate who was complaining about VA educational benefits. CA/O investigated and determined that the inmate and many others were receiving both BEOG and VA funds for the same educational services. CA/O recommended that this practice be discontinued and it was.

80-544 ISP inmate complained that the mirror had been taken from his protective custody cell. CA/O determined that the glass mirrors had been removed due to intentional breakage misuse. CA/O recommended that steel mirrors be bolted onto the walls of those cells. This was done.

80-563 Resident complained that the staff at Fort Des Moines Men's Residential Facility had failed to follow its own procedures on response to disciplinary appeals. He stated that he had been found guilty of a rule violation by the disciplinary committee on 5/19/80 and that he filed an appeal the same day. He stated that on 5/23/80 that the appeal had not been answered, although the facility rules require that appeals be answered within three days. CA/O contacted

the director of the facility. He informed CA/O that they had no record of the appeal. The resident had been permitted to file a new appeal and that he agreed to begin serving his disciplinary sentence prior to receiving an answer on the appeal. CA/O reviewed the policy for handling disciplinary appeals and informed the resident that we found no violation of due process in the facility's actions. CA/O explained that the resident had suffered no damage as the facility had allowed him to refile his appeal.

80-596 A retired state employee complained that he was being made to wait six to eight months for reimbursement of \$122 in SS deductions which were erroneously taken from his accrued sick leave pay by the DOT upon his retirement. He had contacted the DOT Payroll Division to no avail. CA/O made inquiry to DOT Payroll Supervisor, who stated that although the deductions were taken in error from the citizen's and several other employees' accrued sick leave pay, the usual procedure is for the state to apply for reimbursement from the federal government. This takes six to eight months. Upon reimbursement, the state reimburses the former employees. He informed CA/O that there is no way to immediately reimburse the employees. CA/O then called the situation to the attention of the State Comptroller, stating that there should be a mechanism by which the state can assume responsibility for its errors and reimburse the employee without long delay. Comptroller responded that his office was unaware of the problem since DOT handles its own payroll. He stated further that if the same situation had occurred with an employee paid from the Centralized Payroll, the money would have immediately been refunded from the Trustee Account. He stated his intention to discuss with DOT the possibility of establishing a similar account within its system to allow for increased flexibility of refunding erroneous deductions, thus eliminating the problem in the future. He requested that the DOT process these refund claims out of state funds immediately. Client received reimbursement the following week.

80-599 Citizen complained that the Friend of the Court was not actively pursuing obtaining child support for her from her ex-husband. Investigation revealed that she continually accepted money directly from the ex-husband which complicated matters. Further, the records indicate that two years previous the judge issued a contempt order, the husband was arrested and jailed. The complainant posted the bond to facilitate his release. A garnishment was accomplished for her last year and through that garnishment they had collected slightly more than the amount specifically ordered by the court. CA/O explained to the complainant that the Friend of the Court had certainly actively sought collection in her behalf.

80-602 Complainant is handicapped and therefore qualified for paratransit service. She had an infant son which she wanted the paratransit to transport to the babysitter daily. Her rationale was that the baby was, in fact, handicapped because it could not walk or talk or care for itself. Investigation revealed that there was no income problem in this case. The mother qualified for the service because she was transportation disadvantaged. CA/O researched the documents defining transportation disadvantaged and asked for and received a copy of the DSS standard purchase of service contract to research the insurance aspect of the situation. CA/O then wrote the citizen explaining that infancy was not definable as a disability, that a child developing normally could not be considered to be disabled. Therefore, the baby could not be considered a client for the purpose of providing the service. CA/O also pointed out on the purchase of service agreement that the insurance covered only qualified clients. CA/O explained that upon review it was our opinion that the position taken by the DSS Transportation Monitor for the Purchase of Service Unit was reasonable.

80-636 An inmate at the IMR complained that a follow-up examination for muscular dystrophy had not been provided him. CA/O made inquiry and found that this was an administrative error. The inmate was scheduled for the appropriate testing.

80-641 Citizen's son was placed by the court and DSS in a private school in New York State. Drivers education was not available at that school and the students there were not allowed off campus. Citizen requested a waiver of driver education. Section 321.178(2a) provides for a waiver of drivers education requirement for students who are in a situation where the course is not available to them. The son was to be home on leave for three weeks only. The complainant, upon CA/O's direction, obtained a letter from the local school explaining that drivers education was not available to the boy and it was not simply a matter of scheduling. He also brought documentation from the New York school stating that the course was not available there. The license was issued waiving the drivers education requirement.

80-652 Citizen complained that when he went to the Auditor's Office to reclaim his property which was sold at tax sale he was informed that he could not do so until such time as the bookkeeping process had been completed. He was required to pay interest from the date of the sale until the property was reclaimed. CA/O

researched the Code and found that Section 447.1 indicates that real estate sold at tax sale can be redeemed at any time by payment to the Auditor. CA/O contacted the County Auditor and explained that there appeared to be no statutory authority for administrative convenience. CA/O met with the County Auditor, the County Treasurer and the Director of the Property Tax Division of the DOR. The Auditor walked CA/O through the process and explained that the interest paid on the property from the date of the sale was paid to the buyer, not to the county. He explained the importance of the taxpayer's role because the county must collect taxes due to meet all the obligations of the various governmental entities which depend on property tax for funding. He stated that the law gives the buyer the right to reasonable interest for the period of time in which his money is actually used. Both the Auditor and the Treasurer assured CA/O that they would hand process any transaction in case of an emergency if necessary. The Treasurer explained that it is extremely important that the figures be balanced and the corrections be made because there was no mechanism for collecting any amount except that which appeared on the tax sale certificate. CA/O concluded that because of the volume of sales in this very large county that it was impossible to quicken the process. The County Treasurer explained to CA/O that the County Treasurers' Association is considering proposing legislation which would confine the entire process, including the redemption of property, to the Treasurer's Office since it would serve to make the process generally more efficient.

80-658 Small businessman alleged that JS had improperly assessed him unemployment compensation taxes, and that JS was unwilling to remove the improper assessment. He stated that JS was placing a lien against his business without proper verification of his salary schedule. CA/O contacted the JS Audit Division. A meeting was arranged in which the citizen presented his information substantiating the alleged assessment error. The lien was removed and his account was adjusted accordingly.

80-659 Citizen contacted CA/O regarding the loss of an Ithaca 12-gauge shotgun which was stolen from his place of employment in December, 1979. In January, citizen learned that the gun had been recovered and was apparently in the State of West Virginia. He had made several unsuccessful attempts through the local Chief of Police and County Sheriff to recover the gun. CA/O contacted the Iowa State Patrol, who contacted the West Virginia State Patrol and located the gun. The West Virginia State Patrol agreed to send the gun to the Chief of Police, provided he would sign a release when received. The gun was sent and returned to the citizen.

80-678 Citizen complained that the police refused to take her to her doctor's office when she called them from a public telephone complaining that she felt she was suffering a stroke. She further complained of poor treatment from the police. CA/O learned that the police had offered to call citizen an ambulance, which she refused. CA/O explained to citizen that it was not the police's duty to transport citizens except in emergency situations not present in her case. Further, her allegations of poor treatment were disputed and neither position could be substantiated.

80-690 Citizen, mother of a high school-aged daughter, complained about local high school's early morning physical education class offered to students with full regular school day schedules. The complainant alleged that the students in the early class were required to attend only one class period of PE per week, while students in the regular classes attended PE classes twice and then three times per week (alternate weeks). CA/O wrote the Principal. He responded by letter and sent a schedule which indicated that instruction and activity time for both sections are equal to fifty-five minutes per week, the minimum state requirement. There was only minor discrepancy in the time allotted for warm-ups, warm-downs, shower and dress. CA/O informed client that the instruction and activity times for both class periods appeared to be equal, and that both classes meet state requirements.

80-706 Citizen was denied unemployment benefits for refusing to accept part-time work from her employer after being informed that she was no longer needed full-time. CA/O contacted JS and informed them that we believed that an improper decision had been made since it appeared that this would amount to a substantial change in the contract of hire. CA/O asked that they review the file. They did so and made a note for the citizen's file which helped to simplify the case before the hearing officer. Citizen was awarded benefits after the hearing officer reviewed the case.

80-712 Citizen, a WIN participant, had requested the opportunity to go to a beauty school but was told by DSS that she could not do so. She stated that she had continually attempted to find clerical work but that she types forty words a minute with twelve errors and that although she had been granted a lot of interviews no one would hire her. She did not have a high school diploma and that was not required for beauty school training. CA/O contacted JS and re-viewed documentation of the fact that the cosmetology training was

not in her best interest and that there were more applicants for jobs in the area than there were jobs. Further, indications were that beauty operators in that area did not make a very good wage. Ultimately, JS arranged for a brush up course for her clerical skills. CA/O agreed that this was a reasonable resolution.

80-737 Citizen contacted ISU and asked that a common law name change be made on his ISU records. He was informed that the University policy was that the student's record could contain his current legal name and usage does not qualify as a method of changing one's legal name in Iowa. The University requested that the student send them a copy of his legal name change papers as processed by the court. CA/O sent ISU a copy of an AG's Opinion which holds that consistent use by a married couple of a hyphenated combination of their ante-nuptial surnames may establish that combination as the legal surname of the couple even though there has been no change of name petition through Chapter 674 or Section 595.5. CA/O asked that ISU review its policy in light of that Opinion. CA/O received a response stating that the Registrar had changed the policy to conform with the law and that the student's name was changed on the records as requested.

80-775 ISP inmate complained that the ISP had placed a magazine for radio amateurs on the list of prohibited, or contraband, publications. CA/O conducted a lengthy review of this matter, and determined that although this particular publication was appropriately considered contraband, the process for disqualifying publications was inadequate and inappropriate. CA/O contacted the Division of Corrections and suggested that more consistent and understandable rules be promulgated. They were.

80-796 CA/O was contacted by a citizen whose brother had just died and was to be buried on "state papers" by a local funeral home. The body had already been embalmed and the funeral was to take place the next morning. An agent of the funeral home contacted the citizen, stating that unless the state papers were signed to confirm that the state would pay for the funeral, the funeral would not take place as scheduled. Citizen had unsuccessfully attempted to contact the social worker who had made the preliminary application, but that person was on vacation. CA/O contacted the funeral home, and learned that they would not perform the funeral until the papers were signed, because of problems securing payment in the past. CA/O then contacted the local DSS office, and found that the

social worker who handled this case was, indeed, unavailable. CA/O recommended that someone in the office finalize the arrangements that afternoon. The papers were completed so the funeral could take place as scheduled.

80-802 Client had received a DSS General Relief voucher of \$75 to buy a used refrigerator. The refrigerator didn't work when she got it home, and the store from which she bought it refused to do anything. Although she was issued another voucher, DSS was requiring her to pay back the original voucher. She had contacted the Resource Manager who issued the voucher the next day to see if the original voucher could be voided, and thus did not believe she should be required to repay the voucher. The Resource Manager had told her she would have to "check with her supervisor"; thirty days elapsed and the voucher was paid. CA/O contacted the Resource Manager who stated that she would not cancel a voucher "just on the client's word". She stated she did not know of anything that could be done at this point. CA/O then contacted county Complaint Investigator who confirmed that since the voucher had been paid it could not be voided. He suggested that the citizen write a letter to the Resource Manager stating the reasons why she should not be required to repay the voucher and asking that it be included in her file. He stated that DSS would make no collection attempt but that an unpaid voucher could prevent her from getting GR assistance in the future. CA/O then contacted county Assistant Administrator to see if anything further could be done. He suggested that citizen appeal the repayment charge with the DSS office. CA/O wrote citizen instructing her to file an appeal and to write the letter for her file. CA/O informed her that the action taken on the appeal would be the official determination of whether she would be required to repay.

80-817 Social worker contacted CA/O on behalf of a Title XIX medical services recipient. The client had received \$416.57 worth of services from a physician who neglected to submit the forms necessary for the Title XIX payment. Shortly thereafter, the physician closed his practice and submitted unpaid accounts to a collection agency, which harassed the client for payment although DSS had written them instructing them how to satisfy the account. CA/O contacted AG's Consumer Protection Division. AG wrote the collection agency, informing them once again of the proper procedure to procure payment, and warning them not to contact the client again in regard to payment for this particular bill.

80-854 Citizen was injured on the job and drew worker's compensation. When he was able to return to work his job was not available to him. He applied for unemployment benefits. Although he was eligible for benefits, he did not qualify because he had no wage credits upon which to draw, since he had been off work through the base period upon which wage credits are calculated. CA/O recommended that the Legislature consider legislation which would freeze wage credits as of the date of a work injury. CA/O explained that we believed that the sequence of events reflected in his file was a result of today's diminished job market. Although the same circumstances may be present for any employee who suffered a non-work related injury or illness, the fact that it was non-work related tends to distinguish it from the work relationship. This recommendation was channeled to the chairs and members of the House and Senate Labor and Industrial Relations Committees.

80-864 Citizen left her husband. She has four children. She was born in Mexico. One child was born in Mexico when the mother was attending funeral. She found it necessary to apply for ADC and was asked to provide proof of citizenship. She didn't know how to go about that and she was desperate at this point. The local DSS office informed CA/O that she had given incorrect and inconsistent information on her application and that it was an extremely complicated case in that in addition to her four children she had one child who was a child of her deceased sister and another adult with a child living with her. CA/O explained that she was confused and needed assistance in gathering needed information and documents. Emergency needs were met and an experienced worker was assigned to the case. All required information was obtained clearing the way for payment of benefits.

80-865 Complainant filed for three weeks unemployment benefits. He was only paid two weeks benefits because the claims specialist stated that he did not receive a card for one of those three weeks. At a JS hearing the report indicated that the hearing officer ruled that the claimant did file three claim cards on time and was eligible for benefits for the three weeks. CA/O contacted JS. This was a real "Catch-22" in that in one letter they said that he, in fact, did have all three cards in and then in the next letter refused to pay benefits for one of those weeks because they didn't have the card. CA/O contacted JS and learned that they, in fact, would not pay because they did not have the card for the week in question. CA/O then contacted the director of the Job Benefits Division and asked for his assistance in resolving the matter, since at this point there was no way of knowing what happened to the card.

A duplicate card was sent to the claimant and he was paid benefits upon return of the signed card.

80-870 Citizen was determined ineligible for food stamps for the month in which he received vacation pay. He reapplied the following month and was told that this application would not be accepted or processed until his caseworker returned from vacation. CA/O contacted the DSS and they agreed to accept his application using the date that he initially applied. They agreed to set up an appointment for citizen to review his application.

80-878 The telephone company dug up the yard of this complainant although no permission had been granted by the present owner. Apparently, the telephone company had received permission from the previous owner. CA/O referred the matter to the ICC. The telephone company contacted the complainant and payment was made to resolve the easement matter.

80-881 An inmate in Cellhouse 20 at ISP complained that he was being held in a discipline cell when, in fact, he was not in discipline status. CA/O determined this to be true and recommended that he be moved to an appropriate cell, which was done.

80-900 Citizen complained that he had a recurring problem in receiving his unemployment compensation, which caused him problems with his creditors. He had been determined eligible to receive benefits, but worked sporadically for a construction company. After each such employment, he reopened the claim and there were significant delays before receiving his checks. JS indicated that the checks would be mailed the following week. CA/O asked JS to prepare a letter that he could present to his creditors to avoid any further problems. JS complied with the request. JS further indicated that the delayed payments would be made in a single lump sum payment which the citizen then received.

80-905 Citizen telephoned from the East coast complaining that he qualified for unemployment benefits and was looking for work on the East coast and, therefore, unable to report to the local office as required. He is a TV producer. He had contacted the

JS office by telephone and was told that he would have to go into a local office and personally file an interstate claim in that area. He stated that that made no sense because he was in New Jersey at the time but would be leaving the next day. CA/O explained that special arrangements should have been made prior to his leaving the state. He stated that he was not aware when he left the state that he would be having the opportunity to interview in several eastern states. CA/O contacted JS and then advised complainant that he should appeal the denial and that he would be granted a hearing. CA/O suggested that he explain at the hearing his efforts to contact JS by telephone and suggested that he may want to take the telephone bills with him as documentation. The hearing officer ruled in the claimant's favor and benefits were paid.

80-933 Citizen petitioned for bankruptcy in Iowa and listed a pending lawsuit arising from a motor vehicle accident in Michigan as a potential claim against his assets in the bankruptcy petition. The Michigan court certified a default judgment to the Iowa DOT's Financial Responsibility Division who suspended citizen's drivers license and motor vehicle registration for failure to post financial responsibility. Citizen complained to CA/O that the judgment was discharged in bankruptcy and therefore his license should not be suspended. CA/O contacted DOT and after conferring with the AG and the attorneys involved, the DOT determined that the judgment was, in fact, discharged in bankruptcy and the license suspension and vehicle registration suspension was lifted.

80-939 Dentist complained that DSS had refused to pay for \$433.30 worth of services he provided in 1978 for a Title XIX recipient because "the date of service was too old." The dentist had obtained the necessary prior approval for the work, and had been submitting payment forms since the work was completed in November 1978. Each time, the DSS computer asked him to "resubmit", which he did five times before being told that "the date of service was too old." CA/O sent copies of the prior approval form and other supporting documentation to DSS Medical Services Bureau. They determined the error to be the fault of the fiscal agent and not the dentist. The claim was then paid out of state funds.

80-941 Citizen complained that DOR had reimbursed him for only half a year under the rent reimbursement for low-income elderly rather than for the entire year. CA/O's investigation revealed that citizen lived in a building that became tax exempt in the

middle of the taxable year. Residents of tax exempt rental properties are not eligible for rent reimbursement. DOR had issued an order on an identical case which held that the rent reimbursement would be permitted for only half a year. CA/O agreed with DOR's position and so informed citizen.

80-944 Citizen complained that the weeds on an adjoining property were eight feet high. The property was owned by a business. She stated that there was an asthmatic child in the neighborhood and that the weeds caused severe problems. The neighbors had petitioned the County Weed Commissioner but nothing had been done. CA/O had contacted the Weed Commissioner and was informed that the county equipment was not sufficient to handle the job. He had, therefore, been urging the company personnel to get the job done. He agreed to contact them again. CA/O contacted the DOA and was informed that the county did have an alternative in that the Weed Commissioner could hire someone to do the job and fine the violator twenty-five percent plus the expenses, if necessary. Before CA/O was able to relay this information to the Weed Commissioner, the complainant called and reported that the weeds had been cut.

80-946 Citizen ordered contact lenses from the U of I Hospitals Opthamologic Clinic and paid a \$75 deposit. He later learned that he was not a suitable candidate for contact lenses and the hospital agreed to refund the deposit. After several months of waiting for his refund, citizen complained to CA/O. Our investigation found that there was no good reason for the delay and the refund was sent to citizen.

80-956 Citizen complained that her claim for senior citizen's property tax credit was denied because she rents out the top half of her home, although she is otherwise eligible. CA/O wrote the County Treasurer, who explained that there was no way she could figure for this claimant to receive any more credit than she had already received. CA/O then contacted DOR to verify these computations. DOR agreed that the claimant's Homestead Credit had in effect cancelled out her senior citizen's credit. CA/O wrote citizen, explaining the computation and citing the applicable section of the law.

80-974 The owner of a residential care facility complained that DSS would pay only \$14 per day per patient and that he was losing money every day. He explained that that figure seemed to be an arbitrary figure and that he wanted to know why they would not pay what it costs to keep Medicaid patients in his facility. CA/O researched the problem and found that the \$14 per day for residential care facilities was written in the DSS appropriation bill. DSS, therefore, had no authority or funds to pay any more than the \$14 established by statute.

80-989 Client, a former owner of a roofing company, complained that he had not yet received full payment for repairs made to the Guard Armory several months earlier. He wanted payment and interest. CA/O contacted the Guard Chief-of-Staff and learned that partial payment had originally been withheld because the client had not used the specified kind of rock to repair the roof. The necessary changes were made, and payment had now been approved by the Executive Council and sent to the Comptroller's Office for issuance of a warrant.

80-1024 Citizen was denied unemployment benefits because he had previously obtained benefits fraudulently. Complainant explained that the overpayment in question had been repaid in full. CA/O responded explaining that the JS statute authorized an administrative penalty when a determination has been made that a claimant knowingly made a false statement or failed to disclose material facts relating to benefits paid. CA/O sent a copy of the Code section noting that the section provides that any penalties imposed by this subsection shall be in addition to those otherwise prescribed. CA/O explained, therefore, the fact that he had repaid all overpayments and had paid the fine charged against him would not affect the administrative penalty. CA/O explained that it was clear that JS was acting within the scope of their authority in assessing the administrative penalty.

80-1058 Citizen was considering renting a house. The water company informed them that the water could not be turned on due to a broken valve. The owner of the property contended that the water company damaged the valve when they shut the water off after the last tenant moved. CA/O's investigation found that the street had been paved and that city procedure requires that the valves be checked prior to the paving project. In this case, the valve worked

prior to paving and the presumption was that it was damaged by the paving contractor. The city required the contractor to repair the valve. Citizen had water by the time she moved into the house.

80-1064 Citizen gave birth in an ambulance enroute to the U of I Hospitals. The baby was admitted to the hospital separately from the mother. The baby's hospital bill was approximately \$1,800. The baby died; the county paid funeral expenses but did not pay the baby's hospital expenses because no quota papers were currently available. CA/O verified with the county that this was indeed the case; and that the citizen would be billed as the county had no available mechanism to pay the cost of the baby's care. They suggested that the citizen apply for ADC funds; when denied, she could make her story known to a hearing officer who could then order the DSS to pay, since she could have qualified for ADC for an unborn child and the worker did not so advise her. CA/O stated that this seemed extremely awkward, and questioned whether it would work since she apparently had not contacted DSS relative to such benefits. CA/O contacted the Special Assistant to U of I Hospitals and was informed that quotas are not used for OB cases and that the charges for the child should have been written off to the mother's non-quota OB papers. The situation was immediately resolved. CA/O so notified the complainant and the local DSS.

80-1075 Citizen complained that the city was sounding its newly-installed disaster siren three times a day at 7:00 a.m., 12 Noon, and 6:00 p.m., and for every fire and ambulance call. The siren had been installed fifty feet from the elderly citizen's apartment window. He found the frequent soundings to be extremely distressing, since both he and his wife suffered from heart conditions. The Mayor and Council members told him that the siren had been installed in that location due to the availability of three-phase electrical connection in that spot. At CA/O's suggestion, citizen agreed to get documentation from his doctor as to the potential health hazard and to bring the matter to the formal attention of the City Council at the next meeting. CA/O indicated that we would contact the city if the Council was not receptive to his concerns. Citizen then informed CA/O that the Council had agreed to test the siren only at noon on Saturdays for a trial period.

80-1079 County Sheriff's officials were unable to tell citizen, who was attempting to post bond for two friends being held in one county jail for another county jail, how much the bond was. CA/O

contacted the County Clerk of Court. She discovered that Magistrate Court had neglected to transfer the amount of bond information to the other county. She informed CA/O that bond had been set at \$50 for each individual and immediately relayed this information to the other county officials.

80-1080 Citizen complained that he had not received the senior citizen property tax credit although he was income eligible and filed timely. Citizen had also claimed the homestead credit. CA/O reviewed his claim with the applicable section of the law, and confirmed our findings with the County Treasurer's Office. Because the homestead credit he claimed was larger than the senior citizen's credit for which he was eligible, the senior citizen's credit was, in effect, cancelled-out by the homestead credit. CA/O wrote the citizen and explained the computation and the applicable section of the law.

80-1098 Citizen complained that the County Treasurer's Office and local DOT were failing to enforce state laws regarding vehicle title transfer. He had purchased a vehicle from a dealer over a month earlier, and had not received title, although state law requires that the title be transferred within seven days of sale. CA/O contacted the County Treasurer's Office and learned that no application for the transfer had been filed. CA/O then contacted State DOT Motor Vehicle Enforcement and Dealers License Division. A local inspector contacted both the citizen and the dealer. He reported to CA/O that the citizen had said that he was aware the vehicle came from Florida and he knew the dealer was having trouble obtaining clear title when he made the purchase. Therefore, the inspector gave the dealer ten days to have the title transferred. Transfer was made four days before the deadline date.

80-1137 Citizen complained that her husband had been out of work for two months. He qualified for unemployment benefits, but no benefits had been received. The family applied for food stamps and were informed that they would have to verify, for the record, that no unemployment benefits would be forthcoming. CA/O learned that there had been an error on the part of JS and that benefits were, in fact, due. There had originally been some question about the claimant's address. Once the matter was clarified, the claim should have been released for payment. However, it was not. The claim was released and a check for six weeks benefits was issued.

80-1158 Citizen stated that the City Council had voted to accept federal and state funds for the purpose of an airport upon the recommendation of the Airport Commission. He stated that the city held a meeting to vote on the matter in a place which was not easily accessible to disabled and/or elderly because of a stairway and, therefore, were not permitted the opportunity to provide input. He petitioned the Council for a rehearing in the matter. Investigation revealed that the meeting was held at the best facility available to the city and that it was well attended by the general public, including the complainant. CA/O was informed that the Council had since reaffirmed its vote to accept grants for establishment of an airport. CA/O learned that the complainant was also present at that meeting. CA/O then reviewed the Open Meetings Law and wrote the citizen explaining that the Law did not speak to accessibility by handicapped or elderly. The intent language of the Act specified, "...easily accessible to the people." Further, the Law does not necessarily conclude that a meeting in such a place would negate action taken at the meeting. CA/O also explained that there was some question as to whether a stairway unreasonably impedes accessibility. CA/O informed the citizen that if he wanted to pursue the matter of accessibility, that he may wish to contact a private attorney for advice as to whether such a suit would be practical.

