

*Thirty-Sixth
Annual Report
of the
Nebraska
Public Counsel*

**THE
OMBUDSMAN**

2006



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NEBRASKA PUBLIC COUNSEL'S OFFICE

MISSION STATEMENT

TO PROMOTE ACCOUNTABILITY IN PUBLIC ADMINISTRATION AND PROVIDE CITIZENS WITH AN INFORMAL MEANS FOR THE INVESTIGATION AND RESOLUTION OF THEIR COMPLAINTS AGAINST THE ADMINISTRATIVE AGENCIES OF NEBRASKA STATE GOVERNMENT.

EXPOSITION

- The Public Counsel's Office is a public accountability and problem-solving agency. Its fundamental purposes are to promote accountability by state agencies and to investigate, address and resolve, through informal means, citizens' complaints relating to the administrative acts of state agencies.
- The "administrative acts" that may be addressed by the Public Counsel's Office include any action, rule, regulation, order, omission, decision, recommendation, practice, or procedure of an agency of state government.
- In addressing citizen complaints, the emphasis is always on the need for informality in resolving the disputes between citizens and agencies. Because of this emphasis on informality, some of the work of the Public Counsel's Office takes on the appearance of being in the nature of mediation or conciliation. However, the Public Counsel's Office is interested in more than simply resolving disputes and must, particularly in its public accountability role, carry out serious fact-finding. In order to perform this fact-finding, the Public Counsel's Office has been given very real investigative powers, including the subpoena power.
- The approach to each citizen's complaint is tailored to its particular facts, but the Public Counsel's Office always addresses complaints impartially,

and does not approach cases from an initial perspective of acting as an advocate for the complainant. In fact, many complaints are found to be unjustified by the Public Counsel's Office precisely because the results of a neutral investigation show that the complaint is not sustained by the facts. On the other hand, once it has been determined from an investigation that a complaint is justified, it is the duty of the Public Counsel's Office to approach the relevant administrative agency with recommendations for corrective action. In pursuing these recommendations, the Public Counsel's Office takes on the role of an advocate, not for the complainant, but for the corrective action and, in a very real sense, for the general improvement of public administration.

- Because of its interest in improving public administration, the Public Counsel's Office is not necessarily satisfied with the outcome of a case merely because the complainant may be satisfied. The Public Counsel's Office also has to consider the broader implications of a case for the administrative system and, where appropriate, make recommendations for changes that will strengthen agency policies and procedures. By performing this function, and by publishing occasional reports of its findings and recommendations, the Public Counsel's Office also helps to promote public accountability of the agencies of state government and performs a legislative oversight function.

TRANSMITTAL

Section 81-8,251, R.R.S. 1943, provides that the Public Counsel shall each year report to the Clerk of the Legislature and to the Governor concerning the exercise of the functions of the office during the preceding calendar year. Pursuant to Section 81-8,251, this Thirty-sixth Annual Report of the Nebraska Public Counsel's Office has been prepared as the annual report for the calendar year 2006, and is hereby respectfully submitted.

FORWARD

This is the *Thirty-sixth Annual Report* of the Nebraska Public Counsel's Office, and covers the activities of the office for calendar year 2006.

In our Annual Report for 2004, we changed the content of our Report slightly by the addition of a section to the Report consisting of "complaint summaries." These summaries essentially represented an unrefined description of selected complaints as they were presented to the Public Counsel's Office by the complaining party. It was our hope that these summaries, uncluttered by any explanation of the follow-up steps that were taken by the Public Counsel's Office on the cases, would give the Report's readers a "flavor" for the kinds of situations that are presented to the office on a routine basis. After employing this approach for a couple of years now, we have concluded that the inclusion of these complaint-issue summaries in our Annual Report has helped to better explain the work of an ombudsman's office, by providing a more comprehensive presentation of the problems that the office must confront on a daily basis.

In considering the usefulness of the complaint summary section of our recent Reports, our greatest concern was that the effectiveness of the summaries might be limited by the relatively low number of summaries included in the section. With that in mind, we have increased the number of summaries offered in this Report to 100 summaries. Although there is certainly nothing "magic" about that number, we generally think that including more such summaries will give the reader a much better picture of the breadth of the issues that are presented to the office. More summaries can also give the reader a better idea of the range of seriousness and complexity of the issues that are typically presented to the Public Counsel's Office.

Marshall Lux, Ombudsman

THE OMBUDSMAN CONCEPT

Throughout much of the last century, countries around the world, in general, and Americans, in particular, have witnessed a dramatic growth in the scope of government. The modern bureaucratic state, with its extended supervisory functions and its increased provision of services, has become an unavoidable reality. As a natural concomitant of that reality, the organization and operation of government has become more sophisticated, and more complex, as government has endeavored to perform its expanded role in an efficient, evenhanded, and procedurally reasonable manner. A common result of this increased complexity in government is the utter bewilderment that many citizens experience when confronted by the intricate, and seemingly infinite, array of rules, regulations, policies, and procedures that they encounter in their dealings with the bureaucracy of modern government. Thus, as government's involvement in the lives of its citizens has become more frequent, direct, and thorough, citizen interaction with that government has simultaneously become more complicated and, for many, far more frustrating.

As might be expected, these combined characteristics of modern government tend to generate a wide assortment of grievances in cases where citizens feel, rightly or wrongly, that their government has treated them in a manner that is unreasonable, unfair, or improper. While some of those grievances are ultimately resolved through the sole efforts of the complaining party, many grievances are left unresolved, either because there is no avenue for a ready solution, or because the grievant simply lacks the resources and sophistication necessary to utilize those avenues that do exist. When such grievances are left unresolved, citizens become more alienated from their government, and the errors of governmental operatives are left unaddressed and are, perhaps, even reinforced.

In order to help a bewildered public deal with the backlog of unresolved citizen grievances against governmental bureaucracy, numerous governments around the world have turned to the Swedish innovation of the ombudsman. Although the specific characteristics of the institution may differ in certain respects from one government to another, the basic concept of an ombudsman's office envisions an independent office that is designed to receive, investigate, and pursue informal resolution of miscellaneous citizen complaints relating to agencies of government. In carrying out this function, the ombudsman is not only expected to resolve the specific substantive complaints that come to the office, but the ombudsman is also

expected to promote improvements in the quality of government by advocating for changes in the ongoing management and operation of the agencies under the ombudsman's jurisdiction. It is also anticipated that the ombudsman, in performing these functions, will help to hold powerful governmental agencies publicly accountable for their actions.

In its classic form, an ombudsman, although an independent officer, is viewed as being an adjunct of the legislative branch of government. Indeed, one of the reasons that the ombudsman's office in its classic form is made a part of the legislative branch is to help insulate the ombudsman from pressures that the office might experience if it were placed within the executive branch of government. Because of its association with the legislative branch of government, the classic ombudsman is also able to perform a role as part of the apparatus for legislative oversight of governmental agencies and programs. In fact, the work of the ombudsman in resolving the problems that are experienced by ordinary citizens at the hands of governmental agencies gives the ombudsman a unique insight into the real world activities and consequences of those agencies and programs. That insight may then be used as a resource by the legislature in carrying out its oversight responsibilities with respect to the agencies within the ombudsman's jurisdiction.

Typically, the investigatory powers given to an ombudsman's office under the law are very real, and very meaningful. In arguing for the resolution of citizens' complaints, and in advocating for fundamental changes in the policies and procedures of administrative agencies, the "truth," as revealed to the ombudsman by a thorough investigation, is the most potent weapon that an ombudsman can wield. Indeed, without the power to thoroughly investigate the facts surrounding citizens' complaints, an ombudsman's office would be crippled in its efforts to understand and resolve those grievances. In addition to its investigatory authority, an ombudsman's office also has very broad power to make recommendations to the agencies under its jurisdiction, and to publish its findings and conclusions relative to the grievances that it investigates. However, the typical ombudsman's office does not have the authority to compel an administrative agency to accept and implement its conclusions and recommendations. Thus, in its formal relationship with the agencies under its jurisdiction, an ombudsman's office performs solely an advisory role. Nevertheless, it is widely recognized that an ombudsman's office, by providing a direct and informal avenue for the mediation of citizen grievances, is a valuable tool for enhancing the relationship between a government and its citizens and, ultimately, for improving the administration of government itself.

The ombudsman institution made its first appearance in North American government in the 1960's. In his ground breaking books *When Americans Complain* and *Ombudsmen and Others*, Professor Walter Gellhorn of Columbia University promoted the ombudsman concept as a means of providing an "external critic of administration" for American government. In 1967, Professor Gellhorn prepared a "Model Ombudsman Statute" and in 1969 the American Bar Association adopted a resolution which articulated the twelve essential characteristics of an ombudsman for government. The ABA followed this effort with the development of its own Model Ombudsman Act, which it adopted in 1971. From these beginnings, the ombudsman institution gradually spread to state and local governments across the United States.

INFORMATION AND REFERRAL

In addition to performing its specific statutory mandate regarding the resolution of citizen complaints, the Office of the Public Counsel has assumed the additional function of responding to citizen requests for general information relative to government. In this day of complex bureaucratic structures and imponderable regulatory provisions, it is not unusual for citizens to be confused or simply "lost" in their dealings with government. The Office of the Public Counsel is frequently contacted by citizens with questions regarding the provision of governmental services, the content of specific laws and regulations and a variety of miscellaneous issues relating to government in general.

Historically, the Office of the Public Counsel has responded to such inquiries either by providing the information sought directly or by referring the citizens involved to the organizations or governmental entities that would be best equipped to provide the information sought. The Office of the Public Counsel, with its broad expertise in the organization and operation of government, particularly on the state level, has proven to be ideally suited to serve as a clearinghouse for citizen inquiries pertaining to government. Over the years, thousands of citizens have contacted the Office of the Public Counsel and have received the information necessary to enable them to better understand and interact with their government.

HISTORY OF THE OFFICE

On July 22, 1969, the Nebraska Legislature passed LB 521, providing for the establishment of the Office of the Public Counsel. LB 521 was approved by Governor Norbert T. Tiemann, on July 29, 1969. (See Appendix.) The Office commenced actual operation on June 1, 1971, with the appointment of Mr. Murrell B. McNeil to the position of Public Counsel.

In creating the Office of the Public Counsel, the Nebraska Legislature established an office that was, in all significant respects, consistent with the classic model of an ombudsman's office as articulated in the American Bar Association's Resolution setting forth the twelve essential characteristics of an ombudsman for government. The new law contemplated that the Public Counsel would be an independent officer, appointed by the Legislature for a term of six years and subject to removal, for good cause, only by a vote of 2/3 of the members of the Legislature. In order to facilitate its efforts to resolve citizen complaints, the Office of the Public Counsel was endowed with very thorough investigatory powers, including the authority to address questions to officers and employees of state agencies, free access to agency records and facilities, and the subpoena power. The Office of the Public Counsel was further empowered to publish its findings and conclusions relative to citizen complaints and to make recommendations to the agencies under its jurisdiction. The Office was also authorized to participate, on its own motion, in general studies and inquiries not relating to specific citizen complaints. The jurisdiction of the Office of the Public Counsel was limited to scrutiny of the administrative agencies of the state government. The Office was not given jurisdiction over complaints relating to the courts, to the Legislature or to the Governor and her personal staff. Most significantly, the Office of the Public Counsel was not given jurisdiction over political subdivisions of the State.

After serving for over nine years as Nebraska's Public Counsel, Murrell McNeil retired from office, effective July 31, 1980. Upon Mr. McNeil's retirement, Mr. Marshall Lux, then the Deputy Public Counsel, became the Acting Public Counsel, by operation of law. On February 19, 1981, the Executive Board of the Legislative Council nominated Mr. Lux for appointment to the position of Public Counsel, pursuant to Section 81-8,241, R.R.S. 1943. That nomination was approved by the Nebraska Legislature on February 20, 1981. The Legislature reappointed Mr. Lux to successive terms in 1987, 1993, 1999, and 2005.

Throughout its history, the Public Counsel's Office has been the subject of legislative initiatives that have refined and extended the scope of the office's role in Nebraska government. The first of these developments was seen in 1976, as policy-makers around the country were searching for new ways to reform the corrections system in the wake of the Attica riots. The Nebraska Legislature responded to that situation in part by amending the Public Counsel Act to create the new position of the Deputy Public Counsel (Ombudsman) for Corrections. In creating this new position, the Legislature was, in effect, saying that it wanted to give special emphasis to resolving prison complaints and to have someone on the Legislature's staff who could act as an expert in that area. It was anticipated that this new position would not only offer inmates an effective avenue for obtaining administrative justice and the redress of grievances, but that it would also serve the interests of the state by helping to reduce sources of anger and frustration that led to inmate violence, and by decreasing the number of inmate lawsuits relating to prison conditions and operation. The Deputy Public Counsel for Corrections is Mr. Oscar Harriott.

A significant issue before the Nebraska Legislature in 1989 was concerned with demands by Native Americans, particularly the Pawnee Tribe, that the Nebraska State Historical Society repatriate to the tribes those human remains and artifacts that archaeologists had recovered over the decades from Native American burial sites. The Legislature met these demands by adopting the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act, which established procedures that allowed the tribes to seek the repatriation of human remains and burial goods that were being held in the collections of the Historical Society and other museums across the state. The Ombudsman's Office was given an important role in this procedure by being designated by the Legislature as the body responsible to arbitrate any dispute that arose between the tribes and the museums in the repatriation process. The Ombudsman's Office was actually called upon to perform this arbitration role on two occasions in disputes between the Pawnee Tribe and the Historical Society.

In 1993, in an effort to find new ways to encourage efficiency and discourage misconduct in state government, the Nebraska Legislature passed the State Government Effectiveness Act. Among other things, the Act contemplated that the Ombudsman's Office would become a focal point for the investigation of allegations of significant wrongdoing in state agencies. The Act also provided for a new procedure designed to protect state employees who acted as whistleblowers

to disclose wrongdoing in state government from being retaliated against by their supervisors. The Ombudsman's Office was given the key role in investigating and responding to these retaliation complaints and has, over the years, addressed many such cases. Early in 1997, the Nebraska Supreme Court found one important provision of the Act to be unconstitutional under the theory that it was a violation of the principle of separation of powers. *State ex rel. Shepherd v. Nebraska Equal Opportunity Commission*, 251 Neb. 517, 557 N.W.2d 684 (1997). However, those constitutional objections, as well as several other perceived difficulties with the functioning of the Act, were addressed by the Nebraska Legislature in LB 15 of 1997, which was signed by the Governor on March 10, 1997.

One of the most important issues before the Nebraska Legislature in 1994 was an initiative to restructure the state's system for the delivery of welfare services. In the process of changing this system, it was recognized that the recipients of welfare services would need to have a special problem-solver to help in dealing with the redesigned welfare system. It was also recognized that the Legislature itself would benefit from having the input and expertise of a staff person who was directly involved in addressing the day-to-day problems that arose in the implementation of the new welfare system. Responding to these needs in much the same way that it had in 1976, the Legislature created the new position of Deputy Public Counsel for Welfare Services as a part of the legislation that ultimately enacted the changes to the state's welfare system. The Deputy Public Counsel for Welfare Services is Ms. Marilyn McNabb.

STAFF

The chief asset of the Public Counsel's Office is not its statutory powers or mandate. It is not even the high level of support that the Office receives from the public and the Legislature, although those factors are certainly important to the Public Counsel's success. The chief asset of the Public Counsel's Office is its staff, the men and women who carry out the routine duties of the Office.

The staff of the Office of the Public Counsel consists of eight full-time and three part-time employees, and one very loyal and helpful volunteer. All of the seven full-time staff members (Ombudsman Marshall Lux, Deputy Public Counsel Terry Ford, Deputy Public Counsel for Corrections Oscar Harriott, Deputy Public Counsel for Welfare Services Marilyn McNabb, and Assistant Public Counsels James Davis III, Carl Eskridge, Anna Hopkins, and Hong Pham) are actively involved in casework. The part-time employees (Carla Jones, Marge Green, and Kris Stevenson) serve as clerical personnel and have significant contact with the public in fielding telephone calls and providing immediate responses to questions from citizens.

It is, of course, always difficult to conveniently describe or characterize any group of people, even a group as small as the staff of the Nebraska Public Counsel's Office. The people who make up that staff are, after all, individuals, who bring diverse backgrounds and a wide range of unique talents to their jobs. Many of the professional employees of the Public Counsel's Office came to the office with previous experience in state government. Some had worked first in the office as volunteers before becoming permanent professional employees of the office. Three of the professionals in the office have law degrees, and some on the professional staff have advanced degrees in other areas as well. All of these backgrounds and associated talents contribute in important ways to the success of the Public Counsel's Office. Viewed collectively, however, the most important characteristic of the staff of the Public Counsel's Office is its experience.

While the details of their backgrounds are remarkably diverse, one characteristic that many of the Public Counsel's Office staff have in common is their experience in working for other agencies of Nebraska state government. Nearly every member of the Public Counsel's Office professional staff had prior experience working in Nebraska state government before joining the Public Counsel's Office. In some cases, that prior experience was extensive. The entire staff of the Public

Counsel's Office has an average of over seventeen years of service with the State of Nebraska. This wide range of experience both in and out of the Public Counsel's Office has given the staff a meaningful exposure to the day-to-day functioning of state government and the issues that are common to its operation and have made the staff a true collection of professionals in the handling of complaints against state administrative agencies.

Beyond its experience in state government generally, the staff of the Public Counsel's Office has the additional advantage of continuity. The rate of turnover of the Public Counsel's staff is very low, even for such a relatively small office. The average Public Counsel's Office employee has been with the office for more than thirteen years. This means that the employees of the Public Counsel's Office are not only experienced in the minutia of state government, but that they are also highly experienced in the fine art of complaint-handling. They have refined the needed human skills for dealing with people under stress. They have developed the analytical skills for untangling complicated issues presented in complaints. They have acquired the negotiation skills necessary for bringing citizens and bureaucrats together for the resolution of difficult problems.

Dealing effectively with citizen complaints requires an uncommon combination of talents and expertise. The professional training and background of the Public Counsel's staff is both diverse and extensive. That background together with the uncommon continuity of the staff has enabled the Public Counsel's Office to develop and maintain a strong foundation in what can truly be described as the profession of complaint handling.

COMPLAINT SUMMARIES

The following summaries are offered as thumbnail descriptions of the kind, source, and variety of a few of the routine complaints presented to Public Counsel's Office in 2006.

Department of Health and Human Services

Case #46

The complainant lives in a small community about 20 miles from Lincoln, and is the mother of a one year old child. She also supports her 17 year old sister, who is in school, and her mother, who is disabled. She makes \$8.50 per hour, and receives only \$200 in food stamps per month. She is not receiving WIC. The complainant said that her mother is considered to be a member of her household. Due to being sanctioned for not taking ACS classes, her mother has lost her Medicaid and, therefore, her medication. The complainant explained that her mother is disabled, because she has agoraphobia and severe depression, and cannot leave her house for any length of time, much less travel to Lincoln to take the ACS classes. They are trying to appeal this sanction.

The complainant lost her housing subsidy for not reporting income in a timely fashion. She did not know how to appeal this determination, and so no appeal was filed. After losing her housing, the complainant has tried to make the rent payments on their home, but the family is now being evicted. The complainant tried to pay a partial rent payment, but it was refused. The complainant said that she simply cannot manage on the amount of money she makes. She needs help before they lose everything.

Case #92

The complainant said that she would like help with getting her son out of the foster care system. The son, now eight years old, has been in the system since before the age of two years. The complainant said that her son has been in several foster homes, the last one being a home where he stayed for one and a half years. She states that she has had continual visitation with her son since he was removed from her custody. She said that she just found out

they are going to try to terminate her parental rights. She believes that she has not been given an adequate opportunity to prove herself worthy of having her son returned to her custody.

Case #129

The complainant feels that certain confidential information about her and her children was given out by her caseworker. The complainant states that this situation happened when her electricity was turned off, after she broke up with her boyfriend. She said that she thought he had paid the electric bill, but it was not paid, so she and her four children moved in with her parents briefly. She is now back in an apartment, and would like a new caseworker. She also states that the caseworker never returns her telephone calls.

Case #194

The complainant contacted the Ombudsman's Office concerning six children in foster care, including four girls ages 11, 9, 7, and 4 years, and two boys, ages 18 months and 9 months. All of the children have the same mother. The complainant is the father of the two boys.

The complainant said that the four girls were placed with their aunt, and are with a good family and in good health. However, the boys are in their third or fourth foster home. The complainant said he has turned in allegations to HHS about the treatment of the boys in foster care. He said they have been brought to visits in unsanitary conditions. He talked about both of the boys being unhealthy, and said that the older boy's mental status was poor, claiming that the boy "just sits around acting like he is trying to protect his brother." The complainant also said that the older boy had a burn mark that HHS did not want to justify. The complainant said that the caseworker had told them things like that happen with children, and that he was simply was overreacting. However, he said CPS had called the police yesterday to record the burn mark on the older boy's arm. The complainant claimed that the boys had no bumps, scraps, or bruises when they were living in his home.

Case #228

The complainant stated that her two children, ages 17 and 12 years, are in the custody of their father and step-mother, and are being abused. The complainant does not understand why CPS and the police have not taken action against her ex-husband for this abuse, when it is very apparent this is happening. She also said that she fears that if her ex-husband got word of any type of investigation of the situation, the children would be punished. The complainant wants a discrete investigation of this situation.

Case #245

The complainant told the Ombudsman's Office that three and one-half years ago she had received Medicaid, food stamps, etc., from Nebraska HHS. Last year, the complainant received a notice that she had been given about \$2,000 worth of food stamps in error, and that she would have to pay that money back to the State. The complainant said that she then called her caseworker and was told "not to worry – that it was their error, and the State would take care of it."

The complainant said that, when she filed her income tax return this year, one-third of the refund was taken out for the food stamp money due to the State. The complainant does not know what to do. She said that she needs all of the tax refund money for her living expenses. She feels that because it was not her error, she should not have to reimburse this money to the State.

Case# 269

The complainant is very concerned about what is happening to two foster children, ages 3 and 11, who are living in her home. She said that the two children have been living with her in Omaha for about a year, and that she is their godmother. The complainant stated that the children are eventually being moved to the North Platte area to be reunified with the biological mother. The complainant feels that this is being proposed because of some false information about the foster home that was given to the judge by a person who the complainant does not know, and who would not be in a position to know anything about her home or her life with the children. The complainant stated that as recently as two days before the court hearing,

HHS was still giving wonderful reviews of her care of the children, but when she got to the court hearing it was an entirely different story.

The complainant stated that the 11 year old child does not want to move away. The three year old child, of course, has no opinion on the move, but the complainant feels both children are doing well under her care, and that HHS has always given her the understanding that the children would not be reunified with the biological mother. The children are first to be placed in North Platte with new foster parents, and this is supposed to happen soon. The complainant is hoping that something can be done to stop this.

Case #307

The complainant said that her daughter had her seven children removed from their home by Child Protective Services, because of alleged drug use by the daughter. The children were then placed in the temporary custody of their grandparents in the complainant's home. There was subsequently a home study of the he complainant's. The grandparents do not know the outcome of this study, but the children have now been removed from their home.

In the move from the grandparent's home, the siblings were split up. Two girls, ages 8 and 6 years, were placed with their father, whom they had not seen in five years. The complainant stated that the father of the children is a drug user himself, and lives in a residence with several other men. The other children, ages 11, 10, twins who are age 2, and a 7 month old infant, were placed with a great aunt and great grandmother on the mother's side.

The complainant said that she and her husband want to have custody of the children. Presently, the grandmother is allowed two hour visits with these children daily. The local HHS office will not release the report of the home study.

Case #347

The complainant is the father of a son who was placed with the complainant's ex-wife when the couple was divorced. In January, however, the complainant's son was returned to his custody. He said that the son had been removed from his mother's home by the State, and that the son was also

a state ward. In January, Child Support Enforcement paid the mother three payments of child support which was money that had been garnished from the complainant 's wages. The complainant wants to get this money back, however, the staff at the Child Support Enforcement office have told him it was his responsibility to get the money back.

Case #368

The complainant said that she and her daughter, both of whom are disabled, live together. Because of their disabilities, both the complainant and her daughter need to have the assistance of a chore service provider to help with household activities. In the past, their caseworker has coordinated the chore provider, made sure that the provider was the same person, set up the times, etc. However, the complainant said that they have a new caseworker, and the new caseworker has been much less helpful. The complainant said that the new caseworker had the authorization and approval to secure a chore helper for their home for several weeks, but has done nothing yet to assist in obtaining the chore provider. She said that since the caseworker has been switched, they are having a great deal of trouble in obtaining services and benefits.

Case #373

The complainant said that she has been attempting to be designated as the adoptive placement for two state wards who are her niece and nephew. She said that her efforts are being blocked by HHS and the court system, and she would like to know why this is being done. She feels she is very able to adopt the children, and she states that she has been trying for months to get answers, but no one wants to answer her questions or tell her why she is not eligible to be the adoptive parent of these children. The parental rights to the children were terminated some time ago.

Case #462

The complainant stated that his mentally challenged adult son, who is 51 years old, has lived successfully for years in an apartment, where he resides with a roommate. The son's overall services are provided through an agency

which had assigned the son's case to a staff person who acts as his son's supervisor and mentor. The complainant said that the mentor is now buying a house, and is pressuring his son to move into this house with him. The complainant said that the mentor is putting considerable pressure on his son and is trying to influence the son to make the move. At this point, the complainant that he feels that this proposal is a conflict of interests on the mentor's part, and although he cannot interfere in this proposed move, he questions whether it is in his son's best interests.

Case #463

The complainant stated that she has been notified by her HHS caseworker that most of her welfare benefits are being taken away from her. Apparently, this is being done because her caseworker believes that the father of the complainant's children is living with her in the home. The complainant denies that the children's father is living with her, and states that the caseworker has no solid evidence of this allegation. She states that the family's Food Stamps and ADC were reduced to \$119 per month, and the children were taken off of Medicaid.

Case #526

The complainant said that her son was formerly in foster care, but was returned to the complainant's home about six months ago. The complainant has been waiting for her son's SSI to kick in to help with paying for his care. Now, however, the complainant has been told that she cannot get her son's SSI, because she must first pay back to the state the \$4,000 it took to care for him while he was in foster care. The complainant believes that she should not have to wait for the SSI benefits to be sent to the family.

Case # 548

The complainant said that his son was recently returned to the Youth Rehabilitation and Treatment Center in Kearney. The son had been placed at the Center previously, but had been released. The complainant feels that his son failed and was returned to the Center, because there was no one-on-

one counseling at the facility. He also believes that there were not enough staff at the Center to assist with his son's problems.

Case #562

The complainant said that she had lost her job on January 6, and she reported it to HHS immediately. She said that in February her HHS caseworker sent her the paperwork, which she submitted. She said that now there has been a delay in getting her Food Stamps, and she is being told by HHS staff that "it is not a priority, because she now has a new job." The complainant said that in January it should have been a priority, because she did not have a job then. She says that the regulations say that it will take 30 days to get the food stamps. She is was upset and crying over this situation. She said in January she was destitute with two kids, and they did not do anything, and now she is "not a priority."

Case #583

The complainant said that she is the adoptive parent a child who was a State ward who was obtained through a subsidized adoption arrangement with HHS. The complainant said that she received a monthly subsidy from the State of \$891.00 to help with the care of this adopted child. However, the complainant said that the subsidy was not enough when her husband lost his job, so the family put in an application for ADC, Food Stamps, and medical help. She said that they got the Food Stamps at the end of January, but after they did not hear for one month, she asked about the status of the other benefits. At that point, the complainant was told the application was way too old, and that she would have to submit another claim. She has now filled out the application for the third time, and she still has not heard about any results.

Case #668

The complainant said that she has been receiving HHS benefits, but that she was sanctioned in April, because she did not attend the classes that she is supposed to attend to continue qualifying for benefits. The complainant said that she did not attend the classes, because she was in jail, and also due to

visitation she needed to have with her daughters. She said that she was told to provide documentation about jail and regarding visits. The complainant said she did as she was asked, but she was still sanctioned. Now, she has a job, but needs money to live on until she receives her first pay check. She also needed rent assistance, because she will not be getting her first pay check until mid-April. She said that she did not need help for long, as she knew she would have a job.

Case #693

The complainant has a degree in human services, and has worked in that area all of her life. The complainant said that she was investigated by Child Protective Services and the results found the case to be "inconclusive." At this point, the case is in the appeals process, but according to HHS they will not hear her appeal challenging her listing on the Central Registry until the fall. In the meantime, she has lost her job, and she has no money, is about to lose her house, etc., all due to being on Central Registry for child abuse. The complainant said that her children are in counseling, due to problems with her ex-husband. The complainant has had psychological evaluations done on herself, followed everything that was asked to do, and still her case was found "inconclusive. " She wishes assistance in moving the hearing process forward.

Case #731

The complainant is a caseworker with a local social service agency. She has a concern with Adult Protective Services in regard to a client who recently came home from the hospital. The complainant said that the client, who is in dialysis and is diabetic, does not have either of his legs, and is sick and confused. The client's nephew has moved in with him, and although this arrangement was only supposed to last for only a week, now it has been a month. The client has asked his nephew to leave, but the nephew refuses to leave, and now has his girlfriend living there as well. The complainant said that the client's medication is disappearing, and his needles have all been used. Apparently, the nurses are afraid to go into the house, and they reported the situation to the complainant.

The complainant said that she had called Adult Protective Services about this situation. She said that it took her two days to get through to anyone on the APS "hot line." Finally, APS looked at the case and said that they cannot do anything about it. The complainant said that APS told her that the Housing Authority was the agency that was to take care of the situation, but the complainant said that, in the statutes, it is Adult Protection that is supposed to do something. The complainant said that she is really mad about this situation, and that it happens so many times it is "a joke."

Case #1070

The complainant said that she is worried about the investigation that is being done on abuse allegations relating to her three year old daughter, who was allegedly being sexually abused by the daughter's father. The complainant states that most of the investigators involved know the father, and are friends with him, including the sheriff who went out to visit the house. She states that the judge already feels that the father did not sexually abuse the three year old, and is letting the father have unsupervised visitation again. The complainant said that there are conflicting reports from the therapist and the counselor.

Case #1455

The complainant said that she and her two children were receiving HHS benefits in October, November, and December of 2004. At that time, HHS referred them to a specific dental practitioner for family dental needs. However, Medicaid has not paid the dental bill. The complainant states she was told by HHS that they would pay the bill a few months ago, when she received a private bill from the dentist, but the bill remains unpaid, and she does not know how to get Medicaid to arrange to make the payment.

Case #1508

The complainant wrote a letter to the Public Counsel's Office concerning her daughter and her grandchildren. The daughter's children were made State wards when the daughter was committed to the Lincoln Regional Center. The daughter has a guardian. The children are two boys, ages 11 and 9

years. The complainant says that the father of the children has given up his parental rights to the oldest boy. That child lives with a foster family and that family wants to adopt the boy. The younger brother lives with his father, and the brothers do not get to see each other. The complainant said that her daughter did not get to visit her children while she was at LRC. She said that she feels that the daughter's legal guardian has not been working for reunification. The complainant would like to have assistance in getting this guardianship terminated, and making it possible for her daughter to have a chance at reunification with her family.

Case #2230

The complainant said that her children were taken by the State on October 2. Apparently, this happened when the complainant and her mother were having a very loud and angry argument. Now, the family wants another HHS caseworker to be assigned to the case, because their current caseworker has decided to terminate the complainant's visitation with her children. The complainant said that she has done everything that has been asked of her by HHS.

Department of Motor Vehicles

Case #217

The complainant had received a DWI conviction and was court ordered to put an automatic locking device on his car, so he could not operate it while intoxicated. The complainant did what he had been ordered to do in regard to having the device installed on his vehicle, although afterward he really could not afford to have his license renewed for the two months after going to court. Later, after the court order had expired, the complainant had the automatic locking device removed from his vehicle, and went to renew his license. The Department of Motor Vehicles did issue him another operator's license, however, after this renewal, he was contacted by his probation officer, and told that he would have to have the automatic locking device put back onto his car. The complainant believes he should get his money back for having to reinstall the device on his car (\$221), because he has, in effect, been required to do it twice.

Case #333

The complainant stated that she recently had her motor vehicle operator's license renewed with no problems. However, when she received a ticket, she was told by the officer that her operator's license was recorded as having been suspended under her previous surname. The complainant explained that she had previously used a married name, but after divorcing, she went back to being licensed under her maiden name. The problem seems to be that she has had license suspensions under both names, and she thought that the situations had been cleared up, because she had been able to get another driver's license. She has a court date pending and wants to resolve the issue before going to court.

Case #473

The complainant says that her son had received a letter that he had 21 points accumulated against his motor vehicle operator's license, and that he had to take a driver training class to get his license reinstated. She says this letter was dated November 29, 2005, and stated that her son had three months to take the course. She says this letter came from the Financial Responsibility office of the Department of Motor Vehicles. According to the complainant, the family then received a subsequent letter informing them that her son's driver's license was being revoked until June. The complainant said that they assumed that this letter meant that it was no longer necessary for her son to take the class. However, they have now found out that her son should have taken this driver training class by the end of February. They talked to DMV and asked what to do, but they were not given a satisfactory answer.

Case #961

According to the complainant, the licensing examination stations operated by the Department of Motor Vehicles have no signs in the Russian language to explain the licensing process. The complainant is an immigrant and speaks Russian, and he feels that there should be signs in Russian at these sites. He pointed out that there are signs at the licensing examination stations in Spanish and other languages, but not in the Russian language.

Case #1514

The complainant feels that there needs to be clearer information available to the public on what specific motorcycle helmets meet both the Nebraska and the Federal helmet safety requirements. The complainant says that he also questions whether the Department of Motor Vehicles is actually testing motorcycle helmets to determine whether they meet Federal requirements. He suspects that DMV merely accepts the manufactures' safety claims without validation.

Case #1528

The complainant has just received notification that the Department of Motor Vehicles intends to revoke her motor vehicle operator's license. She said that the situation related to a case where she had failed to pay the fine on a ticket that she had received. The complainant stated, however, that the signature on the ticket and the vehicle involved are not hers.

Case #2033

The complainant said that he went to license a truck that he had purchased used, and wanted to transfer the plates from a truck that he is going to sell. He said that the Department of Motor Vehicles would not let him do this, and said that he had to purchase new plates. He said they told him that it was a new law that went into effect this year. He wants to know if that is true. He said he knows of others who have transferred their license plates in this way, while still retaining ownership of the other vehicle.

Case #2204

The complainant is concerned with a situation that relates to when he went to license his son's vehicle. The complainant said that his son is serving in the military, and carries auto insurance that is made available to the military personnel. He said he spent a great deal of time trying to find out from the Department of Motor Vehicles whether insurance from that company was certified in the State of Nebraska, because if it was not, then he could not license the car. He said that when he did finally get someone in the

Department of Motor Vehicles, they were rude to him. The complainant was very frustrated, and wanted to know why the State of Nebraska was making it so difficult for the people who are serving in the military and giving up so much to get their cars licensed.

Department of Correctional Services

Case #43

The complainant is an inmate at the Lincoln Correctional Center. He said that when he was recently released from Segregation, he was ordered to go to the Protective Custody unit. The complainant said that he did not want to live on that unit, because there are two inmates already on that unit who are waiting for him to be placed there so that they can assault him, and he is fearful of going there. When he refused to go to that unit, he was given a Misconduct Report for disobeying a direct order. The complainant said that he fears for his life, if he is forced to live on that unit. However, he has had difficulty explaining this to staff. The complainant is from Peru, and needs to have someone interpret English for him.

Case #117

The complainant, who is an inmate at the Tecumseh State Correctional Institution, said that he had been directed to submit to urine sample analysis six times in 2005. Now, in January of 2006, he has been told that he is being tested again. He said that he was told by staff that the tests were random, but he feels, after speaking with other inmates, that they were not, in fact, random. He said that in his 17 years of incarceration, he has never gotten this many UA tests before. The complainant said that the results of all of his tests have been "clean," but he feels that he is not being told the truth when staff say that the tests are "random."

Case #214

The wife of an inmate at the Lincoln Correctional Center complained about her visitation with her husband, who is 90 days away from being discharged

at the end of his 15 year sentence. The complainant said that she was not allowed to visit her husband last week, although she has never had problems with getting visitation before. She also said that she had been treated rudely by staff. The complainant wants to know if this has anything to do with her husband being within 90 days of completing his sentence, or just what the problem seems to be with LCC staff. She said that she had not received a satisfactory answer to her questions to the staff about the reasons for being denied visitation.

Case #229

The mother of a Penitentiary inmate said that her son's great grandmother is dying from breast cancer. The complainant said that her son had requested a furlough to visit his great grandmother, but had been denied because a great grandmother is not considered to be "immediate family." The complainant said that the great grandmother is at a facility under hospice care. She said that they have been told that the great grandmother has only from one week to six weeks to live, and that one week has already passed. The complainant said that the great grandmother has been asking to see the son, and that her son would very much like to see his great grandmother before she passes away.

Case #270

The family and fiancé of an inmate at the Tecumseh State Correctional Institution wanted the inmate transferred to Nebraska Penitentiary. Their reasoning was that a person who had murdered one of the inmate's family members is now at TSCI. The family and fiancé believed that it was not a safe situation to have both of these individuals living in the same institution.

Case #317

An inmate at the Tecumseh State Correctional Institution who had problems with acid reflux had been receiving the medication Zantac to relieve the condition. However, after the inmate bought spicy foods at the facility's canteen, the medical staff took his Zantac away from him. The complainant points out that the facility serves all inmates spicy foods at the cafeteria, and

wants help with having the medical staff again prescribe the medication Zantac for the treatment of his condition.

Case #330

The complainant, a Penitentiary inmate, is having continuing issues about demands that he submit to mental health programming. Facility staff are insisting that he needs the mental health programming before they will recommend that he be advanced to the work release program. In addition, the Parole Board wants him to take mental health programming. However, the complainant argues that the mental health programming would interfere with his institutional job. He would like the to have the programming taken off his personalized rehabilitation plan.

Case #359

An inmate at the Tecumseh State Correctional Institution complains that the medical department is not treating his mental health condition. He says that he was taken off all his psychotropic medication in October of 2005, even though it has been ordered by a court that he take this medication. The complainant further states that his criminal behavior has been the result of not taking his medication. However, after the medical staff evaluated him they decided that he did not need this medication.

Case #369

The complainant, a Diagnostic & Evaluation Center inmate, complains that he was injured at the institution and needs to have medical attention. The complainant explained that he was standing below an upper tier of cells while other inmates were throwing their mattresses over the tier to sleep on. One of the mattresses hit him in the head. Now, he has pain in his neck and shoulders. He has asked for ice treatment, etc., but he has been refused medical attention.

Case #483

The complainant, who is an inmate legal aide at the Penitentiary, is trying to provide some needed legal assistance to an Hispanic inmate. However, the Hispanic inmate cannot read or write English, and also cannot understand English when it is spoken. They have asked for the help of an interpreter, but it has been denied. His work for the Hispanic inmate has deadlines which are coming up, and both inmates are frustrated over the situation.

Case #508

An inmate at the Tecumseh State Correctional Institution states that he was diagnosed as needing to have cataract surgery in October of 2004. Surgery was performed on one of the complainant's eyes while the inmate was living at the Penitentiary, but then he was transferred to TSCI. The medical staff at TSCI has refused to perform the procedure on the other eye, and the inmate wants to be allowed to have this surgery.

Case #515

A Tecumseh State Correctional Institution inmate who is an inmate legal aide complains that they are imposing new rules and regulations on the legal aides in the facility's law library. Under the new rules, the legal aides are not allowed to have their own legal papers with them in the law library, although other inmates can. They are also forbidden to use the typewriters on their desk to type their own legal papers. The inmate legal aide said that he is very worried that he might be fired from his job in the law library for complaining about these things.

Case #540

A state Senator asks the Public Counsel's Office to follow-up on a letter that the Senator had received from an inmate at the Tecumseh State Correctional Institution. According to the inmate's letter, he is in fear for his life, because he had shared information with the prison administration about a gang that was operating at TSCI. Subsequently, the inmate was transferred from TSCI to the Community Corrections Center in Lincoln, where he was safe from

retaliation by gang members. However, he has now been sent back to TSCI from CCC-L, and is in danger. The inmate is hoping to be transferred to a different institution.

Case #566

The complainant, who is an inmate at the Lincoln Correctional Center, says that he had recently been assaulted by members of a gang operating in the institution. He feels this happened because of his cousin's affiliation with an opposition gang. The complainant said that he had requested to be placed in a unit where there were no members of the gang that assaulted him, but the staff had ignored that request. He wants to be placed in a unit where he will be safe.

Case #597

An Omaha Correctional Center inmate complains that he is still in a great deal of pain from his arthritis. He said that his pain had been relieved by a medication that he was receiving when he was admitted to the institution. However, the OCC medical staff will not prescribe that medication. He believes that the medication that they are giving him is making the situation worse. He also said that the facility tends to be damp, which is making it harder on his arthritis.

Case #618

The complainant, who is a Nebraska Center for Women inmate, suffers from epilepsy. She feels that it has not been in her best interests for the facility's medical staff to discontinue the medication that she had been receiving to treat her epilepsy. She also complains that she has a wrist that is fractured in four places, and that needs treatment. She says that she has requested ice for this, which has been denied.

Case #678

A Tecumseh State Correctional Institution inmate complains that he is still having problems resulting from being placed in segregation for one day in connection with a situation where he had allegedly been involved in an altercation. As a consequence, the inmate had lost his institutional job. The inmate says that a caseworker at the institution had falsified a Misconduct Report to cause him to be placed in segregation. He has been released from segregation, but has not had his job restored.

Case #728

A Lincoln Correctional Center inmate who was found to be in possession of a cell phone is worried about his safety. He says that because of threats from other inmates to harm his family, he cannot tell staff who gave him the cell phone. He feels that he needs to be transferred to a different facility, but the LCC staff have told him that he will not be transferred until he give them the name of the person responsible for bringing the cell phone into the institution.

Case #778

The complainant, who is an inmate at the Tecumseh State Correctional Institution, was involved in an incident where he broke a window at the facility in March of 2005. Now, he is being charged for the repair of broken window. He acknowledges that he damaged the window, but questions the bill for the repair, which amounts to \$875. He would like to have the staff provide an itemized statement.

Case #905

A Nebraska Center for Women inmate complains that she is not receiving proper medical treatment for her injured back. She says that she injured her back on May 5. At that time, she was put on medical lay in and given some medication to relax her muscles. She said that she was supposed to be seen again by the medical staff on the May 8, but instead she was sent back to

work. She says that she is still in a great deal of pain, and can hardly move. She wants to be seen by a doctor as soon as possible.

Department of Revenue

Case #584

The complainant won a new Saab automobile through a contest run by a car dealership. Now, she is being told by the Department of Revenue that she has to pay Income Tax and Sales Tax on the car that she won. She is curious to know why she has to pay the Sales Tax on the vehicle, when she did not buy the car.

Case #594

The complainant feels that the state owes her \$55 dollars for having to pay to have her tax return amended. She said that this was necessary, because the Department of Revenue did not send her 1099 Form out to her on time. She said that she had received the form in February. She said that she talked to a Department of Revenue employee about this, and the employee was very rude to her.

Case #806

The complainant states that when she computed her Nebraska income taxes, she found that she owed \$426. The complainant's actual tax liability was \$405, but she says that she got charged the additional money for not being able to pay when she sent in her tax return. The complainant says that she is very ill, is on oxygen, and that she just got out of the hospital. She is in the process of applying for SSI, but has not been accepted on that program yet, and has no other money coming in at present. She wants to know how the Department of Revenue can demand money from her when she has none to pay. She said she would be willing to pay the taxes, when she has the money, or maybe pay when her SSI starts, and pay in small payments.

Case #1263

The complainant said that he owns a small electric car, and that he has to pay an annual \$75 tax to the Department of Revenue that is called an Alternative Fuel User Permit Fee. With this fee, you pay \$75 a year, no matter how many miles you drive. The complainant said that this fee is to cover the cost associated with the use of the road, but he pointed out that gas powered cars pay these taxes at the pump, and that, when you pay at the pump, you are paying in rough proportion to how many miles you drive. The complainant said that he drives his electric car only a little more than 300 miles a year, and so this \$75.00 annually figures out to be about 22 cents a mile for him. The complainant said that he had contacted the Department of Revenue about this issue, and that he had received a letter of reply from the agency on this issue.

Game and Parks Commission

Case #1030

The complainant said that he took his family to the Rock Creek Station for a Frontier Exhibition that was advertised in the newspaper. Upon their arrival, a truck offered them a ride to the last reenactment of the day. The family hurried to this event, but then, when they came back via the same truck to the museum to pay the fees, they discovered that they had received a \$69 ticket for not paying the park entrance fee.

The complainant said that there was no sign at the entrance to the park, and no gate. He said that he would have known he had to pay the fee when he went to the museum, which is where he went at the end of the reenactment. He said that he went there to see the museum and also to pay any fees. He said that he spoke with the officer, who was a Game Warden, and the officer told him he would have to go to Jefferson County Court to resolve the ticket. He said that he feels he was ticketed unjustly.

Case #2049

The complainant said her 13 year old son had recently purchased a hunting permit on the Nebraska Games and Parks website. A few days later, her son was contacted by mail, and was offered a credit card that appeared to be sponsored by the Games and Parks Commission. The complainant feels that the Commission is selling their list of license applicants to the credit card company, and that her son's identity is not being protected as it should be.

Department of Roads

Case #655

The complainant said that he is in the business of drilling water wells, and they had recently built a new drilling rig. However, the state says a trailer can be no longer than 53 feet long, and their new rig is 58 and 1/2 feet long. They have not licensed the trailer as of yet, although the sheriff did come out to look at it, so that they can title the trailer. The complainant said that he had talked with the Permits Office of the Department of Roads, and has been told that the Department of Roads will not consider the rig as being the same as construction equipment, which can exceed the length limit. However, the complainant feels that drilling a well is like construction, and said that he does not understand why it would not be considered in the same way. He said that now they were going to have to get a special permit each time they move their rig.

Case #1474

The complainant owns a home that is in the path of a highway construction project. He says that the Department of Roads has offered about \$90,000 as a settlement, \$30,000 for relocating him, and \$61,000 for the land. He says that the property involved has four apartments in the building, plus a filling station. The complainant says that he lives in two of the apartments, and he is collecting rent from leasing out the other two. He indicates that he makes about \$7,000 a year in rental income from the other apartments.

The complainant is uncertain about whether the amount of compensation that the Department of Roads is offering him for his land is adequate. He feels that the property value that they have quoted him is low. He must tell the Department tomorrow whether he agrees to this settlement amount. The complainant knows that if he refuses, then the Department will use eminent domain against him to take the property.

Case #1632

The complainant states that the Department of Roads is working on a construction project adjacent to his land. He has been informed by the Department that grain storage bins belonging to him must be moved this year. He questions why the bins must be moved this year, if the construction project is not supposed to start for another five years.

Case #2234

The complainant does not feel that the Department of Roads has properly completed their US 275/Dodge Road Expressway project. He outlines several problems with the project, including: (1) ditches that are clogged with silt; (2) design issues that will create problems for drainage of water from his property; (3) improper installation of a fence; (4) inaccurate setting of a property line; and (5) failure to remove a tree and tree stump, as had been promised. The complainant had originally submitted this complaint to the Attorney General's Office, and that office referred it to the Public Counsel's Office.

Department of Insurance

Case #563

The president of a company that provides billing services for entities that are involved in rescue services is frustrated with a situation that involves an auto insurance company, and complains that the Department of Insurance does not seem to be of any help to his company. In 2005, a municipal fire and rescue unit was called to an automobile accident, but the person involved in

the accident decided not to be transported to the hospital. Later, when the complainant's company sent a bill to the insurance carrier for the person who refused transport to the hospital, the insurance company denied payment of the claim. At that point, the complainant's company submitted a consumer complaint against the insurance company to the Department of Insurance. Later, the Department dismissed the complaint, and the company believes that the Department could have done more to follow up on the case.

Case #1429

The complainant is upset with the fact that the Director of the Department of Insurance has raised the rate for CHIPS insurance coverage by 23% effective October 1, 2006. She said that she now pays \$834 per month and that, at the new rate, the premium payments will be \$1025 a month. She said that she has a serious medical condition that is controlled with medication, and that CHIPS does not pay for this medication. She said that because of this pre-existing condition, she can not get other insurance. The complainant said that she feels it is out of line to have a 23% increase in one year.

Case #2226

The complainant says that he has submitted a consumer complaint against his insurance carrier to the Department of Insurance, but that his complaint has not been adequately answered. The complainant said he has tried to present this problem to the Director of the Department since September. To this point, he has not heard back from that office.

State Patrol

Case #513

The complainant says that since February of this year, the local police and State Patrol have been harassing her and her family. Her family consists of her mother and the complainant's daughter. The complainant said that this all relates to a child custody battle. Since the time of the court case, the local police, and now the State Patrol, have come to her home to search for

the children, without a warrant. In fact, the children are not there, but the searches of the complainant's home continue. This weekend, police officers, including a State Patrol Officer, again visited the complainant house. The complainant said that this is the first time that the State Patrol has been involved. The local police usually search their house, but the children are not found there, because they do not reside there.

Case #608

The complainant said that her son-in-law was caught driving with no license on October 10, 2005, and was placed in jail. After the arrest, the car was impounded, and they were told that the car would be held in the impound lot behind the local county jail. They were also told that the first 30 days of impoundment were free, and that, after thirty days, it would cost \$5.00 per day. Although they did not have the money to get the car out of impound, they had asked to get some items out of the car, but were told that they could not, because it was impounded. Because of this, they did not check to see if the car was actually in the lot behind the local jail, as they had been told.

Now, they have found out that the car had actually been towed to a different community, instead of being taken to the local county seat, and they are being told that they owe \$2,800 in impoundment fees. Because of what they had been told earlier, they did not know such a big impoundment bill was building up. The complainant said that she talked to a Sergeant with the State Patrol today, because she wanted to know if the State Patrol had a paper trail relating to the location of the vehicle, and whether they routinely notified people regarding the location where they had towed their cars. She was informed that neither the State Patrol, nor the towing company, have to notify anyone about the location of the car after it is towed. She feels that there should be some kind of system, so that the vehicle's owner would know where a car was taken for impoundment.

Case #833

The complainant says that she was issued a traffic ticket on April 26, 2006, for failure to yield the right-of-way. She states that she stopped at a red light, and then turned right. The complainant said that, after being issued the ticket, she saw the Patrolman speed off. She said that the Patrol car passed

her going a speed in excess of the 45 MPH posted on the speed limit signs. The complainant provided the name of the Trooper involved.

Case #2160

The complainant said that he has received a death threat on the voice mail of his cell phone. The complainant said that he filed a report about this case with the local police, but he has not heard anything in response. He said that he had also filed a report with the State Patrol, but again, he has not heard anything in response. The complainant said that he is upset that it has been two and one-half weeks since he made these complaints to law enforcement, and yet no action has been taken.

Department of Labor

Case #62

The complainant had previously been an employee with Developmental Services of Nebraska. After starting that job, she learned that she needed to take an physically demanding self-defense course in connection with the job. She was not able to complete the course. She said that she is now trying to get 12 weeks of unemployment compensation, but the adjudicator with the Department of Labor has said she had quit her job without good cause. She said she was not informed at time of hire that she would have to complete the training course, and that she believes that she had good cause to leave the job.

Case #90

The complainant says that her application for unemployment compensation has been denied. She said that she is 62 years old, had lost her job, and has had to live on no income for the last two months. The complainant says that she had worked for the company for six years, but that they had completely changed the responsibilities of the employees.

After the initial denial of her application for Unemployment Compensation, the complainant had an administrative hearing on the question of the validity of the Department's action. She had two witnesses to tell the judge that things had really changed at her former place of employment. She said the judge told her that since the witnesses themselves were still there, the changes must not have been that bad. The complainant pointed out that the witnesses were also a lot younger than she is, and that she too would have been able to deal with stress, if she were a younger person.

The complainant has now received a letter from the Department saying that the appeal had been denied. The complainant said that she was told that the reason that she denied Unemployment Compensation benefits was because the administrative law judge found that there were "no significant changes" with her job. If the complainant wants to challenge the matter further, then she has to appeal the denial to District Court. She said that she wants to understand her legal rights, and that she does not want to give up on the case, until she knows she has exhausted her rights.

Case #113

The complainant is upset about her problems with the process of securing Unemployment Compensation benefits, and the lack of progress on getting those benefits, even though the paperwork has been filed out several times. The complainant says that the submission was also done on-line, and that she did everything that was outlined in regard to the application process. In doing this, the complainant says that she has also contacted the Workforce Development office several times. The complainant says that each time she completed the paperwork she believed that the problem had been worked out, but the problems persist.

Case #460

The complainant is a small business owner. He is upset about LB 484, a bill which was passed in 2005, and provides for electronic payments, reports, and reimbursements to be used by employers as a part of the Unemployment Compensation Program. He feels that LB484 has had the practical effect of mandating that his businesses go to the expense of buying and using computers to pay Unemployment Compensation Insurance, and for other

business needs. The complainant says that he does not, and will not, use a computer, and that he wants to do business the "old fashion way," by writing out checks.

Case #737

The complainant says that he began receiving Unemployment Compensation benefits in March of 2005, but then he later found himself another position and resumed working. He says that he had received Worker's Compensation Benefits until December, when he went back to work. However, after a back injury, the complainant says that he was again awarded Unemployment Compensation Benefits in January of 2006. It had been the complainant's understanding that he was supposed to be receiving approximately \$3,500 in Unemployment Compensation Benefits, but he, in fact, received only five checks, totaling approximately \$1,500. He also states he did not receive all the forms that the Unemployment Compensation office claims that they have sent to him. The complainant says that, at present, he has no money to live on, and that, although he has filed for Social Security Disability, he been denied twice.

Case #794

The complainant, an employer, says that he has questions regarding the amount of unemployment compensation tax that he is paying under new statues. He said that his costs were at \$8,000 in 2006, and are to be \$9,000 in 2007. The complainant wants to know who he can talk with about this increase, since he does not believe that it should apply to his business, since he has never had an unemployment claim. He is wondering whether there is any room in the law for exemptions.

Case #1217

The complainant says that he has been denied Unemployment Compensation benefits. He says that he was told that he does not make enough money, but he explains that his work is seasonal. The complainant says that when he is earning money, he earns over \$54,000 a year. The complainant is also upset about the treatment that he has received whenever he has tried to contact the

Unemployment Compensation Office. He complained that when you call the 800 number, you never get to talk to a real person, and that he has been hung up on when he called the office directly. He says that he would start talking to someone in that office who would ask for his Social Security number, and then he would get passed to another person who would ask him the same question.

Case #1281

The complainant says that he contacted the Labor Department about back wages he says that he was owed by the trucking company that he worked for recently. The Labor Department told the complainant that it was familiar with the trucking company, and that they had stopped taking complaints about that company two years ago, because there were so many complaints. The complainant is upset that the Labor Department is not willing to do anything about this trucking company with regard to the violations. He wants to know why the State of Nebraska cannot go after this company, if it is ripping off its employees.

Case #1286

The complainant says that he had been a worker for 30 years at a packing plant in Nebraska. The packing plant was closed in February of 2006, and the complainant received three weeks of Unemployment Compensation benefits. He then got a job at a different plant, but that job only lasted for one week. He said that he quit that job, because it was not the job title or salary that had been promised to him when he originally agreed to take the job there. The complainant says that he has now been told that he must reimburse the three weeks of Unemployment Compensation benefits, \$678, to the Department of Labor. He complains that he cannot afford to pay this amount, because he does not have a job. He does not understand why this is, since he is still unemployed.

Case #1355

The complainant says that, one month before his job with his employer was going to end, he was instructed to call the Unemployment Compensation

office to begin the paperwork for qualifying for unemployment benefits. At that time, the complainant said that he had spoken with an employee in the Unemployment Compensation office, and she stated that she was aware of what was going on, and took all his information. The complainant says that, around July 2, he called this person again, and she told him how much he would receive in Unemployment Compensation benefits, and also told him when the benefits would start. However, after a few more weeks had passed, this person from the Unemployment Compensation office contacted him again and told him that she had used the wrong year's data and had miscalculated the amount of Unemployment Compensation benefits he would be receiving. In fact, the complainant was told that he will not receive any Unemployment Compensation benefits until October of 2006. The complainant says that he is appealing this decision.

Case #1663

The complainant says that she applied for Unemployment Compensation benefits on June 27. The application was approved by the Department of Labor, but then there was an appeal by the former employer. The appeal hearing was held on August 23, and the complainant says that they did not subpoena anyone she requested. The Appeals Tribunal reversed the decision on August 30, and the complainant understood that she then had 30 days to appeal to the District Court. However, she said that she later learned that she had only ten days from the date of the letter of determination to appeal, although the letter did not say that. She is complaining about the fact that she did not know about the ten day limit until it was too late. She also feels that the original benefits decision should never have been reversed. She is also complaining that they did not call her witnesses for the hearing.

Case #2247

The complainant says that he was working for a trucking company. He says that the paycheck for \$820 that he received from this company bounced twice at his bank, and that he has gone to the employer's bank at least five times. He says that he has talked with someone at the Department of Labor about the matter. He says that the staff at the Department of Labor had told him that they were going to send him paperwork to complain about this employer, but that the paperwork has not arrived.

University of Nebraska

Case #233

The complainant says that he went into a clinic run by the University of Nebraska Medical Center on May 5, 2005, to get a prescription for sinus problems. While there, a doctor looked at his nose and stated that he saw a polyp that need to be removed surgically. The complainant says that he had x-rays taken, but did not see the x-rays himself. Surgery was scheduled to have the polyp removed, but then he got a second opinion from a doctor at Creighton University before the surgery was performed. The doctor from Creighton, after looking at his x-ray and cat scan, told him that he did not see any polyp in the complainant's nose that needed to be removed. Now, the complainant believes that UNMC was trying to charge him for a medical treatment that he did not need.

Case #651

The complainant describes a problem with what she says was a "denial of access" to the Transfusion Center at the University of Nebraska Medical Center. She says that the situation involved access for her trained service animal, specifically, a seizure alert dog. The complainant says that when she threatened to file a complaint, she then did get access to a facility across town, but that she had to cover the dog entirely. The complainant says that she has never been denied access at any other medical facility in Omaha.

Case #1272

The complainant says that the building where the University of Nebraska at Lincoln is holding its auctions of surplus property is not accessible to the handicapped. The complainant feels that the auctions should be held in a different building that that can accommodate wheelchairs, walkers, and other devices. He wonders whether there is something that can be done about this situation to allow the auctions to be held in a location that is "handicapped-friendly."

Case #1310

The complainant wants to attend the University of Nebraska at Kearney. However, she owes the University of Nebraska at Lincoln \$1300, and she has been told that she must pay that UNL bill before she can be accepted at UNK. She says that she has spoken to the Financial Department at UNL, and they will not let her set up a payment plan. She further states that neither she, nor her mother, had ever received a billing from UNL, so neither of them knew that she owed UNL the money in question, because they each thought that the other one had taken care of it. Now, she cannot go to school this fall. She said that she is willing to pay off the debt to UNL, but she that she cannot pay it all at once.

Secretary of State

Case #1710

The complainant went to the office of the Secretary of State back in 2002 in order to register his business name. As part of the application requirement, he was supposed to show proof of publication, and provide a copy of the receipt from the Secretary of State. According to the complainant, he did provide a copy of the proof of publication. However, there was no copy of the receipt from Secretary of State. Now, he has to re-file, and he wants to be reimbursed the \$100 filing fee for having to re-file.

Fire Marshal

Case #242

On September 12, 2005, the complainant says that there was a fire in Omaha which was investigated by the Fire Marshal's Office. Several months have now passed and the complainant still has not received a report from the Fire Marshal's Office on the outcome of the investigation. She has spoken to a supervisor at the Fire Marshal's Office, and has been told since October that the report "will be to you in two weeks." She was told this again in January.

The complainant says that she had lost two family members in the fire, and explained that the estates cannot be settled until they receive this report.

Case #1676

The complainant lives in a rural area. He says that the shack next door has been abandoned for over one year and is a pollution hazard. According to the complainant, the building has been condemned by the Fire Marshal, but the County Attorney will not act on this information. The complainant says that he is a Civil Engineer, and that, speaking as an engineer, there is nothing in the building that would meet any of the International Building Codes. He understands that this property is for sale, and he has heard that a person is interested who wants to raise wolves there.

Attorney General

Case #2189

The complainant feels that he cannot get a straight answer from the Attorney General's Office on a complaint that he has submitted to them. He says he has contacted the Attorney General's Office asking them to investigate a consumer complaint involving real estate, but that they have indicated that they will not act on the matter. He feels that they have not done a complete investigation of his concerns.

Department of Environmental Quality

Case #667

The complainant says that at 11:55 am, on March 29, 2006, he observed a state vehicle parked at the Horseshoe Casino in Council Bluffs, Iowa. The complainant wonders why this vehicle was parked at such a location. There was a sign on the side of the vehicle that said "Department of Environmental Quality."

Case #921

According to the complainant, a landfill near his home poses a serious health problem, and now the landfill owners are trying to increase its capacity. The Department of Environmental Quality is involved with the regulation of this landfill, but the citizens who live nearby are worried. The complainant says that he has written to the Department of Environmental Quality about the matter, but has never received a response. There was a town meeting set up to address this issue, and no state officials showed up to answer questions or make suggestions to concerned citizens.

Case #1478

The complainant says that the neighbor's hog lot is very smelly, and that there are dead hogs. He claims that the smell and the flies at the location are very bad. The complainant says that his wife had tried to hang the family's laundry outside yesterday, but later had to bring it in because of the bad smell. He says that a couple of years ago he had reported the situation to the Department of Environmental Quality, and DEQ sent out a representative, but they learned that this person, who concluded that the farmer was not doing anything wrong, was actually a relative of the farmer involved. The complainant says that he feels that, if he calls DEQ again, then they would send out the same representative, and nothing would get done.

Case #2118

The complainant runs an "Agri-tourism business." Now that his business has taken off, the complainant is having a variety of problems with the Department of Environmental Quality. He said that the DEQ has suggested that he hire an engineer to make certain the waste products from his business are being properly disposed of, which they are. DEQ has also mandated that the complainant fill out various forms to establish some type of guidelines. The complainant feels this is a program that Nebraska has supported to bring tourism into the state, yet no one knows how to deal with the program.

Department of Agriculture

Case #968

The complainant alleges that a Program Specialist with the Department of Agriculture who inspected her pet store is harassing her and her employees, by making sexual and other inappropriate comments, etc. The complainant states that she was recently notified by the Department that her pet store's license was being suspended, but she was not notified in advance of the hearing on the case, which was supposedly held on May 9, 2006. She has sent two letters to the Bureau of Animal Industry with questions she has about what is happening to her pet store, and complaining about the actions of the Program Specialist, but she has not received a response from them.

Department of Administrative Services

Case #1553

The complainant's company is in the information technology business. She outlines three proposals that her company has submitted to DAS Material Division as bids on information technology projects. None of those bids was accepted. The complainant says that she feels that her company has been receiving unfair treatment in the handling of these bids.

Department of Natural Resources

Case #1774

The complainant says he is writing a story about water wells located in his county. He said that he is interested in ground water wells and that he has visited with the Department of Natural Resources on several occasions while seeking information for his project. Today, an attorney who works for Natural Resources told him he was wasting too much staff time with his questions, and said that he is not to contact the agency anymore. The complainant wishes for the agency to set up an alternative means of getting information.

State Fair Board

Case #1368

The complainant is a food vendor. He wanted to operate a stand at the State Fair grounds during an AmeriCruise event being held there. He says that the management of the State Fair has let an out-of-state business in as a vendor at the event, but has denied approval to his business.

Retirement Systems

Case #1396

The complainant says that he is a state employee who is an accountant. He complains that ever since Union Bank has taken over the management of the Retirement Systems, the on-line facility to check one's retirement account and move funds has not been functioning properly. In the past, employees could get on the system and allocate by percentages where they wanted their money to be moved. He said that it was always done correctly, and in a timely fashion, and you received a confirmation number. However, now the system does not seem to do what you request, and does not respond in a timely fashion. Also, he states that the information that the system now shows for the employee's balances does not seem to be correct either.

The complainant says that he has visited the Retirement Systems office, and that they admitted that they are having real problems. They are very polite, but the problems continue. He says that this situation affects thousands of people who are a part of the Retirement Systems.

Case #1893

The complainant says that today she was told by the Retirement Systems staff that it will take another two weeks to get her the cash payout of her retirement funds. This is after the Retirement office had told her it would be the normal 60 day waiting period. The complainant says that she is about ready to lose her house, because she has not been able to get a job that pays the same as the one she had. She put in the paperwork with the Retirement

Systems on July 17, and she feels that she should have had the funds on September 17th.

Public Service Commission

Case #1713

The complainant says that he is upset about a letter to the editor published in today's *Lincoln Journal-Star* newspaper about the State's Broadband Task Force. He says that this Task Force was created in 2005 in order to consider strategies for expanding broadband services in Nebraska. The complainant feels that the public should be allowed to speak at the Task Force hearings, which apparently has not happened. He is asking to know when the public will be allowed to speak to the Task Force. Thus far, although there have been hearings by the Task Force, the public, while it may attend, has not been allowed to speak. The complainant feels that this is a violation of his rights as a citizen of Nebraska.

It is emphasized that the complaints that have been described in this section can be appropriately characterized as being routine cases of the Office of the Public Counsel. Many of the complaint cases worked on by the Public Counsel's Office in 2006 were similar, in many respects, to those which are described here. On the other hand, many other complaint cases that were handled by the Office of the Public Counsel in the last year were substantially different in subject matter, and some presented issues that were more complex, requiring elaborate investigative efforts.

STATISTICAL ANALYSIS

The following tables illustrate the size, nature, and distribution of the caseload of the Nebraska Public Counsel's Office for 2006. In 2006, the Public Counsel's total caseload was 2,290 cases. Although this total is an increase of approximately 5% over the 2,174 cases logged by the Public Counsel's Office in 2005, in fact, it is a caseload total that is remarkably consistent with the annual caseloads recorded by the office in 2003 (2,291 cases) and 2004. Indeed, the 2006 caseload is identical to the Public Counsel's caseload recorded in 2004, which was also 2,290 cases.

With the exception of 2002, when the Public Counsel's caseload (almost 2,500 cases) was unusually high due to influx of cases resulting from the implementation of the State's new child support enforcement system, the total caseload figures for the Public Counsel's Office have been very consistent since 1999. In that period, the Public Counsel's Office has recorded the following annual caseloads:

| | | |
|------|---|-------------|
| 1999 | - | 2,224 cases |
| 2000 | - | 2,206 cases |
| 2001 | - | 2,202 cases |
| 2002 | - | 2,482 cases |
| 2003 | - | 2,291 cases |
| 2004 | - | 2,290 cases |
| 2005 | - | 2,174 cases |
| 2006 | - | 2,290 cases |

Obviously, it would be reasonable to expect that the 2007 caseload will also fall within this clearly established range.

As with our experience in 2005, the caseload in 2006 again registered a slight decrease in the number of Information Cases that were recorded by the office. (The Information case category involves those contacts that the Public Counsel receives that are not mature complaints, but are instead requests for assistance in the form of questions.) In 2004, the Public Counsel's Office had 360 Information cases, while in 2005 we logged only 221 such cases. This trend was continued in 2006, when we logged 203 Information cases. Since Complaint cases are typically more "labor-intensive" than Information cases, this general trend toward a higher ratio of Complaint cases to Information cases actually reflects a growing workload for the Public Counsel's Office, even though the actual caseload numbers of the office have remained static.

TABLE 1
SUMMARY OF CONTACTS 2006

| <u>Month</u> | <u>Total Inquiries</u> | <u>Information</u> | <u>Complaints</u> |
|--------------------------------------|------------------------|--------------------|-------------------|
| January | 219 | 29 | 190 |
| February | 205 | 15 | 190 |
| March | 245 | 28 | 217 |
| April | 130 | 10 | 120 |
| May | 199 | 17 | 182 |
| June | 191 | 13 | 178 |
| July | 167 | 10 | 157 |
| August | 204 | 22 | 182 |
| September | 183 | 14 | 169 |
| October | 199 | 12 | 187 |
| November | 168 | 14 | 154 |
| December | 180 | 19 | 161 |
| TOTAL | 2290 | 203 | 2087 |
| Percent of Total Contacts | 100% | 9% | 91% |

TABLE 2
OMBUDSMAN CONTACTS 2006

| <u>Month</u> | <u>Total Logged Inquiries</u> | <u>Total Logged Complaints</u> | <u>Pending Complaints</u> | <u>Justified</u> | <u>Unjustified</u> | <u>Partially Justified</u> | <u>Discontinued</u> | <u>No Jurisdiction</u> | <u>No Jurisdiction Provided Assistance</u> | <u>Total Logged Requests for Information</u> | <u>Info Cases Pending</u> |
|--------------------------------------|---------------------------------------|--|-------------------------------|------------------|--------------------|--------------------------------|---------------------|----------------------------|--|--|-------------------------------|
| January | 219 | 190 | 0 | 21 | 32 | 52 | 33 | 12 | 17 | 29 | 0 |
| February | 205 | 190 | 0 | 25 | 36 | 54 | 31 | 12 | 15 | 15 | 0 |
| March | 245 | 217 | 1 | 37 | 37 | 53 | 39 | 13 | 19 | 28 | 0 |
| April | 130 | 120 | 0 | 20 | 21 | 35 | 23 | 5 | 8 | 10 | 0 |
| May | 199 | 182 | 0 | 24 | 39 | 49 | 42 | 14 | 9 | 17 | 1 |
| June | 191 | 178 | 0 | 25 | 35 | 54 | 28 | 12 | 5 | 13 | 0 |
| July | 167 | 157 | 1 | 20 | 29 | 46 | 32 | 11 | 8 | 10 | 0 |
| August | 204 | 182 | 0 | 36 | 32 | 41 | 26 | 13 | 19 | 22 | 0 |
| September | 183 | 169 | 0 | 24 | 33 | 47 | 37 | 7 | 9 | 14 | 0 |
| October | 199 | 187 | 2 | 18 | 39 | 61 | 39 | 8 | 7 | 12 | 0 |
| November | 168 | 154 | 1 | 20 | 34 | 38 | 24 | 14 | 13 | 14 | 0 |
| December | 180 | 161 | 2 | 15 | 34 | 47 | 29 | 16 | 11 | 19 | 0 |
| TOTAL | 2290 | 2087 | 7 | 285 | 401 | 577 | 383 | 137 | 140 | 203 | 1 |
| Percent of Total Contacts | 100% | 91% | 0% | 12% | 18% | 25% | 17% | 6% | 6% | 9% | 0% |

TABLE 3
ANALYSIS OF NO-JURISDICTION CASES - 2006

| <u>Month</u> | <u>Total-No Jurisdiction Cases</u> | <u>Federal Jurisdiction</u> | <u>County Jurisdiction</u> | <u>Municipal Jurisdiction</u> | <u>Other Subdivisions of Government</u> | <u>Legislative or Policy Issues</u> | <u>Issues Before Courts</u> | <u>Private Matters Between Individuals</u> | <u>Issues Involving Governor or Immediate Staff</u> |
|-------------------|--|---------------------------------|--------------------------------|-----------------------------------|---|---|-------------------------------------|--|---|
| January | 29 | 0 | 6 | 2 | 1 | 0 | 8 | 8 | 0 |
| February | 27 | 1 | 7 | 2 | 2 | 0 | 5 | 8 | 0 |
| March | 32 | 3 | 13 | 3 | 0 | 0 | 7 | 2 | 1 |
| April | 13 | 1 | 3 | 1 | 1 | 0 | 2 | 4 | 0 |
| May | 23 | 1 | 7 | 2 | 0 | 0 | 11 | 1 | 0 |
| June | 17 | 4 | 3 | 3 | 0 | 0 | 4 | 1 | 0 |
| July | 19 | 2 | 4 | 4 | 2 | 0 | 4 | 1 | 0 |
| August | 32 | 3 | 12 | 2 | 3 | 0 | 7 | 2 | 0 |
| September | 16 | 0 | 4 | 1 | 1 | 0 | 4 | 2 | 0 |
| October | 15 | 0 | 4 | 0 | 2 | 0 | 4 | 3 | 0 |
| November | 27 | 0 | 9 | 0 | 1 | 0 | 10 | 4 | 0 |
| December | 27 | 3 | 8 | 0 | 1 | 0 | 7 | 4 | 0 |
| TOTAL | 277 | 18 | 80 | 20 | 14 | 0 | 73 | 40 | 1 |
| Percent of | 100% | 6% | 29% | 7% | 5% | 0% | 26% | 14% | 0% |

TABLE 4
MEANS OF RECEIPT AND LOCATION 2006

| Month | Location | | | | | | | | | Means of Receipt | | | | | | | | |
|--------------|----------------------|-----------|--------------------|-----------|------------------|-----------|--------------|-----------|--------------------|------------------|-------------|-----------|-----------|----------|------------|------------|-----------|-----------|
| | Metropolitan Lincoln | | Metropolitan Omaha | | Non Metropolitan | | Out Of State | | State Institutions | | Letter | | Visit | | Telephone | | E-Mail | |
| | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. | Comp. | Info. |
| January | 31 | 8 | 6 | 2 | 39 | 5 | 4 | 9 | 101 | 1 | 98 | 6 | 6 | 2 | 71 | 16 | 9 | 5 |
| February | 34 | 5 | 16 | 1 | 24 | 6 | 4 | 0 | 109 | 3 | 94 | 3 | 2 | 0 | 91 | 10 | 1 | 2 |
| March | 28 | 5 | 14 | 5 | 43 | 7 | 2 | 6 | 124 | 5 | 127 | 9 | 4 | 1 | 76 | 16 | 9 | 2 |
| April | 21 | 0 | 7 | 2 | 21 | 5 | 2 | 1 | 66 | 2 | 64 | 1 | 5 | 0 | 47 | 9 | 3 | 0 |
| May | 36 | 7 | 8 | 0 | 21 | 3 | 2 | 1 | 111 | 5 | 103 | 5 | 6 | 0 | 67 | 12 | 5 | 0 |
| June | 25 | 3 | 7 | 1 | 35 | 2 | 1 | 3 | 109 | 3 | 122 | 4 | 3 | 0 | 50 | 6 | 2 | 3 |
| July | 25 | 2 | 11 | 1 | 26 | 4 | 2 | 1 | 91 | 2 | 91 | 2 | 3 | 1 | 51 | 4 | 10 | 3 |
| August | 31 | 8 | 8 | 3 | 43 | 5 | 3 | 4 | 93 | 2 | 100 | 3 | 7 | 0 | 67 | 16 | 7 | 3 |
| September | 25 | 3 | 7 | 1 | 32 | 7 | 2 | 2 | 96 | 1 | 90 | 2 | 2 | 0 | 67 | 10 | 9 | 2 |
| October | 32 | 2 | 13 | 2 | 37 | 6 | 2 | 2 | 100 | 0 | 95 | 0 | 4 | 0 | 73 | 9 | 15 | 3 |
| November | 29 | 3 | 8 | 3 | 22 | 2 | 2 | 3 | 87 | 3 | 80 | 5 | 3 | 0 | 61 | 7 | 7 | 2 |
| December | 26 | 2 | 7 | 4 | 25 | 5 | 3 | 4 | 97 | 3 | 96 | 5 | 5 | 0 | 50 | 11 | 7 | 2 |
| TOTAL | 343 | 48 | 112 | 25 | 368 | 57 | 29 | 36 | 1184 | 30 | 1160 | 45 | 50 | 4 | 771 | 126 | 84 | 27 |

OFFICE OF THE OMBUDSMAN - 2006 AGENCY CONTACTS

| AGENCY | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|-----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Accountability & Disclosure | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Administrative Services | 1 | 1 | 3 | 0 | 0 | 0 | 1 | 8 | 1 | 2 | 1 | 0 | 20 |
| Ageing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agriculture | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 4 |
| Arts Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Attorney General | 1 | 0 | 3 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 1 | 8 |
| Auditor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Banking | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Brand Committee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Claims Board | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 |
| Corrections | 92 | 107 | 117 | 64 | 92 | 104 | 79 | 91 | 89 | 84 | 84 | 95 | 1132 |
| County | 11 | 5 | 14 | 5 | 9 | 3 | 6 | 11 | 8 | 6 | 9 | 11 | 98 |
| Courts | 8 | 9 | 9 | 5 | 10 | 6 | 1 | 5 | 9 | 5 | 10 | 7 | 86 |
| Crime Commission | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Economic Development | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| Ed. Lands & Funds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Education | 0 | 0 | 1 | 2 | 5 | 1 | 0 | 1 | 2 | 14 | 3 | 1 | 30 |
| Environmental Quality | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 4 | 0 | 0 | 1 | 10 |
| Equal Opportunity | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Ethanol Authority | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Educational Television | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fair Board | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Federal | 4 | 5 | 3 | 1 | 2 | 2 | 3 | 6 | 4 | 2 | 2 | 2 | 36 |
| Fire Marshal | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 5 |
| Foster Care Rev Bd | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| Game and Parks | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 5 | 0 | 1 | 4 | 1 | 15 |
| Governmental Subdivision | 0 | 3 | 2 | 0 | 0 | 2 | 1 | 3 | 1 | 3 | 0 | 0 | 15 |
| Governor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Health | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hearing Impaired | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| HHS Benefits | 8 | 12 | 14 | 7 | 11 | 13 | 5 | 16 | 15 | 18 | 13 | 10 | 145 |
| HHS BSDC | 1 | 0 | 1 | 2 | 1 | 3 | 0 | 0 | 0 | 1 | 3 | 1 | 13 |
| HHS Child Welfare | 15 | 18 | 9 | 11 | 12 | 15 | 12 | 14 | 10 | 21 | 15 | 15 | 174 |
| HHS Misc | 12 | 12 | 8 | 13 | 6 | 6 | 12 | 15 | 11 | 13 | 8 | 6 | 126 |
| HHS Regional Centers | 3 | 5 | 11 | 6 | 11 | 5 | 5 | 2 | 7 | 5 | 5 | 5 | 73 |
| HHS Regulation | 5 | 2 | 2 | 0 | 2 | 1 | 1 | 1 | 3 | 1 | 0 | 0 | 19 |
| HHS Vets Homes | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 5 |
| HHS Visually Impaired | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |

| AGENCY | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Indian Comm | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| Institutions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insurance | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 8 |
| Investment Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Labor | 6 | 0 | 2 | 2 | 0 | 0 | 4 | 0 | 2 | 0 | 0 | 2 | 20 |
| Legislative | 16 | 4 | 12 | 5 | 8 | 5 | 4 | 9 | 4 | 8 | 4 | 9 | 92 |
| Library Comm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Liquor Control | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mexican Amer Comm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Motor Vehicles | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 3 | 2 | 0 | 2 | 2 | 17 |
| Mtr Veh Dealers Lic Bd | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Municipal | 3 | 0 | 3 | 2 | 3 | 2 | 5 | 4 | 2 | 0 | 1 | 0 | 25 |
| National Guard | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Natural Resources | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Pardons Board | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| Parole Board | 4 | 5 | 5 | 2 | 3 | 7 | 6 | 1 | 4 | 5 | 1 | 4 | 48 |
| Patrol | 1 | 2 | 4 | 0 | 2 | 1 | 2 | 0 | 2 | 0 | 1 | 2 | 17 |
| Personnel | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | 6 |
| Private Matter | 6 | 13 | 4 | 4 | 4 | 6 | 3 | 9 | 7 | 4 | 11 | 7 | 80 |
| Probation Adm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| Public Service Comm | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 4 |
| Real Estate Comm | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Retirement Systems | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 | 1 | 1 | 6 |
| Revenue | 0 | 0 | 3 | 0 | 3 | 0 | 2 | 1 | 2 | 2 | 0 | 0 | 14 |
| Risk Management | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Roads | 4 | 3 | 3 | 0 | 2 | 3 | 2 | 2 | 1 | 1 | 0 | 4 | 26 |
| Secretary of State | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 5 |
| St. Board of Equalization | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Surveyor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| State Colleges | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Status of Women | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Electrical Division | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Treasurer | 1 | 3 | 0 | 2 | 3 | 1 | 0 | 3 | 0 | 4 | 1 | 1 | 19 |
| University | 0 | 2 | 1 | 2 | 2 | 5 | 3 | 1 | 3 | 0 | 2 | 0 | 21 |
| Veterans Affairs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 |
| Commission for the Blind | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Racing Commission | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Capitol Commission | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

TABLE 5 - Continued

OFFICE OF THE OMBUDSMAN - 2006 AGENCY CONTACTS

| AGENCY | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|--------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| HHS-Juv Justice - Geneva | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 2 | 2 | 1 | 2 | 12 |
| HHS Juv Justice-Kearney | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 215 | 218 | 244 | 138 | 199 | 206 | 161 | 222 | 203 | 211 | 189 | 195 | 2401 |

CASE DURATION REPORT

| Days Open | Record Count | % of Total |
|--------------------|---------------------|-------------------|
| 1 | 129 | 7 |
| 2 | 101 | 5 |
| 3 | 79 | 4 |
| 4 | 95 | 5 |
| 5 | 76 | 4 |
| 6 | 72 | 4 |
| 7 | 108 | 5 |
| 8 | 50 | 3 |
| 9 | 38 | 2 |
| 10 | 42 | 2 |
| 11 | 33 | 2 |
| 12 | 36 | 2 |
| 13 | 35 | 2 |
| 14 | 50 | 3 |
| 15 | 32 | 2 |
| 16 | 29 | 1 |
| 17 | 22 | 1 |
| 18 | 18 | 1 |
| 19 | 22 | 1 |
| 20 | 16 | 1 |
| 21 to 30 | 162 | 8 |
| 31 to 60 | 250 | 13 |
| Over 60 | 487 | 25 |
| Total Count | 1982 | 100% |

APPENDIX A

PUBLIC COUNSEL ACT

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

- (1) Administrative agency shall mean any department, board, commission, or other governmental unit, any official, or any employee of the State of Nebraska acting or purporting to act by reason of connection with the State of Nebraska, or any corporation, partnership, business, firm, governmental entity, or person who is providing health and human services to individuals under contract with the State of Nebraska and who is subject to the jurisdiction of the office of the Public Counsel as required by section 73-401; but shall not include (a) any court, (b) any member or employee of the Legislature or the Legislative Council, (c) the Governor or his personal staff, (d) any political subdivision or entity thereof, (e) any instrumentality formed pursuant to an interstate compact and answerable to more than one state, or (f) any entity of the federal government; and
- (2) Administrative act shall include every action, rule, regulation, order, omission, decision, recommendation, practice, or procedure of an administrative agency.

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

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

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

81-8,244. The Public Counsel may select, appoint, and compensate as he may see fit, within the amount available by appropriation, such assistants and employees as he may deem necessary to discharge his responsibilities under sections 81-8,240 to 81-8,254. He shall appoint and designate one of his assistants to be a deputy public counsel, and another assistant to be a deputy public counsel for corrections, and one assistant to be a deputy public counsel for welfare services. Such deputy public counsels shall be subject to the control and supervision of the Public Counsel. The authority of the deputy public counsel for corrections shall extend to all facilities and parts of facilities, offices, houses of confinement, and institutions which are operated by the Department of Correctional Services. The authority of the deputy public counsel for welfare services shall extend to all complaints pertaining to administrative acts of administrative agencies when those acts are concerned with the rights and interests of individuals involved in the welfare services system of the State of Nebraska. The Public Counsel may delegate to members of his staff any of his authority or duty under sections 81-8,240 to 81-8,254 except the power of delegation and the duty of formally making recommendations to administrative agencies or reports to the Governor or the Legislature.

81-8,245. The Public Counsel shall have power to:

- (1) Investigate, on complaint or on his or her own motion, any administrative act of any administrative agency;
- (2) 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 sections 81-8,240 to 81-8,254, determine the form, frequency, and distribution of his or her conclusions, recommendations, and proposals.
- (3) Conduct inspections of the premises, or any parts thereof, of any administrative agency or any property owned, leased, or operated by any administrative agency as frequently as is necessary, in his or her opinion, to carry out duties prescribed under sections 81-8,240 to 81-8,254;
- (4) Request and receive from each administrative agency, and such agency shall provide, the assistance and information the public counsel deems necessary for the discharge of his or her responsibilities; inspect and examine the records and documents of all administrative agencies notwithstanding any other provision of law; and enter and inspect premises within any administrative agency's control;
- (5) Issue a subpoena, enforceable by action in an appropriate court, to compel any person to appear, give sworn testimony, or produce documentary or other evidence deemed relevant to a matter under his or her inquiry. A person thus required to provide information shall be paid the same fees and travel allowances and shall be accorded the same privileges and immunities as are extended to witnesses in the district

courts of this state, and shall also be entitled to have counsel present while being questioned;

- (6) Undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he or she believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies; and
- (7) Make investigations, reports, and recommendations necessary to carry out his or her duties under the State Government Effectiveness Act.

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

- (1) Contrary to law or regulation;
- (2) Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's judgments;
- (3) Mistaken in law or arbitrary in ascertainment of fact;
- (4) Improper in motivation or based on irrelevant considerations;
- (5) Unclear or inadequately explained when reasons should have been revealed; or
- (6) Inefficiently performed.

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

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

- (1) The complainant has available to him another remedy which he could reasonably be expected to use;
- (2) The grievance pertains to a matter outside his power;
- (3) The complainant's interest is insufficiently related to the subject matter;
- (4) The complaint is trivial, frivolous, vexatious, or not made in good faith;
- (5) Other complaints are more worthy of attention;

- (6) His resources are insufficient for adequate investigation; or
- (7) The complaint has been too long delayed to justify present examination of its merit.

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

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

81-8,249.

- (1) If, having considered a complaint and whatever material he deems pertinent, the Public Counsel is of the opinion that an administrative agency should (a) consider the matter further (b) modify or cancel an administrative act, (c) alter a regulation or ruling, (d) explain more fully the administrative act in question, or (e) take any other step, he shall state his recommendations to the administrative agency. If the Public Counsel so requests, the agency shall, within the time he has specified, inform him about the action taken on his recommendations or the reasons for not complying with them.
- (2) If the Public Counsel believes that an administrative action has been dictated by a statute whose results are unfair or otherwise objectionable, he shall bring to the Legislature's notice his views concerning desirable statutory change.

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

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

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

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

81-8,254. A person who willfully obstructs or hinders the proper exercise of the Public Counsel's functions, or who willfully misleads or attempts to mislead the Public Counsel in his inquiries, shall be guilty of a Class II misdemeanor. No employee of the State of Nebraska, who files a complaint pursuant to sections 81-8,240 to 81-8,254, shall be subject to any penalties, sanctions, or restrictions in connection with his employment because of such complaint.

Bibliography

Anyone interested in learning more about the ombudsman concept as that concept has been implemented through the Nebraska Office of the Public Counsel is invited to read the following materials:

Frank, *The Nebraska Public Counsel - The Ombudsman*, 5 Cumberland - Samford L. Rev. 30 (1974).

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Miewald and Comer, "Complaining As Participation: The Case of the Ombudsman." *Administration and Society* 17 (February 1986): 481-499

Miewald and Comer, "The Nebraska Ombudsman: An American Pioneer." *International Handbook of the Ombudsman - Country Surveys*, edited by Gerald E. Caiden, Connecticut; Greenwood Press, 1983.

Wyner, *Complaint Resolution in Nebraska: Citizens, Bureaucrats and the Ombudsman*, 54 Neb. L. Rev. 1 (1975).

Wyner, *The Nebraska Ombudsman: Innovation in State Government*. Berkeley: Institute of Government Studies, University of California, 1974.