

2009

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

*The
Ombudsman*

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Nebraska
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**THE
OMBUDSMAN**

2009



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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-ninth Annual Report of the Nebraska Public Counsel's Office has been prepared as the annual report for the calendar year 2009, and is hereby respectfully submitted.

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. James Davis III.

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.

In 2008, the Nebraska Legislature passed LB 467, which had been introduced by Senator Ernie Chambers. LB467 made two significant changes to the Public Counsel's authority and focus. One part of LB 467 extended the Public Counsel's jurisdiction to include complaints that come from Nebraska's county and city jails. Since its inception, the authority of the Public Counsel's Office has been limited to addressing complaints that involve administrative agencies of State government. However, LB 467 changed that for the first time, and carved out a small segment of local governmental authority to place under the Public Counsel's jurisdiction. The State of Nebraska currently has over seventy active jail facilities that now fall under the Public Counsel's jurisdiction. The second element of LB 467 created a new position in the office for a Deputy Public Counsel for Institutions. This new position was created to provide for a person in the Public Counsel's Office who will have primary responsibility to examine complaints received from the state's non-correctional institutions, which includes the regional centers (mental health facilities), the state's veterans homes, and the Beatrice Developmental Center, the

State's only residential facility designed to treat, rehabilitate, and train the developmentally disabled. Mr. Oscar Harriott, who has been on the Public Counsel's staff for many years, was designated to serve as the Deputy Public Counsel for Institutions, and is being assisted in that capacity by Assistant Public Counsel Gary Weiss.

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 eleven full-time and three part-time employees. All of the eleven full-time staff members (Ombudsman Marshall Lux, Deputy Public Counsel for Corrections James Davis III, Deputy Public Counsel Terry Ford, Deputy Public Counsel for Institutions Oscar Harriott, Deputy Public Counsel for Welfare Services Marilyn McNabb, and Assistant Public Counsels Barb Brunkow, Carl Eskridge, Anna Hopkins, Jerall Moreland, Hong Pham, and Gary Weiss) are actively involved in casework. The part-time employees (Marge Green, Carla Jones, 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. Four 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 many 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 professional staff of the

Public Counsel's Office has an average of nearly eighteen 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 twelve years, an average which would be higher but for the addition of three new employees in 2008. 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.

A Special Note – On June 5, 2009, Deputy Public Counsel Terry Ford retired after some 26 years with the Public Counsel's Office, and over thirty years working for the Nebraska Legislature in different capacities. His many friends in this office, and in Nebraska government generally, will truly miss his wisdom and good cheer, and the varied, and often surprising, insights that he had to offer in his decades of tireless work in the Public Counsel's Office. All of us in the Public Counsel's Office who have worked with him these many years wish Terry the very best as he moves on to a new stage in his life.

MESSAGE FROM THE OMBUDSMAN

On April 11, 2008, Governor Heineman signed into law LB 467, legislation that made some significant changes in how the Public Counsel's Office does business. In part, LB 467 extended the Public Counsel's jurisdiction to include complaints that come from the inmates of Nebraska's approximately 70 county and city jails. Since its inception, the authority of the Public Counsel's Office has been limited to addressing complaints that involve administrative agencies of State government. LB 467 contemplated that the Public Counsel's Office, which had historically focused a segment of its resources on inmate complaints from State correctional facilities, would henceforth also have jurisdiction to investigate complaints from local jail facilities in Nebraska. Ever since its inception nearly 40 years ago, the Public Counsel's Office has received complaints from submitted to the office by inmates in the State's county jails. These complaints typically involved concerns about medical services, alleged physical abuse and harassment by guards, as well as complaints about access to visitors and legal counsel, and concerns about the food being served at the facilities. However, before the adoption of LB 467, the Public Counsel's Office typically had to turn these county jail complaints away as non-jurisdictional matters. LB 467 changed this by extending the Public Counsel's jurisdiction to include complaints from the inmates in Nebraska's county and city jails.

The other important feature of LB 467 created a new position in the office for a Deputy Public Counsel for Institutions. The basic idea here was that it would be desirable to have someone on the Public Counsel's staff who would specialize in dealing with complaints about Nebraska's regional centers (i.e., the State's mental health facilities), the Beatrice Developmental Center (the State's only residential facility designed to rehabilitate developmentally disabled citizens), and the four State-operated veterans homes. The concept was that, as with the Public Counsel's work in the fields of welfare services and corrections, it be desirable for the Public Counsel's Office to have one person on staff who specialized in analyzing and addressing issues raised by complaints coming from these institutional settings. It was expected that having this "specialist" would put the office in a much stronger position to monitor the facilities in question, and to serve as an early-warning system for problems and potential problems in the system.

As a practical matter, the adoption of LB 467 necessarily meant that there would be an enlargement of the Public Counsel's staff, as well a reorganization of the office. Three new Assistant Public Counsels were hired, two to help with the work

on complaints from the county jails, and one to help with institutional cases. Assistant Public Counsel James Davis III was promoted to the position of Deputy Public Counsel for Corrections, and was given the duty of supervising the work on complaints dealing with local jail facilities. The two new Assistants who are also helping in that area are Ms. Barb Brunkow, and Mr. Jerall Moreland. Mr. Oscar Harriott, who had for many years been working as the Deputy Public Counsel for Corrections, was reassigned to the new position of Deputy Public Counsel for Institutions, and is being assisted by new Assistant Public Counsel Gary Weiss.

The Public Counsel's Office is already making significant strides in implementing LB 467. The best objective measure of this change can be seen in the increase in the overall number of cases in the two relevant areas, jails and public institutions. As for the jails, the change is remarkable. In 2008, the Public Counsel's Office received only 61 cases dealing with local jails. In 2009, that number went up to a total of 199 jail-related cases, an increase of over threefold over the previous year. The gains in the area of public institutions (regional centers, veterans homes, and the Beatrice State Developmental Center), have been more modest but still real and encouraging. According to our records, in 2008, the Public Counsel's Office had a total of 75 cases involving the regional centers, veterans homes, and Beatrice State Developmental Center. In 2009, that number had increased by approximately 23% to a total of 92 cases. Particularly encouraging was the fact that the number of cases involving the Beatrice State Developmental Center increased from only six in 2008 to a total of 18 in 2009. LB 467 also contemplates that our authority will "follow" some former-residents of these facilities as they move on to services centered in the community, and this has increased our attention to the activities of service contractors and the state's mental health service regions.

The work of the Public Counsel's Office in these important areas will continue, and we fully expect, and hope, that we will see even more cases coming to the office from these areas in 2010, and beyond. Cases are, after all, by far the most important resource of the Public Counsel's Office. Each case is viewed as a new opportunity for our staff, whether involved in "jail cases," or in "public institution cases," to learn about the niche, and develop a presence in the specialized field. And it is having that all important "presence" in the field that is the ultimate goal of the office, as it strives to make a positive difference in these two critical areas.

Marshall Lux
Nebraska Ombudsman

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 2009.

Department of Health and Human Services

Case # 41

The complainant has four children, all of whom are currently State wards. Three of the children are living with the complainant. However, the fourth child, an eight year old daughter, has been placed with the father, and has been living in his home for the past three years. The complainant has daily supervised visits with the daughter, which are supervised by Visinet. The complainant claimed that the daughter's care in the father's home has deteriorated to the point that the Visinet workers and the complainant are noticing the poor care, and so is the daughter's school. They have all reported the situation to the caseworker, who responded that the father "will try to do better," and that he is "working on these issues." The complainant said that the daughter smells bad, is dirty, and does not eat. The complainant said that she is now bathing the daughter, is helping her with her homework, and washing her clothes, as well as feeding her, and packing her a lunch. The complainant said that when Visinet reported the problems concerning the daughter's care, the caseworker threatened to fire Visinet.

Case #78

The complainant is the sole care provider for a 21 year old son who is severely disabled, and needs supervision and care 24/7. She is also her son's guardian and conservator. The complainant says that she in need of respite care, but receives no respite care assistance through the Department of Health and Human Services. She feels that her son should be on the Medicaid Waiver program, but HHS refuses to place him on the Waiver program. The complainant has seven other children who also need her attention. She is struggling to keep her family together. She works part-time. She cannot get help in the form of respite care, then she will have to seek out-of-home placement for her son.

Case #220

The complainant is the sister of a man who is a resident of the Beatrice State Developmental Center. She is also her brother's legal guardian. The complainant said that she has learned that her brother is supposed to be among a number of residents who will be moved out of BSDC this week. She is upset about the way BSDC is handling her brother's situation. Ms. Burt said that her brother has been a resident at BSDC for more that forty years. The complainant said that she has told the BSDC administration that she does not want her brother moved out of the facility, because he had lived there successfully for so long. She said that she does not even know where he is supposed to be moving to, and said that BSDC told her that she will be informed only on the day that he moves, which is this coming this Friday. The complainant feels that HHS is handling this situation poorly.

Case # 568

The complainant applied through the Department of Health and Human Services for benefits for herself and her three children. Her children are a daughter, age 5½ years, and twins, age 3 years. The complainant said that the application for benefits was denied by HHS because her former spouse, who lives in Nevada, is claiming that the children actually live with him, and is receiving benefits on behalf of the children in Nevada. The complainant does not know how to obtain the necessary proof of who is caring for the children to qualify for the needed benefits.

Case #721

The complainant said that his two children have been removed from their home by HHS, and placed in a foster home. He said that the foster care family that HHS has put his children in is a horrible placement. He said that he had to take his daughter, age 11, to the hospital Emergency Room, where she was treated for dehydration, skin rashes all over her body, and a temperature of 101°. His son, age 13, is not having his special needs met, and the complainant believes that the son is regressing in his learning ability and personality development. The complainant said that the guardian ad litem has been very rude to him. He feels he is being discriminated against because he is a single father. The complainant said that the

worker who is supervising visits feels that the children should be reunited with their father immediately.

Case #1225

The complainant said that his children, a son, age 3 years, and a daughter, age 7 years, were removed from their home and have been State wards for approximately three months. He said that he and his wife do not know what is going on with their family's Child Protective Services case. He said that they were supposed to have a team meeting, but the caseworker did not show up. They had a court hearing scheduled for June 2, but neither the County Attorney, nor the caseworker was there for the hearing. The parents are to have 24 hours of visitation per week with the children, supervised by Visinet. The complainant said that the children are currently placed with his parents. He said that it was his parents who turned them in to CPS for alleged domestic violence. The complainant and his wife want their children back in their home, and feel that CPS is not handling their case in the best interests of the family.

Case #1346

The complainant contacted the Public Counsel's Office in regard to her mother, who is elderly and is living in a nursing home. The complainant said that her mother's "pension" received from the Veteran's Administration is being counted as income by the Department of Health and Human Services for the purpose deciding whether she qualifies for Medicaid for her nursing home services. However, the complainant said that these benefits through the VA were actually awarded due to her mother's spouse having acquired black lung disease while serving in the military. Thus, these benefits are not really a pension, but are part of an award that was transferred to the mother when her husband passed away. The complainant said that it states in the yearly Veteran's Administration award letter that this award is to be tax free, and not attributable as income. However, Medicaid has indicated that the mother must still pay the nursing home her income from her husband's compensation from the VA. The complainant has been struggling to straighten this out ever since September.

Case #1701

The complainant claimed that her twins were sexually abused by their grandmother for several years. She said that they reported the matter to HHS, and CPS began an investigation. The complainant said that the twins started acting out and becoming abusive to her and her fiancé, who is a disabled “stay-at-home dad.” They sought help from their caseworker, who suggested that they allow HHS find a temporary placement for the children. The complainant said that she signed a voluntary removal contract stating that they would allow HHS to care for the twins for up to 180 days to get them the help that they needed to deal with their emotional issues. The complainant said that the caseworker kept promising to make telephone calls and help the children get into therapy, but, in fact, the caseworker was not making the promised calls, or helping at all. When the complainant finally indicated that she wanted to terminate the voluntary agreement with HHS, the caseworker threatened her with termination of her parental rights, and since then has not returned any of the complainant’s telephone calls. The complainant wants a new caseworker who will do what has been promised to the family, and will not try to threaten her.

Case #2003

The complainant is a patient at the Lincoln Regional Center. He says that he was told by the LRC staff that he was ready to be released to a community-based mental health facility located in his hometown, where he could be watched over, given his meds, etc. The complainant said that he was looking forward to getting back to his hometown for further treatment. However, the complainant said that bogus complaints against him by his family are threatening to prevent him moving into the facility in his hometown. The complainant said that his family members have been charging that he is making threatening telephone calls to them. He said that this is impossible because LRC staff or his Social Worker must make the calls for him, and he does not feel staff are putting telephone calls through to his relatives. The complainant wants to have this situation cleared up, so that he can be placed in the community.

Case #2157

The complainant is the mother of a 14 year old daughter who is bi-polar and has behavior issues. She said that the family was looking for help with the daughter’s

situation, and that they were told that the only way to obtain treatment for their daughter would be to make her a State ward. However, the daughter's caseworker labeled their daughter a "bad child" because of her behaviors, and then removed her from the home and placed her a treatment facility located in Missouri. Since May, the complainant, her husband, and their son have traveled to Missouri twice each month to see the daughter. However, this has become a very difficult thing, and it is very hard for the family with the daughter living six hours away from their home. The complainant desperately want to have their daughter returned to the home, and she wonders whether there are alternatives available to them.

Department of Motor Vehicles

Case #1215

The complainant is upset that someone with the State is making the people who are working on the new pipeline that is being constructed in Nebraska license and title their motor vehicles in Nebraska and get Nebraska license plates. He said this construction started in Canada, and will eventually be moving on to Kansas. The complainant said that these construction workers are here temporarily and do not have their domicile in Nebraska. According to the complainant, no other state has made these workers do this with regard to the registration of their vehicles. He feels something is wrong with what is happening here, and he wants to know how these workers can get their money back. He said that they are paying for a year's worth of motor vehicle registration for only a few months of being in Nebraska.

Case #1651

The complainant said that he and his wife had recently moved from Nebraska to Georgia, but still own the house in Nebraska. The complainant's wife recently applied for a Nebraska driver's license, and it was eventually mailed to their Nebraska address. However, the license was later sent back to the Department of Motor Vehicles, and the complainant said that they have been told that it was destroyed because Nebraska DMV found out that they had moved to Georgia. The complainant said that his wife had just turned 21, and that she had applied for the license on August 16, before her 21st birthday. Nebraska DMV will not mail anything outside of the state, and will not send them the driver's license. He said that the State of Georgia would accept the hard copy of her license, or a clearance

letter from Nebraska DMV. However, Nebraska DMV will not mail it to their new Georgia address, and also will not mail it to the Nebraska address, even though they still own that house, but are not now living there. The complainant said that without this information from Nebraska to turn in for a Georgia driver's license, his wife will have to start the process all over again, driving, tests, lessons, and so forth. They would really like to get the hard copy of the Nebraska license. If not, then since they have already paid for the Nebraska license they would like the money returned to them, so that they do not have to pay for something that they did not receive.

Case #1927

The complainant's driver's license was set to expire on November 1, 2009. The complainant said that he went to a Department of Motor Vehicles licensing station in Omaha to renew his license, and that six different Inspectors told him that they would not renew his operator's license because he had no proof of identity. The complainant stated that he was told he needs to produce two forms of identity. The inspectors would not accept his Social Security card, but instead wanted a bill or registration in his name. The complainant said that he has nothing in his name, not even his cell phone billing, since the telephone belongs to his employer. The complainant said that he cannot understand this, since he has had an driver's license through the State of Nebraska since he was 15 years old.

Department of Correctional Services

Case #152

The complainant, who is an inmate at the Penitentiary, said that he has enough classification "points" to be classified to Community Custody (work release). He said that he had the support of the Unit Manager and the Case Manager for this promotion in classification. However, the Mental Health Team denied him any promotion in classification due to his lack of needed programming. He said that there is an issue over his taking an anger management course. Although there is a program on anger management that the complainant could take in the community, the Mental Health team is recommending that he needs a program that is not being offered in the community. The complainant also said that his mother has been diagnosed with liver cancer, and he would like to be able to have a more flexible

schedule to spend time with her. He said that he has served more than eight years of incarceration without any anger issues. He feels that since other inmates have not had to go through this "last minute" programming that he is being required to have, he should not be made to do so. He is upset that the system has waited for so many years to add this new programming requirement.

Case #327

The complainant is an inmate at the Tecumseh State Correctional Institution. He said that the Board of Parole had recommended that he do programming, so that he would be suitable for a parole in the future. However, the complainant is currently placed in the institution's Protective Custody unit, and the programming that he needs is not available there. The complainant said that he had a long conversation with the Unit Manager about this situation, and it was decided that he should remain in PC until he could eventually be transferred from TSCI to the Omaha Correctional Center. This arrangement would have enabled the complainant to get the needed programming, but when his case was later reviewed, the Unit Manager was not there, and the two other staff who did the review decided that he should remain in PC at the Tecumseh facility. The complainant said that now he is stuck in PC, and he is wondering whether there anything that can be done to help him transfer to OCC where he can get the programming.

Case #1369

The complainant is an inmate at the Nebraska Correctional Center for Women who complained that she had been feeling ill. The complainant said that she has lost over twenty pounds, that she has no skin on her feet, that she has no appetite, is thirsty all the time, and that she has a stomach ache. She said that she has been ill this way for about two months. The complainant said that when she saw the doctor at the end of the previous week, he told her that she might be diabetic, and that she should be tested by the first of the next week. The complainant said that this has not happened yet, and she is concerned that she needs to be tested soon.

Case #2019

The complainant is a convicted sex offender currently incarcerated at the Lincoln Correctional Center. He said that he is serving a term of 20 to 40 years, and his

sentence started in 2000. The complainant said that he has been evaluated and designated for taking the biblio-therapy being provided for sex offenders. He wants to take this programming, but his repeated efforts to get into that program have been unsuccessful. The complainant said that staff have told him that he needs to have a parole final hearing set by the Board of Parole before he can get into the program. However, the complainant said that he cannot get the Board of Parole to set a final hearing without his going through the programming first.

Case #2274

The complainant, an inmate at the Penitentiary, has been on the waiting list for placement in Community Custody (work release) for almost two months. He said that he was told that inmates are being prioritized to go to community based on the earliest discharge date or Board of Parole final hearing date. However, he feels that this is not the case on his unit. The complainant said that two inmates from his unit have already been transferred, one whose parole final is not until February of 2011, and one who received paperwork a month and a half later than he did. He feels he is being left back because he did not take the residential substance abuse treatment program. He asked to take this programming, but was denied. The complainant said that the Board of Parole supports him going to work release, so he wonders why this is not happening.

Department of Revenue

Case #1360

On June 2, 2009, the complainants received notice from the Nebraska Department of Revenue informing them that they had not paid their state income tax for 2009. Upon examining their canceled checks, they found that they wrote the check to the Nebraska Department of Revenue on their bank, Wells Fargo Bank, and that the check was subsequently cashed on April 15, 2009, via the Bank of America. The complainants said that they have the canceled check to prove this transaction. When the complainants informed the Nebraska Department of Revenue of the canceled check, the Department told them that the agency does not bank with Bank of America. The Department of Revenue has told them that it is willing to forgo the late penalty, but it still wants the complainants to pay their Nebraska taxes. The complainants do not feel they should have to pay "double taxes."

Case #1546

The complainant said that he runs a business that was recently audited by the State relating to the paying of sales and use tax. He said that he was questioned about a man who does his welding, and asked why was there no sales tax being paid on those transactions. The complainant said that he had called the welder, and was told that he pays the sales tax on the supplies that he buys, and that labor does not have a sales tax. The complainant was also asked about buying machinery parts from other states, and said that he was told that he should keep the receipt, check for the payment of the use taxes, and pay those taxes on everything that he buys, if those taxes have not otherwise been paid. He said that he was told that he must now pay the use tax and the penalty and interest for unpaid use taxes. He said that he feels the collection of these taxes should be the legal responsibility of the person selling the product, not the person buying, because you simply assume that you have been billed correctly.

Game and Parks Commission

Case #1377

The complainant said that his neighbors are killing deer out of hunting season, and that they have been doing this for many years. He explained that the neighbors kill the deer on the Friday before hunting season starts, and then they then put the deer carcass in an out-building and padlock it shut. He said that they had three deer carcasses in the building on the Friday before the season started, and that he saw them there. The complainant said that he had reported this situation to the Game and Parks Commission enforcement staff, but the enforcement people will not do anything about this situation. He said that he has turned this matter in for the last three years, and nothing has been done.

Department of Roads

Case #1141

The complainant was involved in an automobile accident that was witnessed by a third party. On December 11, 2008, a Department of Roads employee interviewed

the witness concerning the accident. The complainant has subsequently contacted the Department of Roads and has asked for a copy of the statement given by the witness. However, the request for this information has been denied by Department of Roads Communications Division, citing provisions of the Public Records Act. The Department claims that the statute indicates that state agencies are not allowed to disclose public records that are part of intelligence or investigative information. The complainant would like the Department to give him this information.

Case #1800

The complainant claims that her property has been damaged as a result of a State Department of Roads construction project going on along the adjoining street. She said that the Department of Roads referred her to the construction contractor for resolution of her claim. However, the construction company has denied her claims. Now. The complainant has again contacted the Department of Roads, but no one there seems to want to do anything about the damage that has been caused.

Department of Insurance

Case #565

The complainant was using her former employer's group health insurance plan for insurance coverage. However, her employer changed the deductible from \$2000 to \$10,000 and the coverage was still too expensive, so she applied for insurance under the NECHIP program, and she was told she was accepted. Later, however, the complainant was told she was not accepted into the program. When she complained about this, the NECHIP staff and was told she was accepted into the program, but that she was being given a six-month exclusion on her pre-existing medical/health condition. The complainant then sent a letter of complaint to the Department of Insurance asking the Department to reverse this decision. She did not hear from the Department until she called, and then she was told that she would have to call NECHIP. The complainant still wants the Department of Insurance to see that the NECHIP decision is reversed.

State Patrol

Case #316

The complainant is a resident of Illinois whose truck broke down in Nebraska. His plan was to come back and pick up the truck after he had made arrangements for it to be either fixed in a nearby town or transported back to his home in Illinois. However, a local towing company broke into his truck, towed it away, and put it into storage. The complainant said that the towing company did not have his permission to either move his truck or to store it. The towing company is now demanding that the complainant pay them \$8,000 from to get his truck back. The complainant said that he complained to the State Patrol, and a State Patrol officer went out from the Lincoln headquarters to investigate his complaint. However, they did nothing about the breaking and entering of his vehicle. The complainant said that he believes that the State Patrol does not want to do anything about this situation, because the towing company does a significant amount of towing for law enforcement in that region.

Case #623

The complainant is currently incarcerated in a County Jail, and complained about the treatment that he received when he was arrested by an officer of the Nebraska State Patrol. He feels that is was not necessary for the officer to slam his head into a window, or place the handcuffs on him so tightly. The complainant believes that the arrest was unnecessarily violent, and that his rights were violated due to the treatment that he received.

Department of Labor

Case #832

The complainant had applied for Unemployment Compensation benefits, but his application was denied due to his being a full-time student. The complainant said that he was laid-off from work on December 12, 2008, and that the Unemployment Compensation office checked with his two previous employers, and found he was eligible for benefits. Later, however, due to his status as a full-time student, the complainant's application was denied. The complainant subsequently appealed

this determination, but after more than a month he has not heard anything further about his appeal. The complainant understood that the appeal would be handled through a hearing, and that the case would be heard within 30 days. In the complainant's case, however, the appeal was filed in mid-March, and by late April nothing had happened. The appeal was supposed to be handled in the form of a conference call, however, the complainant had received no call or paper work referencing the hearing.

Case #1114

The complainant was terminated from his job on March 23, 2009. He then applied for Unemployment Compensation benefits around April 1, 2009. The complainant was told by the Department of Labor that there would be a bit of a delay in receiving Unemployment Compensation benefits, due to his receiving some pay for unused vacation leave. However, although he reported his job searches weekly, by the middle of June he still had not received any Unemployment Compensation benefits. Now, the complainant is being told that he was not eligible for any Unemployment Compensation benefits for the period between April 12 and July 11, due to his being fired. The complainant feels that he is being discriminated against, and that the Department of Labor was making up the rules as they went along. He never received a notice of any kind that there was any such law or rule was applicable to his situation. Also, when the complainant tried to question the Unemployment Compensation staff about this situation, they were rude to him.

Case #1537

The complainant was an employee at a hospital located in a small Nebraska town. Shortly after the hospital terminated her employment in January of 2009, she filed for Unemployment Compensation benefits. There was some delay due to an issue on her eligibility, but the complainant finally started to receive the Unemployment Compensation benefits in mid-February, due to winning an appeal. Since then, the complainant has been receiving \$195 per week in Unemployment Compensation benefits, which is the maximum. The complainant said she had thought she would be receiving these Unemployment Compensation benefits until January 30, 2010, because that is what was stated on one of the documents that she had received. However, on August 19, 2009, the complainant received a letter that stated that the most recent benefits check would be her last. The complainant has questions about how long she should be receiving Unemployment Compensation benefits. She

says that although she has repeatedly tried to call the Department of Labor, no one at the Department will answer the telephone so that she can pursue these questions.

Case #2227

The complainant lost his job and began receiving Unemployment Compensation benefits in October of 2009. He said that the benefits were renewed when he was accepted into the Grant Trade Benefit Program, a program that trains people for a new trade or profession through involving them in college classes. However, six weeks ago the complainant's Unemployment Compensation checks stopped. The complainant said that he tried to find out why this was happening and spoke with a staff person at Unemployment Compensation office who told him his benefits had stopped coming due to a computer glitch in the "IT system." The complainant said that he has two small children and no income other than his Unemployment Compensation benefits, and so he needs for this issue to be resolved as quickly as possible.

Case #2251

The complainant had received a letter from Department of Labor notifying him that he might be among those who are eligible to receive extended Unemployment Compensation benefits for a period of 14 weeks. He said he has tried to reach the Department through the telephone number in Lincoln, but has not been able to get through to the agency. He feels that he has spent a lot of money on these long distance calls, and he has still never gotten connected to a person. He said he had been on hold for up to thirty minutes. The complainant said he then went to the Nebraska Work Force Development Center in Omaha looking for help with this issue, and he feels that he was treated very rudely at that office. He said that he was told that they could not help him at that office.

University of Nebraska

Case #132

The complainant said that her husband had been injured, and went to University of Nebraska Medical Center for treatment. Now, the family has an unpaid bill for the

husband's medical treatment, and the husband's wages are being garnished by UNMC to cover the bill. The complainant said that the family had been paying about \$100 dollars per month on their bill, in order to pay it off gradually. She said that they realize that \$100 per month is not a lot, but the husband is the only one in the family who is working. The complainant said that UNMC is now taking 25% out of her husband's check, and this leaves them only about \$1,000 a month to live on. The complainant has studied the state statutes on the subject of garnishing wages, and she said that the statutes appear to provide that if the garnishment is taken from the top wage earner in the household, then it should be only 15% of the employee's wages, and not 25%. She feels that UNMC should be following that law.

Case #1615

The complainant is a former University of Nebraska student who currently lives in another country. The complainant is concerned that he has not been receiving his academic credit for all the courses that he took at the University of Nebraska. He said that on August 18 he had called the Registrar's Office and asked to speak with the Director. He ended up speaking with a staff person there. This staff person gave him to understand that the office could not deal with his issue right away, and that his problem would have to wait. The complainant is upset that he was told that his problem did not warrant immediate attention. He would like to have the University look into this issue as soon as possible.

Department of Environmental Quality

Case #564

The complainant says that great deal of damage is being done to the quality of life in his community due to blowing dirt from nearby landfill operated by the city. The complainant and some of his neighbors believe that some of the Nebraska Department of Environmental Quality regulations relating to the Clean Air Act have been violated in this situation. There is dust blowing from the landfill, but NDEQ does not hold the city accountable, or force the city to take corrective action. The complainant submitted the signatures of the entire neighborhood of in reference to the damage that is being done to their property. The residents of the neighborhood want to know who in government can assist them with this issue.

Case #1818

The complainant said that the Nebraska Department of Environmental Quality had directed a company to cover a landfill located on its property. He said that the Department of Environmental Quality was supposed to pay for this project and the contact for the project was through arranged through the complainant's company. There was a bond controlled by DEQ to provide the funding to pay for this project. The complainant's company began the process to close the landfill, and the steps to clean up the site ended up costing nearly \$75,000. The complainant said that he submitted the bill to the receiver for property's owner, which was in bankruptcy. However, instead of paying the bond proceeds directly to the complainant's company, DEQ released the bond funds to the property owner, and now the complainant's company has not been paid for its work in cleaning up the site. He maintains that DEQ erred by not sending him the bond money directly to him, and in releasing the funds to the property owner. The complainant still has not received the money promised to pay for this project. He feels that this situation is due to a mistake by DEQ in the handling of the bond money.

Department of Education

Case #574

The complainants got into a prolonged dispute with local school officials over a statement reportedly made by a school employee in an article that ran in their local newspaper. The statement related to the supposed "aggressive" characteristics of students with behavioral and mental challenges. The complainants challenged the accuracy of this statement, but the school employee was backed in this situation by the Superintendent of the school district. Eventually, the complainants filed a formal complaint against both the school employee and the Superintendent with the Nebraska Department of Education, alleging that there had been professional misconduct in how the school officials had responded to their concerns. After an investigation of the merits of their complaint by the Department of Education, the complainants were informed by the Department that their complaint was being dismissed. The complainants disagree with this decision by the Department of Education, and take issue with how the investigation by the Department was conducted.

Liquor Control Commission

Case #1979

The complainant said that he had been trying to work with the Nebraska Liquor Control Commission in getting his liquor license for his restaurant/bar located in a small town. He said that he had turned in all of the necessary paperwork, but due to the Liquor Control Commission's negligence, his license will not be issued in a timely manner. This means that he has to close his restaurant, and will not be able to open it again for two weeks. The complainant said that a staff person from the Liquor Control Commission told him that he had plenty of time and would be able to get his liquor license in time to open on schedule. However, because the Commission was so busy with other things, they were delayed in opening their mail, including the envelope which contained the information concerning the complainant's license application. At one point, the Liquor Control Commission's staff had told him that they could not locate the inspection report, but later they discovered that it was sitting on their desk the whole time. Now that the Liquor Control Commission has all of the necessary paperwork, they told the complainant that he will have to wait ten business days before they can issue him his liquor license. The complainant needs his license, or else his restaurant will go out of business. The complainant feels that he should not have to suffer for the Liquor Control Commission's negligence.

Regional Centers

Case #397

The complainant is a patient at the Lincoln Regional Center. He said that there is no hot water available on his unit. He said that the patients have put in a grievance relating to this problem, and that they have been told there is a valve that needs to be replaced before hot water is again available on the unit. However, he said they have also been told there is no funding available for the installation of a new valve. He said that the patients have had nothing but cold water for almost two weeks.

Case #571

The complainant is a patient at the Norfolk Regional Center. He said that a few days earlier another patient got mad at him and shoved him. This is considered to be an assault at NRC, but the person who shoved him had only received four days of room restriction as a sanction for his behavior. The complainant said that the treatment team at NRC usually gives other patients two weeks of room restriction for such behavior. He believes that the punishment that the other patient received in this case was not fair, because it was not consistent with punishment that other patients would receive.

Case #862

The complainant is a patient at the Lincoln Regional Center. He said that since having surgery on his nose he has been experiencing severe headaches. He also says that he has a temperature that ranges from 100.9° to 101°. The complainant has talked with one of the doctors about this, and said that he was told to take Tylenol or aspirin. However, the complainant is very concerned about his health. He said that the doctor told him that he is alright, and that he does not have a brain tumor or anything serious, but he is not convinced and would like a second opinion from another doctor.

Case #1006

The complainant is a patient at the Norfolk Regional Center. He said that he has concerns about the quality of his treatment. He said that he has been on Level 1 of the treatment program since 2006. Meanwhile, he said that other patients are moving on through the program and are being transferred to the Lincoln Regional Center, while he has not. He also said that he felt that assignment to a different living unit would be more suitable to his situation, but he has been told that he has to wait to get off of restrictions before he can be moved. He said that he does not believe that the staff are doing anything to help him make progress.

Case #1473

The complainant is a resident at the Lincoln Regional Center. He said that while he has been at LRC he has been denied access to religious books and materials, and was not allowed by the religious coordinator to order his own materials to practice his religion. The complainant said that he is an "eclectic Wiccan." He

also said that he has a Bachelors Degree in Religious Studies. He said that he realizes his religion is a “minority religion,” however, he believes that he should be allowed to have the religious materials he needs, and to practice his religion.

Case #1633

The complainant is a resident at the Lincoln Regional Center. He said that he has not been allowed to mail letters to his mother for 70 days. He also said he has not been allowed to write letters to other individuals or to make telephone calls. This includes the court, his case worker in Omaha, etc. According to the complainant, a court order from the Douglas County Court has stopped all his of mail service and his telephone calls. He believes that this is a violation of his rights.

County Jails

Case #58

The complainant is an inmate in a county jail in a small county. She said that she was prescribed medications by a psychiatrist working at Heartland Family Services in Council Bluffs, Iowa. The medication was generic Prozac. The complainant said that she has received this medication in several other county jails before. However, when she saw the doctor in the jail where she is currently being held, he only talked to her for two minutes, and then he told her that she was not depressed and she did not need the Prozac. She said that she is unsure and worried about what will happen without the medication.

Case #335

The complainant, an inmate in a county jail in a small county, is complaining about the food being served to the inmates. The complainant feels that the inmates are not getting the required two servings of milk per day. He said that the meal that is supposed to be hot each day is not very hot when it is served to the inmates. He also feels they are not getting the minimum requirement of protein each day.

Case #718

The complainant was originally an inmate in the Lancaster County Jail, but he was later transferred to another county jail because of overcrowding issues in the Lancaster County Jail. The complainant said that he has been having serious dental problems, and having pain on a daily basis. The administration of the jail he is in refuses to send him to a dentist, because they maintain that it is Lancaster County's responsibility. However, when he contacts Lancaster County they do not respond to his problem either.

Case #932

The Public Counsel's Office received a petition signed by a number of inmates in a jail in a medium sized county. The petition complained generally about the jail's conditions, and raised concerns ranging from medical issues, to food portions, to the sanitary conditions in the jail. It alleged that some of the inmates have medical conditions that are not being treated properly. There was also an allegation of a lack of privacy in the women's shower area. In addition, the petition raised a concern about the jail's Hispanic inmates, and the lack of a translator for them, especially when it comes to dealing with their legal issues.

Case #1292

Seven inmates in a jail in a medium sized county wrote to the Public Counsel's Office to complain about a number of concerns. The complainants allege that the jail has poor ventilation, and that mold and insects are all over the jail's cells. Also there is food residue on the ceiling, and asbestos in the flooring. The complainants also allege that the meals portions are too small, and that quality of the food is disgusting. They said that the meals are not enough to keep adult men full. They also claimed that their internal grievances are never being answered by the jail's administration.

Case #1577

The complainant is an inmate in a county jail in a small county. He said that he has asthma and uses two types of inhalers to address the condition. One is a rescue inhaler, Albuterol, the other is used for chronic issues. For his arthritis, he is

prescribed Naproxen, and for his allergies generic Zyrtec. Since he has been in the jail, he is being given the rescue inhaler only, and he is given only Ibuprofen for the arthritis. The complainant feels these medications are not sufficient and do not address his serious medical issues.

Case #2079

The complainant was previously incarcerated in the County Jail in a large county. She said that she was incarcerated there from October 30, 2009, to November 9, 2009. The complainant said that while she was in the jail, they did not give her the anti-seizure medication that she was supposed to be receiving. She said that because of not receiving her medication, she has now been having a lot of seizure activity again. She also claimed that she had some serious seizure problems while she was incarcerated.

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 2009 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 2009. In 2009, the Public Counsel's total caseload was 2,328 cases. This caseload total represents a 10% increase over the caseload of 2008, and is the second highest caseload total in the history of the Public Counsel's Office. The highest annual caseload in the history of the office came in 2002, when the Public Counsel had a caseload total of 2,482 cases, resulting from an unusual influx of cases due to the implementation of the State's new child support enforcement system, and a wave of complaints resulting from the shakedown of that system. Based upon the early influx of cases in 2010, it is estimated that the Public Counsel's caseload will increase by another 5% in 2010.

Some of the growth in the Public Counsel's caseload in 2009 is a response to the extension of the Office's jurisdiction to cover local jails. In 2009, there were nearly 200 such cases, which we believe is a positive start for the program of responding to jail-related complaints. We expect that the number of these cases will grow at a gradual pace, as more inmates and their families learn about the availability of this complaint-handling mechanism.

One rather interesting statistic reflected in the 2009 statistics is illustrated in the Case Duration Report (Table 6), which provides a running total of the percentage of cases that were closed by the office after a given number of days. As reflected in this Report, in 2009 the Public Counsel's Office managed to close 22% of its cases by the end of the first work week (represented as five days on the Table). The Case Duration Report for 2009 further shows that the Public Counsel's Office had closed 35% of its cases by the end of the second week following receipt of the case. These Case Duration figures, which are highly dependent upon the nature and complexity of the cases received by the Office in any given year, are the best measure that we have of how the Office is performing in terms of efficiency. While the numbers for 2009 are neither the best, nor the worst, that we have seen since we started keeping this statistic, it is certainly within an acceptable range of efficiency, in terms of the swiftness of our response-time to citizens' issues.

TABLE 1
SUMMARY OF CONTACTS 2009

<u>Month</u>	<u>Total Inquiries</u>	<u>Information</u>	<u>Complaints</u>
January	195	23	172
February	206	30	176
March	243	13	230
April	218	18	200
May	157	12	145
June	207	23	184
July	199	10	189
August	184	21	163
September	195	19	176
October	184	19	165
November	174	17	157
December	166	9	157
TOTAL	2328	214	2114
Percent of Total Contacts	100%	9%	91%

**TABLE 2
OMBUDSMAN CONTACTS 2009**

	Total Logged Inquiries	Total Logged Complaint	Pending Complaint	Justified	Unjustified	Partially Justified	Discontinued	No Jurisdiction	No Jurisdiction But Assisted	Total Logged Information	Info Cases Pending
January	195	172	2	39	39	53	24	5	10	23	0
February	206	176	1	34	44	48	24	11	14	30	0
March	243	230	1	56	51	79	21	9	13	13	0
April	218	200	0	44	55	65	21	5	10	18	0
May	157	145	2	23	35	57	13	2	13	12	0
June	207	184	2	36	56	60	14	6	10	23	1
July	199	189	6	34	53	56	15	17	8	10	0
August	184	163	12	24	46	47	12	11	10	21	0
September	195	176	9	23	61	53	17	6	7	19	0
October	184	165	9	19	45	58	15	6	13	19	1
November	174	157	8	22	52	48	14	4	9	17	0
December	166	157	19	25	45	43	12	7	6	9	0
TOTAL	2328	2114	71	379	582	667	202	89	123	214	2
% of TOTAL	100%	91%	3%	16%	25%	29%	9%	4%	5%	9%	0%

**TABLE 3
ANALYSIS OF NO-JURISDICTION CASES - 2009**

	Total No Jurisdiction Cases	Federal Jurisdiction	County Jurisdiction	Municipal Jurisdiction	Other Subdivisions of Government	Legislative or Policy Issues	Issues Before Courts	Private Matters Between Individuals	Issues Involving Governor or Staff
January	15	0	1	2	0	0	8	4	0
February	25	1	5	3	1	1	8	6	0
March	22	1	0	2	2	1	10	6	0
April	15	3	0	0	2	0	2	8	0
May	15	1	1	0	2	1	5	5	0
June	16	4	1	1	0	0	6	4	0
July	25	3	4	1	0	0	6	11	0
August	21	2	1	4	1	1	4	8	0
September	13	1	2	1	1	0	3	5	0
October	19	0	0	3	2	0	7	7	0
November	13	2	2	0	0	0	3	6	0
December	13	1	3	0	0	0	6	3	0
TOTAL	212	19	20	17	11	4	68	73	0
PERCENT	100%	9%	9%	8%	5%	2%	32%	34%	0%

**TABLE 4
MEANS OF RECEIPT AND LOCATION 2009**

MONTH	Location					Means of Receipt				
	Metropolian Lincoln	Metropolitan Omaha	Non Metropolitan	Out Of State	State Instiution	Letter	Visit	Telephone	Email	Fax
January	33 9	21 2	31 2	1 2	86 8	91 8	7 1	61 12	11 1	2 1
February	30 11	18 4	48 11	5 1	75 3	83 6	5 1	60 12	23 10	5 1
March	44 3	18 3	48 5	10 1	110 1	139 2	7 0	62 8	20 3	2 0
April	32 3	13 2	42 11	2 0	111 2	124 4	6 0	57 10	12 4	1 0
May	13 3	10 3	37 2	3 2	82 2	91 1	2 1	45 8	7 2	0 0
June	29 7	14 3	39 5	6 2	96 6	102 4	11 5	57 12	12 2	2 0
July	34 6	18 2	54 1	4 1	79 0	95 0	9 0	74 5	9 5	2 0
August	28 1	11 3	38 8	3 3	83 6	93 9	3 0	48 6	19 6	0 0
September	28 9	13 2	38 5	9 0	88 3	106 5	4 2	46 11	19 1	1 0
October	26 8	13 1	51 4	4 2	71 4	90 6	2 2	54 6	19 5	0 0
November	20 4	8 0	30 5	1 3	98 5	101 5	3 0	43 8	8 4	2 0
December	22 2	10 1	36 5	2 0	87 1	90 1	3 0	50 7	13 1	1 0
TOTAL	339 66	167 26	492 64	50 17	1066 41	1205 51	62 12	657 105	172 44	18 2

* C = Complaints, I = Information

**TABLE 5
OFFICE OF THE OMBUDSMAN - 2009 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	2	2	1	1	1	3	2	3	2	2	0	1	20
Aging	1	0	0	0	0	0	0	0	0	0	0	0	1
Agriculture	0	0	0	0	0	0	1	1	0	0	0	0	2
Arts Council	0	0	0	0	0	0	0	0	0	0	0	0	0
Attorney General	0	2	1	0	0	2	1	0	0	1	0	0	7
Auditor	0	0	0	0	0	0	0	0	0	0	0	0	0
Banking	1	0	0	0	0	0	0	0	0	0	0	0	1
Brand Committee	0	0	0	0	0	0	0	0	0	0	0	0	0
Claims Board	0	0	2	0	1	0	0	0	0	0	0	0	3
Corrections	88	74	104	106	79	100	79	82	91	68	93	79	1043
County	1	4	0	2	0	3	1	0	0	1	2	2	16
Courts	3	4	6	2	6	6	5	4	10	4	3	4	57
Crime Commission	0	0	0	0	0	0	1	1	0	0	0	0	2
Economic Development	0	0	0	0	0	0	1	0	0	0	0	0	1
Ed. Lands & Funds	0	0	0	0	0	0	0	0	0	0	0	0	0
Education	2	4	2	1	0	0	3	0	2	0	0	0	14
Environmental Quality	0	1	1	2	1	0	1	0	0	1	0	0	7
Equal Opportunity	0	1	0	1	2	0	3	0	0	1	0	1	9
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	0	0	0	0	0	0
Federal	3	1	3	7	3	3	2	2	1	1	1	2	29
Fire Marshal	0	0	0	0	0	1	1	0	0	0	1	0	3
Foster Care Rev Bd	0	0	0	0	0	0	0	0	0	0	0	0	0
Game and Parks	0	0	0	0	0	0	2	0	0	0	0	0	2

Governmental Subdivision	1	1	0	0	0	0	2	3	0	0	0	0	7
Governor	0	0	0	0	0	0	0	0	0	0	0	0	0
Nebraska Commission for the Deaf and Hard of Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0
Hearing Impaired	1	0	0	0	0	0	0	0	0	1	0	1	3
HHS Benefits	17	7	11	9	4	10	10	5	12	13	7	8	113
HHS BSDC	0	7	3	1	1	1	1	0	1	0	1	2	18
HHS Child Welfare	11	26	20	16	12	19	25	22	13	18	16	12	210
HHS Misc	8	9	8	9	6	5	6	5	9	9	4	9	87
HHS Regional Centers	2	6	9	13	2	11	2	6	6	4	4	5	70
HHS Regulation	2	1	0	1	0	0	1	2	2	1	2	0	12
HHS Vets Homes	0	1	1	1	0	0	0	0	1	0	0	0	4
HHS Visually Impaired	0	0	0	0	0	0	0	0	0	0	0	0	0
Historical Society	0	0	0	0	0	0	0	0	0	0	0	0	0
Indian Comm	0	0	0	0	0	0	0	0	0	0	0	0	0
Institutions	0	0	0	0	0	0	0	0	0	0	0	0	0
Insurance	0	0	1	0	0	0	0	1	0	1	0	0	3
Investment Council	0	0	0	0	0	0	0	0	0	0	0	0	0
Labor	5	2	3	6	2	3	2	3	3	2	0	6	37
Legislative	9	11	4	3	5	4	3	3	5	5	3	3	58
Library Comm	0	0	0	1	0	0	1	0	0	0	0	0	2
Liquor Control	0	0	1	0	0	0	0	0	0	1	0	0	2
Mexican Amer Comm	2	0	0	0	0	0	0	0	0	0	0	0	2
Motor Vehicles	0	1	2	0	1	6	3	3	3	1	2	2	24
Mtr Veh Dealers Lic Bd	1	0	1	0	0	0	0	0	0	0	0	0	2
Municipal	0	4	2	0	2	1	2	3	2	2	1	0	19
National Guard	0	0	1	0	0	0	1	0	0	0	0	1	3
Natural Resources	0	0	0	0	0	0	0	0	0	0	0	0	0
Pardons Board	0	1	0	0	0	0	0	0	0	0	1	0	2

Parole Board	1	0	4	2	2	2	1	0	3	4	5	2	26
Patrol	0	2	5	1	1	4	2	2	2	4	2	4	29
Personnel	0	0	1	0	0	0	0	0	0	0	0	0	1
Private Matter	4	12	11	5	3	7	7	7	2	9	4	4	75
Probation Adm	1	0	0	0	0	1	0	0	0	0	0	0	2
Public Service Comm	0	0	0	0	0	0	1	0	0	0	0	0	1
Real Estate Comm	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement Systems	0	0	0	0	0	0	0	1	0	0	1	0	2
Revenue	0	2	2	0	1	1	3	1	2	1	0	1	14
Risk Management	0	0	0	0	0	0	0	0	0	0	0	0	0
Roads	1	1	2	0	0	2	2	1	1	1	0	0	11
Secretary of State	0	0	0	0	0	0	0	2	0	0	0	0	2
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	0	0	0	0	0	0	0	0	0	0	0	0	0
Electrical Division	1	0	0	0	0	0	0	0	0	0	0	0	1
Treasurer	4	3	7	6	2	1	4	3	0	4	3	3	40
University	1	1	0	0	0	1	0	0	2	2	0	0	7
Veterans Affairs	0	1	0	1	1	1	0	1	0	0	0	1	6
Commission for the Blind	0	0	0	0	0	0	0	1	0	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	0	0	0	0	0	0	0	0	0
HHS-Juv Justice	0	0	0	0	0	0	0	0	0	0	0	0	0
HHS-Juv Justice - Geneva	0	1	1	0	0	0	1	0	1	0	0	1	5
HHS Juv Justice-Kearney	1	0	0	1	0	0	0	0	0	0	0	0	2
County Jail	19	13	22	19	16	10	16	15	18	23	16	12	199
TOTALS CASES	194	206	243	217	155	208	199	183	195	185	172	166	2323
Amateur Commission	1	0	0	0	0	0	0	0	0	0	0	0	1
Board of Public Accountability	0	0	0	0	0	0	0	0	0	0	0	0	0

(NOTE: Case totals in this table are greater than the sum of all cases because a single case may involve in multiple agencies.)

**TABLE 6
CASE DURATION REPORT 2009**

Days Open	Record Count	% of Total
1	233	10%
2	85	4%
3	47	2%
4	61	3%
5	71	3%
6	83	4%
7	88	4%
8	55	2%
9	38	2%
10	24	1%
11	38	2%
12	40	2%
13	49	2%
14	58	3%
15	30	1%
16	20	1%
17	28	1%
18	24	1%
19	28	1%
20	30	1%
21 to 30	227	10%
31 to 60	323	14%
Over 60	574	25%
TOTAL COUNT	2255	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*,
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