

REPORT OF THE SERVICE COMMITTEE

TO THE LEGISLATIVE COUNCIL

July 12, 1990

The Service Committee of the Legislative Council met on July 12, 1990. The meeting was called to order by Representative John Connors, Chairman, at 11:00 a.m. in the Speakers' Committee Room of the State House, Des Moines, Iowa.

The Service Committee respectfully submits to the Legislative Council the following report and recommendations:

1. The Service Committee recommends that the agency heads of the Legislative Service Bureau, Legislative Fiscal Bureau, Legislative Computer Support Bureau, and the Office of Citizens' Aide/Ombudsman be directed to revise their 1990-1991 budgets downward by two percent. The revisions should indicate the budget areas where reductions can be made. In addition, the agency heads should prepare a contingency list of further reductions in the range of two to three percent that can be made if necessary.

2. The Service Committee received and filed personnel reports from the Office of Citizens' Aide, the Legislative Computer Support Bureau, the Legislative Fiscal Bureau, and the Legislative Service Bureau. The reports listed merit increases granted, resignations received, and employees hired since the June Service Committee meeting.

3. The Services Committee received correspondence from the Citizens' Aide/Ombudsman relating to the end of his term.

4. The Service Committee received and filed an administrative report regarding a request for use by the Office of Citizens' Aide of a room currently being underutilized by the Micrographics Section of Records Management of the Department of General Services.

5. The Service Committee received and filed a legal report from the Citizens' Aide/Ombudsman relating to the dismissal of the judicial appeal of the Employment Appeal Board's decision to deny Mr. James Peterson unemployment compensation benefits. The Service Committee recommends payment of attorney fees incurred in conjunction with the appeal. The report also detailed the Office's resistance to a subpoena duces tecum relating to complaints against Tommy Gott, a deceased correctional officer.

Respectfully submitted,

REPRESENTATIVE JOHN H. CONNORS
Chairman

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE / OMBUDSMAN

In reply, please refer to:

July 5, 1990

John Connors, Chair
Service Committee, Legislative Council
State Capitol
LOCAL

Dear Representative Connors:

The Citizens' Aide/Ombudsman submits three reports for consideration by the Service Committee at its July 12, 1990 meeting.

Personnel Report

Ruth Cooperrider, an Assistant Story County Attorney and formerly with the Wapello County Attorney's office, Legal Services Corporation, and the Legislative Service Bureau, has accepted the position of Legal Counsel at Grade 31, Step 1. I have agreed to assist her in the costs of moving to the Des Moines area. Ms. Cooperrider's first day of employment was July 9, 1990.

One hundred sixty-five applications have been received and are currently being evaluated for the Assistant I Citizens' Aide position previously authorized for hire during the current fiscal year.

Legal Report

Attorney Mark Bennett reports that James Peterson filed a motion to dismiss his judicial appeal of the Job Service Appeal Board's denial of his claim for unemployment compensation. Bennett joined in the motion which the District Court granted on July 2, 1990. (copies enclosed)

The office recently received a subpoena duces tecum (copy enclosed) demanding all files in the office regarding complaints filed against Tommy Gott, deceased, who was a correctional officer at the Iowa Correctional Institution for Women (ICIW). This is a complex case. The attorney

John Connors, Chair
Service Committee, Legislative Council
July 5, 1990
page 2.

issuing the subpoena is doing so on behalf of a former inmate who is suing ICIW Warden Barb Olk, alleging she was forced to participate in a sex act with Gott. Gott's family, is also suing the state over his suicide. I have instructed Ms. Cooperrider to take appropriate action to resist the subpoena pursuant to the immunities and protections afforded by Iowa Code Chapter 601G.

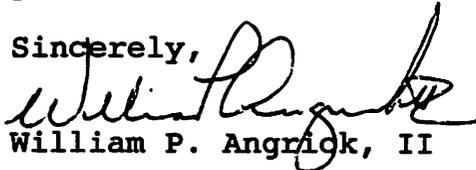
Administrative Report

I have written Kathleen Williams of the Records Management Division, Department of General Services requesting cooperation in allowing Citizens' Aide/Ombudsman staff to occupy a room currently being under utilized by the Micrographics Section of Records Management. I believe if CA/O staff were able to occupy the room we would be more efficient and intense in our utilization of the room.

Should Ms. Williams or General Services resist my request it may be necessary to call upon the Service Committee for appropriate direction and assistance.

I plan to be present at the July 12, 1990 Service Committee meeting and will be available to answer any questions or provide additional information.

Sincerely,



William P. Angrick, II

WPA:pn
Encls.

cc: Service Committee
Diane Bolender, Secretary, Legislative Council

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

JAMES PETERSON,)

Petitioner,)

v.)

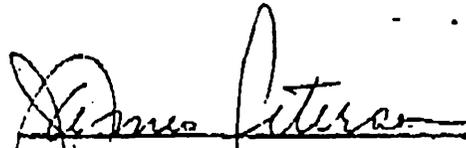
IOWA EMPLOYMENT APPEAL BOARD)
and IOWA CITIZENS' AIDE)
(IOWA LEGISLATIVE CITIZENS')
AIDE),)

Respondent.)

CASE NO. AA-1637

MOTION TO DISMISS

COMES NOW the Petitioner pro se, James Peterson, in the
matter herein, and moves to dismiss his Petition for Judicial
Review.

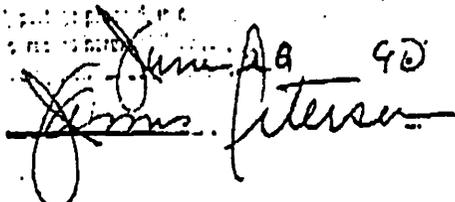


James Peterson
Box 751
Des Moines, IA 50303

PETITIONER - PRO SE

RECORDED

INDEXED
JUN 29 1990

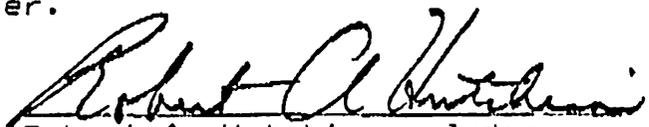
James Peterson 90


IN THE DISTRICT COURT OF IOWA IN AND FOR POLK COUNTY

JAMES PETERSON, :
: Petitioner, : CASE NO. AA-1637
: v. :
: RULING ON MOTION
IOWA EMPLOYMENT APPEAL BOARD, :
and IOWA CITIZENS' AIDE, :
: Respondent. :

RECEIVED
JERRY L. BESSIS
CLERK DISTRICT COURT
50 JUL - 2 AM 8:10

On this 2nd day of July, 1990, the joint motion to dismiss filed by the parties having come before the Court, the motion is hereby granted. Court costs are assessed against the petitioner.


Robert A. Hutchison, Judge-
Fifth Judicial District of Iowa

Copies mailed by the Court to:

James Peterson
P.O. Box 751
Des Moines, IA 50303

Mark W. Bennett
100 Court Ave, Suite 403
Des Moines, Ia 50309

William C. Whitten
Joe E. Smith
Second Floor
Lucas State Office Bldg.
Des Moines, IA 50319

JACK A. SCHWARTZ & ASSOCIATES

ATTORNEYS AT LAW
DES MOINES
IOWA
COURT HOUSE
CORNER 10TH & MAIN
DES MOINES, IOWA 50319

JACK A. SCHWARTZ**

EDWARD J. CAMPBELL*
MELISSA MELTOPP

Admitted to practice
*Illinois only

**Illinois, Iowa, Florida

0000000000

0000000000

0000000000

June 21, 1990

State Ombudsman's Office
Attention: Records Dept.
215 East 7th
Des Moines, Iowa 50309

Re: Cline v. Olk, et al.
Law No. CL 071-42169

Dear Madam or Sir:

Enclosed please find Subpoena which has been issued to you by the Iowa District Court for Polk County, Iowa, regarding Thomas J. Gott. I believe the records we are seeking are self-explanatory. If you have any questions, please do not hesitate to telephone me.

Please be advised that if your office will forward to me the requested information by mail prior to the Subpoena return date of July 12, 1990, it will not be necessary for anyone from your office to appear at our office at that time.

Your cooperation in this matter is appreciated.

Very truly yours,

JACK A. SCHWARTZ & ASSOCIATES



Jack A. Schwartz

JAS:rdd

Enclosure

cc: Michael E. Hanson
Pat Payton and Ron Cable
Jos. M. Bauer
Charles Lavorato

TERESA CLINE,

Plaintiff/Petitioner

vs

BARBARA OLK, et al.,

Defendant/Respondent

Case No. CL 021 34199
SUBPOENA

Subpoena ordered by _____

_____ Plaintiff/Defendant

NATURE OF PROCEEDING:

- Trial
- Hearing
- Deposition
- Grand Jury
- County Attorney Investigation
- Juvenile Court Hearing
- Other _____

TO: State Ombudsman's Office
215 E. 7th
Des Moines, IA 50309

Attention: Records Dept.

YOU ARE ORDERED BY THE COURT TO PERSONALLY APPEAR AT THE TIME AND PLACE STATED HEREINAFTER.

PLACE: LAW OFFICES OF JACK A. SCHWARTZ
County, Iowa
Iowa

1800 - 3rd Ave., Suite 407
Rock Island, IL 61201

DATE: July 12, 1990

TIME: 10:00 a.m.

DUCES TECUM: Please bring with you.

Any and all records of Thomas J. Gott regarding complaints made against said Thomas J. Gott while an employee of the Mitchellville Correctional Facility and previous correctional institutions in which he was employed.

DATE ISSUED: June 21, 1990

D. J. ...
CLERK, IOWA DISTRICT COURT

By *[Signature]* De

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on _____ 19__

[Signature]
P. Demary Douglas

RETURN OF SERVICE

Date Received	_____	Fees	_____
Date Served	_____	Mileage	_____
Who Served	_____	Total	_____
Address Served	_____		

County Iowa

By _____

Attorneys at Law
100 Court Avenue, Suite 403
Des Moines, Iowa 50309
515 244 4300
FAX 515 244 2650

Leslie Babich
Mark W. Bennett
Don Nickerson
Connie A. Newlin

July 8, 1990

William P. Angrick II
State of Iowa Citizens' Aide/Ombudsman
Capitol Complex
215 East 7th Street
Des Moines, Iowa 50319-9231

**RE: JAMES PETERSON, PETITIONER, v. IOWA EMPLOYMENT
APPEAL BOARD AND IOWA CITIZENS' AIDE (IOWA
LEGISLATIVE CITIZEN AIDE), RESPONDENT - NO. AA 1637 -
IOWA DISTRICT COURT FOR POLK COUNTY**

Dear Mr. Angrick:

I am pleased to provide you with the following status update which concludes my representation of the Citizens' Aide/Ombudsman's office as a result of the recent dismissal of this litigation.

On September 13, 1989 the Administrative Law Judge ruled Mr. Peterson was discharged from your agency for misconduct and as such, Mr. Peterson was disqualified for benefits. This followed a rather extensive evidentiary hearing which was held on September 6, 1989. Mr. Peterson appealed from the September 13, 1989 decision of the Administrative Law Judge to the Employment Appeal Board. On December 27, 1989 the Employment Appeal Board affirmed the decision of the Administrative Law Judge and Mr. Peterson was properly discharged for misconduct and that unemployment compensation benefits were properly denied. Mr. Peterson petitioned the Employment Appeal Board for rehearing on January 16, 1990, which was denied on January 23, 1990. I was pleased to represent your office in connection with the contested evidentiary hearing and subsequent administrative appeal and petition for rehearing.

On February 22, 1990 Mr. Peterson filed a Petition for Judicial Review in the Iowa District Court for Polk County seeking to overturn the decisions of the Employment Appeal Board and the Administrative Law Judge. Following answers by the Respondents, Mr. Peterson filed an objection to my representation of the Iowa

William P. Angrick II
July 8, 1990
Page 2

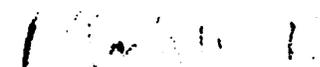
Citizens' Aide alleging a conflict of interest and requested a hearing. As you know, Peterson alleged that because another lawyer who is not longer with our firm represented Peterson more than a decade ago, it was a conflict of interest for me to represent your office in connection with Mr. Peterson's termination. Prior to the hearing on behalf of your office, I filed an extensive resistance to Mr. Peterson's motion as well as an 8-page memorandum of law supporting our resistance. An evidentiary hearing was held on Mr. Peterson's motion on June 5, 1990 and on June 12, 1990, the Honorable Robert A. Hutchison, District Court Judge for the Fifth Judicial District of Iowa, issued a six-page ruling denying Mr. Peterson's motion to disqualify me as counsel.

On June 20, 1990 Mr. Peterson unexpectedly moved to dismiss his Petition for Judicial Review. I use the word "unexpectedly" because Mr. Peterson has been most persistent and unrelenting in his pursuit of unemployment compensation benefits. On the following day, we joined in his motion to dismiss and on the second day of July, 1990 the Honorable Robert A. Hutchison issued a ruling dismissing Mr. Peterson's petition.

I am most pleased that we have been successful at every stage of these proceedings. I hope that this most recent dismissal of Mr. Peterson's claim will be the final chapter of Peterson's termination from employment with the Citizen's Aide/Ombudsman's office. It has been a pleasure to represent the Citizens' Aide/Ombudsman in this litigation. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

BABICH, BENNETT, NICKERSON AND NEWLIN



Mark W. Bennett

MWB/sr

BABICII, BENNETT, NICKERSON AND NEWLIN

Attorneys at Law
100 Court Avenue, Suite 403
Des Moines, Iowa 50309
515 244-4300
FAX 515 244-2650

Leslie Babich
Mark W. Bennett
Don Nickerson
Connie A. Newlin

July 6, 1990

Office of Citizens' Aide/Ombudsman
Capitol Complex
215 East 7th Street
Des Moines, Iowa 50319

Attention: William Angrick II

Client Number: 6694

FOR PROFESSIONAL SERVICES RENDERED regarding *James Peterson*
Petition for Judicial Review, as follows:

<u>Date</u>	<u>Attorney/ Paralegal</u>	<u>Description</u>	<u>Attorney Hours</u>	<u>Paralegal Hours</u>
4/25/90	MWB	Telephone conference with Mike Elliott; receipt and review of petition for judicial review.	.40	
5/1/90	MWB	Telephone conference with Bill Whitten regarding status of case; telephone conference with Assistant Attorney General Julie Pottorff.	.40	
5/2/90	MWB	Receipt and review of answer of Employment Appeal Board.	.20	
5/8/90	MWB	Receipt and review of letter and enclosures from Julie Pottorff; letter to Julie Pottorff.	.30	
5/25/90	KFD	Computerized legal research on WESTLAW; obtain <i>Killian</i> case and other decisions involving conflicts of interest; download information to computer system.		1.50

STATE OF IOWA



RECEIVED
JUL 09 90
Legislative Service
Bureau

CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE OMBUDSMAN

In reply, please refer to:

July 5, 1990

Kathleen Williams, Director
Records Management Division
Department of General Services
LOCAL

Dear Kathleen:

The intent of this letter is to formalize a request that the office of Citizens' Aide/Ombudsman be permitted to occupy the "jacketing" room currently being utilized by the Micrographics Section.

The office of Citizens' Aide/Ombudsman has exhausted its available space and in order to more effectively and efficiently utilize my staff, we require additional room. I believe my staff would use the space in question more intensely than does Micrographics.

If we can reach an agreement accommodating the need of my office I am willing to explore assumption of reasonable relocation costs for the "jacketing" function elsewhere in the Micrographics Building.

Thank you for your consideration of this request.

Sincerely,

William P. Angrick, II

WPA:pn

cc: John Connors, Chair
Service Committee, Legislative Council
Merlin Morris, Property Management Division
Gene Davis, Micrographics Section

GENERAL ASSEMBLY OF IOWA

LEGAL DIVISION

RICHARD L. JOHNSON
DIVISION CHIEF
DOUGLAS L. ADKISSON
AIDA AUDEH
MARY M. CARR
JULIE A. SMITH CRAGGS
MICHAEL J. GOEDERT
MARK W. JOHNSON
GARY L. KAUFMAN
DANIEL PITTS WINEGARDEN
LESLIE E. WORKMAN

RESEARCH DIVISION

PATRICIA A. FUNARO
THANE R. JOHNSON
JOHN C. POLLAK



LEGISLATIVE SERVICE BUREAU

STATE CAPITOL BUILDING
DES MOINES, IOWA 50319
515 281-3566

DIANE E. BOLENDER, *DIRECTOR*

ADMINISTRATIVE CODE DIVISION

LUCAS BUILDING 515 281-5285
PHYLLIS V. BARRY
ADMINISTRATIVE CODE EDITOR

PUBLIC INFORMATION OFFICE

CAPITOL BUILDING 515-281-5129
JULIE E. LIVERS
DIRECTOR

IOWA CODE DIVISION

LUCAS BUILDING 515 281-5285
JOANN G. BROWN
IOWA CODE EDITOR
JANET L. WILSON
DEPUTY IOWA CODE EDITOR

July 11, 1990

MEMORANDUM

TO: Chairperson Connors and members of the Service Committee
FROM: Diane Bolender, Director *DB*
RE: July Personnel Report

Attached is a listing of the merit salary increases granted since the June 14, 1990, Service Committee meeting.

Applications have been received for the two vacant Legal Counsel positions and we are in the process of reviewing them and scheduling interviews.

Maxine Mann has been authorized to return to employment as a temporary Code Proofreader at grade 15, step 4. She will work intermittently when additional proofreaders are needed.

Personnel712
db/dg/20

MERIT INCREASES GRANTED SINCE THE LAST PERSONNEL REPORT

The following Legislative Service Bureau employees received merit increases since the last Personnel Report to the Service Committee, dated June 14, 1990.

Legal and Research Divisions. Richard Johnson, Deputy Director; Michael Goedert, Senior Legal Counsel; Gary Kaufman, Senior Legal Counsel; and Douglas Adkisson, Legal Counsel II.

Iowa Code Division. Loanne Dodge, Assistant Editor II and Sarah Cartwright, Indexer.

Administrative Code Division. Phyllis Barry, Administrative Code Editor; Kathy Bates, Assistant Editor I; Joyann Benoit, Assistant Editor II and Toni Boyd, Assistant Indexer.

Information Services Division. Kathy Farrell, Capitol Tour Guide.

Support Services Division. Marge Knudsen, Senior Finance Officer; Kitty Miklus, Executive Administrator; Sarah Craig, Senior Legislative Text Processor; Chris Fisher, Senior Legislative Text Processor; Jean Wyer, Legislative Text Processor Supervisor; Andrea Meier, Proofreader Coordinator; and Catherine Young, Proofreader.

Resignations. Toni Boyd, Assistant Indexer and Beverly Poore, Proofreader/Indexer of the Administrative Code Division.



DENNIS C. PROUTY
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

MEMO

TO: Service Committee of the Legislative Council
FROM: Dennis C. Prouty, Director, Legislative Fiscal Bureau
RE: LFB Personnel Report
DATE: July 12, 1990 (486b)

Attached is the Legislative Fiscal Bureau's Personnel Report for July 1990. The report covers all personnel action since the last report, which was submitted June 14, 1990.

LFB PERSONNEL REPORT

July 12, 1990

Personnel actions since last report:

Service Committee review -

Merit Increases

Le Ann Dunne, Administrative Secretary	-	6/22/90
Mary A. Shipman, Legislative Analyst I	-	6/22/90
Paul D. Durand, Legislative Analyst II	-	7/6/90
John K. Hawley, Legislative Analyst II	-	7/6/90
Beth A. Lenstra, Legislative Analyst II	-	7/6/90
Carter R. Hawley, Legislative Analyst II	-	7/6/90
Robert R. Snyder, Legislative Analyst III	-	7/6/90

Vacant Positions

Khalid N. Mahmood, Legislative Analyst II - 7/19/90

Filled Positions

Charlotte M. Mosher, Executive Secretary - 7/3/90

Extended Sick Leave

Service Committee approval -

Promotions

FROM

TO

798b:tcf:6-14-90



SANFORD B. SCHARF
DIRECTOR
515-281-7840

STATE OF IOWA

LUCAS STATE OFFICE BUILDING
DES MOINES, IOWA
50319

LEGISLATIVE COMPUTER SUPPORT BUREAU

TO: Service Committee of the Legislative Council
FROM: Sanford B. Scharf, *LS* Director - Leg. Computer Support Bureau
SUBJECT: Personnel Report - Merit Increase
DATE: July 12, 1990

The following employee has received a one step merit increase:

David Robinson - Computer Operator I

COPY

STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN
CAPITOL COMPLEX
215 EAST 7TH STREET
DES MOINES, IOWA 50319-0231
(515) 281-3592

WILLIAM P. ANGRICK II
CITIZENS AIDE / OMBUDSMAN

In reply, please refer to:

June 28, 1990

The Honorable C.W. "Bill" Hutchins
State Senator
Chair, Legislative Council
LOCAL

and

The Honorable Donald D. Avenson
State Representative
Vice-Chair, Legislative Council
LOCAL

Dear Senator Hutchins:

As you are aware, my appointment as Citizens' Aide/Ombudsman ends July, 1990 and I wish to inform you that I do seek reappointment.

The procedure for reappointment of an Ombudsman was clarified in 1982 and 1986 when the Legislative Council acted upon the Service Committee's recommendations that I be appointed to second and third terms. A similar procedure was followed in 1972 when the Legislative Council passed a resolution continuing the appointment of Ombudsman Lawrence Carstensen, who was initially appointed by Governor Ray when the office was within the executive branch.

If you need additional information or if a meeting would be beneficial, I will respond at your convenience. In the meantime, I hope that you and the Legislative Council will review my request for reappointment favorably and look forward to hearing from you in this regard.

Sincerely,

William P. Angrick II

WPA:jg

cc: The Honorable John Connors, Chair, Service Committee
Legislative Council
Diane Bolender, Secretary, Legislative Council ✓

June 28, 1990

MEMORANDUM

RE: Information regarding reappointment of William P. Angrick II as Citizens' Aide/Ombudsman

1. Initially appointed Ombudsman by the Legislative Council and confirmed by the 67th General Assembly to a four-year term commencing April 1978.
2. Reappointed to a second four-year term by the Legislative Council commencing July 1982 and confirmed by the 70th General Assembly.
3. Reappointed to a third four-year term by the Legislative Council commencing July 1986 and confirmed by the 72nd General Assembly.
4. Angrick is the third person to be appointed by the Legislative Council as Ombudsman (Prior ombudsmen were Larry Carstensen and Thomas Mayer).
5. The office of Citizens' Aide/Ombudsman received, investigated and responded to 4,783 citizen contacts during calendar year 1989. Citizen contacts have increased significantly from the 2,733 registered in 1977, the last full year the office was directed by someone other than Angrick.

The office has received, investigated and responded to 52,934 citizen contacts during Angrick's tenure as Ombudsman, 1978-1989.

This is an annual average of 4,411 contacts over the twelve year period; an averaged increase of 61% over the number of contacts received the year prior to his initial appointment.
6. Angrick manages an authorized staff of seven professional and three clerical personnel.
7. The agency's FY 89-90 appropriation was \$481,000.00. The budget for FY 90-91 is \$553,150.00.
8. During Angrick's tenure the office has successfully implemented a personal computer network system which allows efficient, economical case investigation and management.

MEMORANDUM
June 28, 1990
Page 2

9. During Angrick's tenure the office has become completely accessible to handicapped persons. In 1988 the office installed a telecommunications device for the deaf (TDD). Also in 1988 Angrick coordinated relocation of the office to a building that is handicapped accessible.

10. Angrick served as President of the United States Association of Ombudsmen 1982-83. He also served as Treasurer of the Association from 1987-89. The Association held its annual conference in Des Moines in 1982. Angrick also served on the Board of Directors of the International Ombudsman Institute (located in Edmonton, Alberta, Canada from 1982-87). (Positions were unpaid, voluntary service).

TENTATIVE AGENDA

SERVICE COMMITTEE

Speaker's Committee Room

July 12, 1990

11:00 a.m.

Call to Order

Roll call

Consideration of Minutes of June 14
(Previously Distributed)

Receipt of Personnel Reports

- Citizens' Aide/Ombudsman
- Computer Support Bureau
- Legislative Fiscal Bureau
- Legislative Service Bureau

Receipt of Correspondence from Citizens' Aide/
Ombudsman Regarding Appointment

Receipt of Administration Report

- Citizens' Aide/Ombudsman

Receipt of Legal Report

- Citizens' Aide/Ombudsman

Additional Business, if any

Adjournment

Agenda, Service 712
db/dg/20