



# USOMBUDSMAN

Promoting and supporting fairness, accountability, and equity in government through the public sector ombudsman.

Summer 2008

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## THE RACE FOR EXCELLENCE AT THE 29th USOA ANNUAL CONFERENCE

By Gerald R. Papica, Ombudsman, TN Commission on Children and Youth Conferences & Training Chair

Hello to all USOA members, associates, and friends! As the 2008 Conference Planning Committee finalizes this year's annual conference, we are hoping that you are making diligent preparations to join us in Lexington, Kentucky. The state's motto is, "United We Stand, Divided We Fall." Southern historians as well as scholars are in agreement about how and why Kentucky adopted this motto.

Among other nicknames, this part of the region is popularly known as the "Bluegrass State." This nickname was adopted due to the vast expanses of Bluegrass across the Commonwealth. As noted on the state's website and the Internet, "Bluegrass is not really blue. It's green. In the spring, however, when seen from a distance, the blue-purple buds of Bluegrass lend a bluish tint to the landscape." The "Bluegrass State" is famous for breeding horses, fine bourbon, tobacco farms, and, last but not least, the Kentucky Derby. The state is "home to a stellar system of state parks and natural attractions, featuring lakes, hardwood forests, spectacular waterfalls, and magnificent caves." In simple terms, this glorious, magnificent state is a destination one should never miss.



Photo courtesy of the Lexington Convention and Visitor's Bureau and James Archambeault.



Photo courtesy of the Lexington Convention and Visitor's Bureau and James Archambeault.

As previously announced, the conference title/theme is "From the Starting Gate to the Finish Line: Ombudsmen and the Race for Excellence." It will take place at the Crowne Plaza Campbell House on September 29 – October 3, 2008. The USOA Annual Conferences are unique and purposeful. The events are especially designed to offer ongoing training for new and seasoned public sector ombudsmen while enhancing their skills needed in the profession.

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The 29th USOA Annual Conference (continued from the front cover)

Apart from the main conference that begins on October 1, there will be a two-day pre-conference workshop (New Ombudsman Training) on September 29 and 30 and an all-day pre-conference workshop (High Conflict Personalities) on September 30. For the main conference, there will be a one day plenary session (Evaluating Ombudsman Operations and Establishing Performance Measures), two 2-part series workshops (Writing the Investigative Report and Estimating Value via Satisfaction Surveys), and six concurrent sessions (Ombudsmen at the Starting Gate, Online Complaint Systems, Making Strides on Legal Issues, Cross-cultural Awareness, Ethical Analysis, and Common Ground) are scheduled. The USOA annual meeting and chapter meetings will also take place during the conference. An Opening Reception on September 30 and an off-site banquet on October 2 are some of the highlights planned for this unique event.

The Registration Packet and a color-coded schedule is currently available on the USOA website at [www.usombudsman.org](http://www.usombudsman.org). There are two very important dates to remember if you are planning to participate in this year's conference. An early bird registration discount is being offered but will end on August 22. The deadline for the negotiated group rate of \$99 per night plus tax is August 29. This rate is also valid three days before and three days after the conference. Please be mindful that we have a limited block of rooms. Space is available on a first come, first serve basis. If you are traveling from a different country, give yourself adequate time to apply for a visa and arrange your international flight. When you make your hotel room reservation, mention the code "USO" in order to get the group rate. Call 859-255-4281 soon to make your reservation.

The Citizen's Advocate - Ombudsman, Lexington-Fayette Urban County Government is the 2008 Annual Conference host. Lexington's Ombudsman, Joan Beck, is also the USOA Chair for Outreach and Development.

For more information about the Crowne Plaza Campbell House, visit their website at <http://www.ichotelsgroup.com/h/d/cp/1/en/hotel/lexsb?rpb=hotel&crUrl=/h/d/cp/1/en/availsearch&ias=y>. See you in Lexington!



Photo courtesy of the Lexington Convention and Visitor's Bureau and Jeff Rogers.

# NORTHERN SENSIBILITIES, SOUTHERN HOSPITALITY

By Joan Beck, Ombudsman, Lexington-Fayette Urban County Government Outreach & Development Chair

Is there anything as beautiful as a band of horses cresting a bluegrass covered knoll on a crisp fall morning? See for yourself September 29 through October 3, 2008 as the USOA gathers in Lexington, Kentucky.

Lexington is the Horse Capital of the World, home of the best thoroughbreds today and throughout history. It also was the home of Henry Clay, statesman and author of the Missouri Com-



Photo courtesy of the Lexington Convention and Visitor's Bureau and Jeff Rogers.

promise, and Mary Todd Lincoln, wife of the sixteenth president. The oldest pottery west of the Alleghenies is right down the road in Bybee. You'll also find the living history museum of the Shaker Village at Harrodsburg. Transylvania University, another first west of the Alleghenies, was founded in 1780 and is located just north of downtown. Daniel Boone established Boonesborough just south of Lexington and you can visit a recreated fort there today. There is a wealth of American History to explore in and around Lexington.

If history isn't your thing, come to Lexington for the food. No matter what cuisine you favor, you'll find it here. Try some

of the local favorites, like Dudley's Restaurant, located in an old school building, between downtown and the University of Kentucky Campus. Or stop by Ramsey's, for local produce done right. Bombay Brazier is busy every night with a wide variety of Indian dishes. There are too many places for great food — one can't possibly name a favorite.

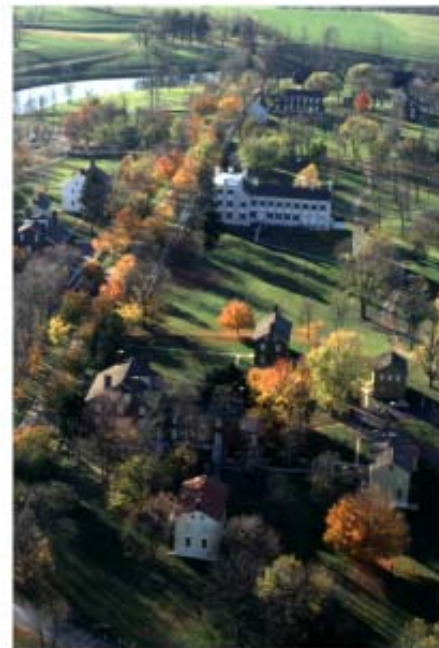


Photo courtesy of the Lexington Convention and Visitor's Bureau and James Archambeault.

Be sure to save time for some extracurricular fun. The Red Mile, just up the street from the conference hotel, hosts the Kentucky

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**Northern Sensibilities article (continued from page 2)**

Futurity, one of the triple crown of harness races. Keeneland Race Course is home to the best racing in the country, drawing the highest quality horses, trainers, and jockeys and featuring the highest average daily purses. A trip to Kentucky wouldn't be complete without a Bourbon distillery tour, such as Woodford Reserve or Buffalo Trace. Great hiking with spectacular views can be found at the Red River Gorge and Natural Bridge, a short drive east of Lexington. Or paddle the Kentucky River or Elkhorn Creek, just outside Frankfort.



Photo courtesy of the Lexington Convention and Visitor's Bureau and Lee Thomas.

As you can see, Lexington has a lot to offer. We look forward to experiencing Lexington together. See you in September!

## EXCITING PRE-CONFERENCE WORKSHOPS

By Diane Welborn, Ombudsman, Ohio Joint Office of Citizen Complaints, USOA Treasurer and Membership Chair

The pre-conference workshops offered this year at the USOA Annual Meeting are worthy of special notice. The New Ombudsman Training is a two-day session designed for individuals who are new or relatively new to their position as a government Ombudsman. This session represents the only education or training session for new public sector Ombudsmen available in the United States. Participants will leave the session with a foundation in Ombudsman history and practices that one could not find anywhere else. The session also offers important opportunities to network with other new Ombudsmen facing similar challenges, and to benefit from the sage advice of the experienced Ombudsmen leading the session. Every public sector Ombudsman should experience this session... even those who are not brand new!

One common problem encountered by Ombudsman Offices is that of handling high conflict personalities. The behavior of the individual presenting the complaint can add to the problems the Ombudsman encounters in investigating and resolving the problem. Oftentimes, very real problems of such individuals are dismissed by government agency staff because of the difficulty of dealing with the person. The individual may even have restrictions upon their ability to access the agency because of the history of conflict. The session on High Conflict Personalities will assist Ombudsmen in understanding these personalities and provide skills that will be invaluable!

## CARIBBEAN OMBUDSMAN ASSOCIATION REGIONAL CONFERENCE

By Arlene Brock, Ombudsman for Bermuda

The 5th Biennial Regional Conference of the Caribbean Ombudsman Association (CAROA) was hosted by the Ombudsman for Bermuda on April 27 to May 2, 2008. The purpose of CAROA Biennials includes promoting the development of the Ombudsman institution in the region, defending their independence and strengthening professionalism through the exchange of information, experiences and research.

These goals were addressed in the rigorous three-day conference program which explored the Foundations of Good Governance, Sharing Best Practices and Special Issues. The 4th day entailed a Mediation skills-building workshop based on the interest-based methodology of the Harvard Law School Mediation Program. CAROA's constitutional biennial meeting was scheduled on the 5th day.

Some 38 Ombudsman offices participated. Regional Ombudsman (Antigua & Barbuda, Barbados, Belize, Cayman, Curacao, Haiti, Jamaica, St. Lucia, Trinidad & Tobago, Turks & Caicos) were joined by Ombudsman or their international relations officers from around the world (Canada, Costa Rica, Denmark, Gibraltar, Guatemala, South Africa, Netherlands, UK and US).

An unprecedented feature of the fifth Biennial was that the first day of the conference was open to the Bermuda public and media. The 33 local registrants were joined by 25 civil servants and union representatives who attended all three days. In addition, local dignitaries attended the Welcome Ceremony, which featured a Procession of Flags escorted by public high school students, an address by the Governor of Bermuda, presentations on behalf of the Commonwealth Secretariat, the UK Government Department for International Development (that contributed two UK speakers), CAROA and a cultural presentation. The Governor and the Acting Premier also hosted receptions later in the week for the overseas guests. This local participation served to elevate the understanding of the Ombudsman concept in Bermuda.

The Acting Premier, Minister Terry Lister, gave the opening address, followed by greetings from William Angrick, (President of the International Ombudsman Institute/Ombudsman of Iowa) and Madison Stanislaus (President of CAROA / Ombudsman for St. Lucia). The keynote speaker, Olara Otunnu, was a former United Nations Under-Secretary General for Child Victims of Armed Conflict and has been designated as the "World's Children Ombudsman." He brilliantly contextualized the national work of Ombudsman within the standard-setting of United Nations international human rights mandates.

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# OMBUDSMAN TRAVELS: IMPRESSIONS OF THE ISLAMIC REPUBLIC OF IRAN

By Michael P. Mills, Ombudsman, City of Portland

Having been to Iran in 1977, and being frustrated with anti-Iran rhetoric and talk of our country waging war with Iran, I was quick to join a group of five men from Portland for a two-week visit to Iran in April. It is possible to obtain a visa if you go as a "group" with a tour guide, even if you are from the United States.

My first impression, enforced by the fact that the five of us were delayed until 2:30am upon our arrival for fingerprinting, was that there was a deep suspicion of Americans by the Iranian government. I later realized that the suspicion was actually quite justified given our government's actions toward Iran, and that this sentiment towards Americans by government leadership was not widely held by the Iranian people. In fact, almost without exception during our two weeks traveling through Central Iran, people were incredibly friendly, hospitable, and eager to speak to us about America and American impressions of Iranians. Students, families, and even a group of Air Force enlistees all stated that they liked the American people and hoped to foster a reciprocal relationship.

Within cities, American and European fashion is "the thing", even though women are required to have their heads covered and wear garments in compliance with Islamic code. These rules were enforced in public, and occasionally even private parties are raided and arrests made. Penalties for violating dress codes are strict, the violators usually given the choice of either fines or lashes of a whip. We were told that women make up the majority of university population and that women have equal employment opportunities. While that was encouraging to hear, there is the constant dichotomy among freedoms. Our female guide had to decline shaking hands with me, a high school girl explained that they could not ride bicycles to school, and two college students were unable to join us for tea in an outside cafe because of their gender. There is optimism that the economy and their government will improve and I share that same hope. Everyone we met wished to be friends and partners with the United States.

Our route included Shiraz, where we traveled to the historic site of Persepolis & Naghsh-e-Rostam; and, Isfahan, the most beautiful of cities built on a quiet river surrounded by parkland. The town is deep with history and culture. People flock to the river every evening to walk and meet friends. Here we were all quickly approached and befriended when walking alone or in groups. We were allowed to go out in the afternoons and evenings if we wished. The history and culture in this part of Iran is overwhelming. So much of our culture today can be traced back to the historic sites of Persia.

From Yazd to Natanz and on the way back to Tehran, we passed the infamous nuclear facility that is referred to in the news. Heavily fortified, it was not on our tour and we were not allowed to take photographs even from a distance. It gave me pause to wonder about the current international debates about the site and how resolution might be realized.

On our return to Tehran, I made additional attempts to meet with the Ombudsman Office (General Inspection Organization the Islamic Republic of Iran, a member of the IOI); however, for a variety of reasons, we were unable to meet in person. Considering that only 3,000 to 5,000 Americans visit Iran every year, I consider myself very fortunate. I left with a strong belief of the need for improved international relations and the value in making peace one person at a time.

Oh. I forgot to mention... the food was wonderful. Whenever I was asked by Iranians if I was afraid or concerned about my safety, I told them that I felt unsafe when trying to cross busy streets because of the traffic, but I was more afraid that I would gain too much weight from all the great food!

## NEBRASKA OMBUDSMAN OFFICE GETS NEW JURISDICTION

By Oscar Harriott, Deputy Ombudsman for Corrections,  
Nebraska Public Counsel/Ombudsman Office

The Nebraska Legislature recently passed legislation that will change the reach, but not the mission, of the Nebraska Ombudsman's Office. Since it was created in 1969, the jurisdiction of the Nebraska Ombudsman's Office has been limited to the investigation of complaints against agencies of state government. However, with the adoption of the new legislation, the authority of the office has been extended to the investigation of complaints relating to the operation of local jails. The Nebraska Ombudsman's Office has been active for many years in examining issues relating to state correctional facilities, and the new legislation will carry that role into the new area of dealing with complaints about jail administration. The same legislation has also created a new position in the office for a Deputy Ombudsman for Institutions. The person in this position will focus attention on problems in Nebraska's state-run mental health facilities and veteran's homes.

Please check out our merchandise for sale on our website at [http://www.usombudsman.org/enactivities\\_and\\_services/usoamerchandise\\_for\\_sale.cfm](http://www.usombudsman.org/enactivities_and_services/usoamerchandise_for_sale.cfm)

# THE ARIZONA OFFICE OF THE OMBUDSMAN CITIZENS' AIDE BEGINS TO UNTANGLE THE PUBLIC ACCESS WEB

By Elizabeth Hill, Assistant Ombudsman – Public Access

In 2006, in an effort to increase government awareness and provide the citizens of Arizona an effective and efficient means to get answers and resolve public access disputes, the Arizona State Legislature passed legislation effective (January 1, 2007), expanding the Ombudsman-Citizens' Aide Office in order to promote open government throughout the state. To accomplish this goal we provide assistance and education to state and local government officials and members of the public, resolve disputes, and investigate complaints in matters relating to public access laws.

"Our job is to make government more open and accountable," said Pat Shannahan, Arizona's Ombudsman-Citizens' Aide. "With very few exceptions, the public has a right to inspect government records and attend the meetings of public bodies. We make sure government agencies respect that right."

Like most states, Arizona public policy favors open government. Statute specifically requires all officers and public bodies to maintain, and make available for inspection by any person at all times during office hours, all records reasonably necessary to maintain an accurate knowledge of their official activities. In addition, Arizona's Open Meeting Law requires that meetings of public bodies be accessible to the public. Too often, however, government inadvertently or deliberately fails to comply with its obligation to conduct its business openly.

Since February 2007, the public access program has grown into a well known, widely used, and much appreciated resource. We initially publicized the program through press releases, interviews, in-person meetings with public officials and various local organizations, and by reaching out to state, county, and local government entities mailing copies of our open meeting law and public records law booklets along with a letter of introduction to more than 300 state agency heads, county attorneys, city and town attorneys, and various organizations.

In addition, we revised and redesigned our website and brochures to reflect our expanded jurisdiction and role investigating complaints and providing education in matters related to public access. We also expanded the website to specifically include relevant information regarding public records and open meetings. It may be found at [www.azoca.gov](http://www.azoca.gov).

As a result, during 2007, the office received 368 inquiries regarding matters related to public access. Of those calls, 70 percent were public records inquires and 30 percent were

open meeting inquiries. The majority of inquiries, 54 percent, were from members of the general public, 9 percent were media inquires, and surprisingly, 37 percent were from government agencies.

While the public access program's primary mandate is to investigate complaints, we spend considerable time coaching and assisting private citizens, members of the media, and public entities in matters relating to public access. To help facilitate this apparent need for information and guidance, we provide educational materials and training to public entities as well as interested members of the general public.

We are especially proud of the open meeting law and public records law publications that we publish and distribute to public entities throughout the state free of charge. To date, we have distributed approximately 3000 of each. The most recent versions may be found on our website at [http://azleg.gov/ombudsman/Open\\_Meeting\\_Book.pdf](http://azleg.gov/ombudsman/Open_Meeting_Book.pdf) and [http://azleg.gov/ombudsman/Public\\_Records\\_Book.pdf](http://azleg.gov/ombudsman/Public_Records_Book.pdf).

The program has made great strides over the past year. We have received, and continue to receive, a variety of interesting and often complex issues. We have also started compiling a list of proposed changes for the legislature to consider in an effort to make public access in Arizona more consistent, effective, and efficient. Some of these proposals will be submitted for the upcoming year. We are excited and eager to see what new developments will take place during the remainder of the year.

## DISCONNECTED? HELPING CITIZENS CONNECT WITH GOVERNMENT WHILE ON A LIMITED MINUTE BUDGET

By Amanda Bennett and Brandy Alexander, Assistant Ombudsmen, Ohio Joint Office of Citizen Complaints

In recent years, our office has experienced an increase in cell phone numbers given by citizens as their primary phone number for contact. Many financially strapped citizens, who cannot afford a landline or perhaps having had that landline disconnected in the past, have been able to keep a line of communication open through wireless services. In particular, we have seen an increase in citizens calling our office using pay-as-you-go cell phones.

Before the emergence of cell phones, if a citizen sought services from our office and did not have a landline, they often provided us with the number of a neighbor or a relative that did have a phone. Now, with prepaid wireless services, citizens can obtain telephones more easily because they don't involve long-term contracts, credit checks, or early termination fees. They can load minutes to their phone as they are able to afford them and can now conduct their business with government agencies in a way that they may not have been able to before.

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However, we have also found that pay-per-minute phones can impede our progress on investigations because we may lose contact with the citizen. Sometimes when we call with a follow-up question pertinent to our investigation, we receive a recording saying, "The customer you are calling cannot be reached at this time." We don't know if that means they simply haven't paid their phone bill or bought new minutes, or if they have abandoned the phone and the line altogether. When we are unable to reach the citizen, we have to mail letters to clients to ask them questions, update them on investigations, or re-establish contact. The process of calling a citizen, waiting a few days to see if they reestablish service, calling again, and mailing correspondence can unfortunately delay and unnecessarily lengthen our investigations. In other cases, we have experienced situations where citizens have called our office during a particularly busy time of day, and we ask them to hold. We are sometimes told by the caller that they cannot hold because they don't have minutes to spare.

We wonder that if citizens are unable to keep in touch with us because they cannot keep minutes on their phones, what impact might this have on their communication with the government agencies with which they are having difficulties? Imagine only being able to afford a certain amount of minutes per week or month on your phone, and then calling a government agency, only to be told you have a wait time of 20-40 minutes.

We tested this for ourselves. When we recently called Medicare, our wait ended up being 45 minutes. Our local water department had a wait of 10 minutes, and when we finally spoke with a representative at our county welfare agency, we had been holding more than 20 minutes.

As Ombudsmen, we are constantly looking for ways to improve or restore citizen perception of government services, and part of that work involves looking at barriers and accessibility of these agencies. We must also be aware of changing trends and adjusting our own procedures to new realities. Therefore, when we noticed this increase in disconnected or unavailable numbers, we were faced with the question of how to help citizens connect with their government when they are on a limited minute budget. One way that we have responded is by asking citizens to give us another reliable phone number, maybe that of a friend or family member, to use when we know that they use a prepaid phone. Another option we offer is for citizens to call us back at a pre-arranged time, so that we know we will be available for their call.

Some state welfare departments and child support agencies are sending selected notifications via text messages, but that service is not operating in Ohio. We will continue to monitor this and any other alternative responses that may develop in the future.

## THE OMBUDSMAN OFFICE AT COLLEGE ASSIST

By Marilyn J. Young

College Assist, formerly known as Colorado Student Loan Program, was created in 1979 by the state legislature as a guaranty agency for government student loans under the Federal Family Education Loan Program. Private lenders make all loans, but the United States Department of Education is our oversight entity. In 2005, the State of Colorado contracted with Nelnet, Inc., a diversified educational planning and finance company, for guarantee services. My position of ombudsman was transferred to Nelnet but is still performed on behalf of the State of Colorado.

Ten years ago, the Department of Education established that each guarantor is required to have an ombudsman on staff. My office is staffed only by myself, but I work with many colleagues in other agencies, as well as those in my own office. We process and resolve all formal complaints made by borrowers for whom we have guaranteed student loans. These cases come from everywhere, but most of our clients reside in Colorado.

Typically, a customer calls or sends a letter or contact comes through a state or federal legislator or the governor's office. At this stage, the borrower believes that his or her case cannot be resolved by going through conventional channels.

In 2007, we handled just over 50 cases, but that number is on the rise. So far we have had 34 cases in 2008.

The most frequent inquiries concern Total and Permanent Disability Discharge requests. There is great confusion surrounding them because the guidelines set by the Department of Education significantly differ from those of Supplemental Security Income (SSI) or the Department of Veterans Affairs (VA). Our clients get upset because they do not understand why their eligibility is not automatic if they have already obtained discharge from other agencies.

One memorable case was an elderly client who came in one day with a stack of papers several inches thick, including countless sticky notes with cryptic scribbling that was beyond decipherability. She insisted that she had never received credit for all the loan payments she made. We went through everything several times. I found lenders who she had worked with ages ago who sent copies of disbursement checks. We finally ascertained that she had not been overcharged, but she refused to accept that. Although my sense of diligence remained intact, she ultimately defaulted, and we discharged the remaining \$100 dollars. Today, she still believes that she was right.

I am also a member of the Department of Education's Ombudsman Caucus, and I sit on the training subcommittee. We have been tasked with defining a process path to share with our respective call centers to identify when and

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**College Assist article (continued from page 6)**

how a case should be escalated. At the present time, there is no widespread clarity on this issue — each organization has its own procedures. We hope to devise some guidelines that can be adapted in most offices within our industry.

Among higher education ombudsmen, one of the primary defining factors of our profession is that we can offer a borrower the prospect of working with the same person throughout the resolution of their case. For most student loan borrowers, this is a subtle but valued difference.

**Caribbean Regional Conference article (continued from page 3)**

Other speakers addressed Ethics in the Public Sector, Principles of Good Administration, Administrative Justice as a Human Right, the Value of the Ombudsman Institution through Systemic Investigations and the evolving Jurisprudence of the Ombudsman as constituting a fourth branch of Government — the integrity branch (supporting the executive, legislative and judicial branches).

Over the next two days, participants explored themes such as the application of human rights principles (especially important for those countries that do not have separate human rights commissions), systemic and individual investigation techniques, dealing with difficult personalities, the challenges of small jurisdictions and whistle-blowing. Bill Angrick presented an illuminating paper on the emerging theme of freedom of information. In the final session of the conference, three seasoned Ombudsmen of the region reflected on the growth and challenges of the institution since the establishment in 1966 of Guyana as the very first national Ombudsman in the Western Hemisphere (this session was inspired by “If I knew then what I know now” from the USOA Conference in Alaska).

The highlight of the week, probably possible only in a 20 square mile island, was the hospitality of fifteen Bermudian families who hosted overseas guests for informal dinner in their homes.

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**USOA EDITORIAL INFORMATION**

The purpose of USOMBUDSMAN is to communicate the activities, goals, and mission of the United States Ombudsman Association and to publish diverse information and views on matters significantly related to the ombudsman profession. Statements of fact and opinion do not represent the opinion or endorsement of the USOA unless they are specifically identified as USOA policy.

For information regarding content of USOMBUDSMAN and/or submission of articles and announcements, please contact the editor, Beverly E. Reeves, at [breeves@austinisd.org](mailto:breeves@austinisd.org).

**SAVE THE DATE!!!**

The 2008 USOA Annual Conference will be held September 29 through October 3, 2008 in Lexington, Kentucky.

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USOA sponsors the OMB\_GOV listserv as a service to public sector ombudsman offices across the United States and around the world. The purpose of the listserv is to promote the free exchange of ideas about the public sector ombudsman institution. The list is open to anyone who provides governmental ombudsman or complaint resolution services at the local, state, federal, or international levels. This includes academics studying the governmental ombudsman institution and voting and associate members of the USOA, the Canadian Ombudsman Association, or the International Ombudsman Institute. We encourage all staff and managers of governmental ombudsman or government complaint resolution offices to subscribe. If you wish to subscribe, visit [http://usombudsman.org/list\\_subscribe.cfm](http://usombudsman.org/list_subscribe.cfm) and fill out the form. You will receive an automatic welcome response.