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# THE OMBUDSMAN, OR CITIZENS' DEFENDER — THE NORTH CAROLINA EXPERIENCE

By  
WILLIAM G. HAEMMEL\*

OM-BUDS-MAN (óm-bűdz-mən)

**A governmental official, especially in Scandinavian countries, who investigates citizens' complaints against the government or its functionaries.**

*The American Heritage Dictionary, 1973*

## I. INTRODUCTION

Since 1969, the Ombudsman concept has been growing and expanding in North Carolina. The Ombudsman concept seeks to make Government more responsive to its citizens and to foster citizen input. While the word "Ombudsman" is Swedish in origin and some residents of the State are resistant to the word itself,<sup>1</sup> the North Carolina experience has been a reflection of the world experience and that of the United States: since the 1960's, the concept has continued to win acceptance.

The Ombudsman concept is an answer to a growing need, expressed by taxpayers as a rising demand upon their government for a new and effective channel of communications and the recognition by bureaucrats of this need. No longer will the citizen shrug off his question or complaint—he does not know someone in government and so he does not expect attention or consideration. Today, he has come to believe the Government should have a recognized channel which is readily available. The names may vary but the tripartite functions are essentially the same—to furnish information, refer matters to the proper place, and to investigate and seek to resolve complaints and problems.

Of course, information and complaints have been flowing since the earliest days of representative government. The First Amendment to the United States

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1. A poll conducted in 1974 by the Holshouser Ombudsman reflected that some residents did not understand the word, and thereafter the People's Office as well as Ombudsman was used. NORTH CAROLINA SECOND ANNUAL REPORT OF THE PEOPLE'S MAN—1975, 9 (1975). When the new governor, James B. Hunt, Jr., sought legislative funding for the office in June, 1977, and the General Assembly balked, the name was changed to Citizen Help.

Constitution (1791) recognizes the people's right to "petition the Government for a redress of grievances" and there are precedents in the Magna Carta (1215) and the Bill of Rights of 1689.

The Ombudsman is an institutionalization and professionalization of the information-complaint concept. Given the channel, experience has indicated that increasing utilization will follow.

The concept changes upon being transplanted. The Scandinavian prototype may not be recognized in North Carolina. As with other transferred concepts and institutions, the new environment fosters a different creature, adopted to the new reality.

In North Carolina the Ombudsman concept began to appear on the local level of government in 1969 and then spread to the state level of government in 1973-75. An increasing number of Ombudsman operations in local governments—generally in the centers of heavy population—and in departments of state governments reflect the growth and expansion of the Ombudsman concept.

The growth and expansion of the Ombudsman concept in the Tar Heel State has been parallel with and similar to the expansion of Consumer Protection. Both concepts reflect new State operations on behalf of and for the consumer, financed by State funds. The objectives differ. Consumer Protection is the State aiding the consumer against the private producer of private property which is flowing to the consumer through the market place, while the Ombudsman concept is the State aiding the consumer in his dealings with the State as the "producer" of public property. In 1969, the Attorney General, by executive action, established a Consumer Protection Division and the General Assembly enacted a consumer protection statute (N.C. Gen. Stat. § 75-1.1 (Supp. 1977), and expanded it in 1977 (Session Laws, Charter 747).<sup>2</sup>

## II. THE DEVELOPMENT AND GROWTH OF THE OMBUDSMAN CONCEPT

The origins of the Ombudsman concept are ancient.<sup>3</sup> The modern office can be traced back to 1713, when the King of Sweden, Charles XII<sup>4</sup> appointed his personal representative, an ombudsman, to scrutinize the judges and tax

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2. See generally W. HAEMMEL, CONSUMER LAW (1975).

3. The Roman Republic's Tribune (Tribunis Plebis), who represented the plebians (lower class) against the patricians (upper class), may have been an ombudsman of sorts. The ancient German tribal law provided that a lawbreaker could choose to be declared an outlaw, subject to being punished by any member of his tribe, or to pay a fine to the victim of his family. The wrongdoer's family paid the fine to the victim through a neutral party, the Ombudsman. S. ANDERSON, OMBUDSMAN PAPERS: AMERICAN EXPERIENCE AND PROPOSALS 2 (1969).

4. Charles XII (1682-1718) became king in 1700. He involved Sweden in an almost endless series of wars and was killed in battle. His foreign adventures and the resulting diplomatic negotiations left little time to oversee domestic affairs and the appointment of the ombudsman followed. The office evolved into the present-day Chancellor of Justice (Justitie Kansler, generally referred to as JK in Sweden), the counterpart of the Attorney-General under the Anglo-American system.

gatherers and other law administrators. The Swedish word 'ombud' refers to one who acts as a representative or spokesman for another. In 1809, Sweden adopted a new constitution (the Basic Law of 1809) and the Parliament (Riksdag) provided for its own overseer of administrative behavior, Parliament's Agent for Justice (Riksdagen Justitienombudsman; generally referred to as JO in Sweden). The courts, civil servants and military officers had a new watchdog who had the authority to bring on actions against any officeholder who committed a wrong. The citizen's complaint concept has continued to expand. In 1915, the separate office of Militieombudsman was established with authority over military personnel. In recent years, the office has been further subdivided into offices dealing with antitrust and press matters. In 1957, municipal officers and boards were brought within the Ombudsman's jurisdiction.<sup>5</sup> In 1971, consumer protection was added.

In May, 1976, a new organization became effective. The four Ombudsmen each have an area of responsibility and one serves as Administrative Chief. The Ombudsman and Administrative Chief deal with public access to official documents, computer system problems and state and municipal government personnel problems. Another Ombudsman supervises the courts, public prosecutors, the police, the prisons, and the execution of judgments. The third is responsible for the armed forces and all matters pertaining to civil administration not otherwise supervised, while the fourth concerns himself with taxation and social welfare.<sup>6</sup>

The classical Swedish Ombudsman possesses three essential features:

(1) The Ombudsman is an independent and non-partisan officer of the legislature, usually provided for in the constitution, who supervises the administration;

(2) he deals with specific complaints from the public against administrative injustice and maladministration; and

(3) he has the power to investigate, criticize and publicize, but not to reverse, administrative action.<sup>7</sup>

The Ombudsman carries out his investigation in a non-partisan, impartial manner and seeks to persuade both parties to the dispute to settle the matter; he mediates as between the disputants. Should persuasion fail, by publicizing the unresolved grievance in the press and to the legislature, the Ombudsman may bring further pressure to bear. He can reprimand public officials and can

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5. A. BEXELIUS, *THE ORIGIN, NATURE AND FUNCTIONS OF THE CIVIL AND MILITARY OMBUDSMAN IN SWEDEN*, 377 ANNALS 10 (1968).

6. B. FRANK, *OMBUDSMAN COMMITTEE OF THE INTERNATIONAL BAR ASSOCIATION OMBUDSMAN AND OTHER COMPLAINT-HANDLING SYSTEMS SURVEY*, 13.

7. D. ROWAT, *THE OMBUDSMAN: CITIZEN'S DEFENDER* 24 (2d 1968) PROF. ROWAT warns that unless the essential features are present, the new complaint officer is not truly ombudsman and that the concept will be diluted in an effort to gain support for his activities. His warning is generally not heeded.

recommend legislative action. Finally, where his investigation has unearthed violations of the law or improper administrative action, he can move the proper prosecutor to take action against the wrongdoer.<sup>8</sup>

The four Swedish Ombudsmen are elected by a Parliamentary committee for four year terms. The Ombudsmen investigate by requesting information from the official or through hearings. Any requested documents must be furnished. While the Ombudsmen can initiate their own investigations, most investigations start with a complaint from a citizen. The Ombudsmen issue their own decisions, which may admonish the concerned official, influence future practice, serve as a guideline for improved procedures or point out shortcomings in legislation and then propose a law reform. In order to contribute to uniform practice, the Ombudsmen will avoid questions which may be tried by the Supreme Court and the Supreme Administrative Court. The press and annual reports to Parliament make the opinions of the Ombudsman known. While the opinions are not binding, they are generally accepted. Should the investigation reveal a breach of duty and the concerned official maintain a different opinion, a prosecution may follow and a court of law will supply the answer which is binding upon both parties.<sup>9</sup>

A review of the characteristics of the Ombudsman concept reveals the fundamental variance between the common law adversarial system and the Swedish Ombudsman inquisitorial concept. The American attorney, committed to the substantive and procedural aspects of the adversarial system which includes all or some of the following: two opposing parties appearing before an impartial umpire, right to counsel, confrontation with appropriate examination and cross-examination, proper record making and appellate review may summarily dismiss the foreign concept. Familiar with privately initiated actions, the polarizing process of issue identification through individual analysis and the advancement of these separate interests, all of which reflect the Anglo-American resentment of official authority and the pursuit of efficiency on behalf of the individual, the American attorney may give short shrift to the Swedish classical Ombudsman concept. Indeed, the adversarial model is a reflection of the American pluralistic society and its emphasis upon competition.

The Ombudsman concept springs from an inquisitorial base, where central community decisionmaking rests in the hands of a governmental official who is not exposed to the traditional safeguards which surround the judicial decisionmaker in the Anglo-American model. As public property—the steadily mounting volume of benefits, privileges, rights and programs flowing from the government—expands, problems of substantive and distributive injustice expand along with the volume of public resources and their allocation by public servants. A corresponding increase in public decisionmaking follows and use of the Ombudsman is the most efficient method of seeing that the public decisionmakers perform in a proper manner. The adversarial system approach to such

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8. Bexelius, *supra* note 5, at 15.

9. D. ROWAT, OMBUDSMAN FOR AMERICAN GOVERNMENT 7 (1968).

public decisionmaking is simply too expensive, too slow, too unresponsive, and will not serve the best interests of the poor, the young, the old, those in prisons and others either unsophisticated, or who cannot afford retained counsel, or who go unrepresented for whatever reason.

The Ombudsman differs in another important aspect—his usually is a continuing presence, where his knowledge of the existing conditions and practices and past errors and mistakes and his familiarity with the personalities involved can come into immediate action and full play. Ideally, past contacts have built up a reservoir of trust and respect and the Ombudsman can take advantage of these factors and move to a prompt and satisfactory conclusion of the problem at hand. As part of the Governmental operation—of the establishment—he may suffer in the eyes of his public, but his position can aid in the resolution of the problem and foster confidence and trust as between the parties. The typical adversarial operation is more prone to result in hostility and drive the parties permanently apart. Where a continuing relationship is necessary—as in a hospital or on a campus—the Ombudsman can work in the other direction.

Further, many of the problems which the Ombudsman encounters are relatively minor in nature, when viewed in context. The problem calls for expert and speedy handling. The telephone is a symbol of the new concept, making for fast, simple action. The telephone also generates problems of communicating details and can foster impatience.

The two systems are not mutually antagonistic and can coexist in harmony, once an understanding is reached and the two spheres of action and any possible interaction are properly delineated.<sup>10</sup> The spread of the Ombudsman concept reflects the growth in Anglo-American society of government, public property and the increasing number of the public who receive such benefits.

The Ombudsman was confined to Scandinavia until 1962. The Finnish Parliament adopted the Swedish model in 1919. Denmark followed in 1953 and Norway in 1962.

New Zealand became the first nation with a common-law background to adopt the civil Ombudsman concept in 1962 and Great Britain established a similar office in 1967.<sup>11</sup> The same year the Canadian provinces of Alberta and New Brunswick adopted the Scandinavian model; the first sub-national governmental units to do so.<sup>12</sup> Today, eight of the ten Canadian provinces have an Ombudsman and the Federal Parliament has considered the establishment of a national office since 1974. In Australia, five of the six states established some variation of the Ombudsman office beginning in 1971.

The Ombudsman concept has been transferred to a variety of societies and

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10. The Swedish Ombudsman, like the American administrative law system, is responsible to and supervised by the regular judicial system. Further, the Swedish Ombudsmen answer to Parliament, who oversees the operation and can remove the Ombudsmen for cause.

11. H. CHENG, *THE EMERGENCE AND SPREAD OF THE OMBUDSMAN INSTITUTION*, 377 ANNALS 21 (1968).

12. A. WYNER, *EXECUTIVE OMBUDSMAN IN THE UNITED STATES*, 7 (1973).

backgrounds. The Ombudsman or his counterpart operates on all of the continents, and in societies advanced and developing. In Communist nations, the Procurator often performs a similar function. The American Bar Association adopted a resolution in 1969, and amended it in 1971, urging consideration of the adoption of the Ombudsman concept. The International Bar Association adopted a similar proposal in 1974.<sup>13</sup>

In the United States, almost half of the states and Puerto Rico have adopted some variation of the Ombudsman concept since 1967. See Table L. While the majority deal with information and complaints, a few serve only as limited mail forwarding and information offices and do not directly involve themselves with complaints. Most of the offices were established by executive action; Hawaii was the first state to create a legislative Ombudsman in 1967 and the legislature appointed the first occupant of the office in 1969.<sup>14</sup> Four other states have followed suit and established legislative Ombudsmen.<sup>15</sup> Further, legislative actions have funded offices already established by executive actions or have established specialized Ombudsmen.

The development of the concept of prison inmate grievance mechanisms has been a particularly noteworthy aspect of the proliferation of the specialized Ombudsman. By the close of 1977, the United States Bureau of Prisons and 43 states (all but Colorado, Delaware, and Washington) had established inmate grievance mechanisms; and Alabama, Rhode Island, South Dakota and Tennes-

13. See note 6 *supra*, at 2.

14. HAWAII REV. STAT. CH. 96 (1976). The Ombudsman is appointed for a six-year term by a majority vote of each house. In July, 1969, Herman S. Doi, an attorney and former head of the Legislative Reference Bureau, took office. During the first six months, he received 406 inquiries, mostly by telephone. DOI, THE HAWAII OMBUDSMAN APPRAISES HIS OFFICE AFTER THE FIRST YEAR, 1970 STATE GOVERNMENT 138.

15. Nebraska followed in 1971, (Neb. Rev. Stat. § 81-8, 241 (1976)); and established the Office of Public Counsel. See also FRANK, THE NEBRASKA PUBLIC COUNSEL—THE OMBUDSMAN, 5 Cum.-Sam. L. Rev. 30 (1974). WYNER, COMPLAINT RESOLUTION IN NEBRASKA: CITIZENS, BUREAUCRATS AND THE OMBUDSMAN, 54 Neb. L. Rev. 1 (1975). Shortly thereafter, Iowa established The Office of Citizens' Aide (Iowa Code Ann. Ch. 601C). The Iowa Ombudsman had been operating as an Executive Ombudsman in the office of the governor. In 1974, New Jersey legislation (N.J. Stat. Ann. S. § 52:27R (1976)) established a cabinet-level executive department called the Department of the Public Advocate [hereinafter cited as DPA]. DPA is the most ambitious of the new offices: a public interest law firm which has the authority to maintain an adversary position with regard to the other state departments and those private interests who seek to advance their interests before the state government. DPA is made up of five divisions: the Public Defender (New Jersey was the first state to establish a statewide public defender system), mental health advocacy, citizens complaints and dispute settlement, public interest advocacy, and rate counsel. DPA also contains a voluntary mediation and conciliation service, and the Division of the Public Defender includes The Office of Inmate Advocacy and Parole Revocation. The Ombudsman is the office of citizen complaints, who investigates under statutory criteria and refers complaints to those administrative agencies complained against. The Division of Public Interest Advocacy is empowered to institute class litigation in the area of broad public interest matters. M. KANNENSOHN & N. KESSLER, REPRESENTING THE PUBLIC INTEREST—A REPORT ON NEW JERSEY'S DEPARTMENT OF PUBLIC ADVOCATE, 1975 STATE GOVERNMENT 252. In 1975, the Alaska legislature passed the Ombudsman Act (Alaska Stat. tit. 24, ch. 55 (1978)); municipalities may elect to become subject to the jurisdiction of the Ombudsman.

see had plans to do so.<sup>16</sup> The majority of the specialized inmate grievance mechanisms were established by executive action within the department of corrections; several were created by legislative mandate.

In addition to the use of Ombudsmen in the specialized functional area of inmate grievances, other specialized functional area uses of the Ombudsman concept have developed, including the areas of business,<sup>17</sup> education (colleges, universities and local school districts),<sup>18</sup> and health (mental health institutions<sup>19</sup> and nursing homes<sup>20</sup>).

Other specialized functional areas where the Ombudsman concept has been utilized include human rights,<sup>21</sup> dual language rights,<sup>22</sup> complaints against the police,<sup>23</sup> and protection of the right of privacy.<sup>24</sup> In the racial area, Utah has a

16. Further, 12 of the largest cities had similar mechanisms: Boston, Chicago, Dallas, Detroit, Indianapolis, Milwaukee, New Orleans, New York, Phoenix, St. Louis, San Antonio and San Francisco. Letter from Daniel F. Stanton, Associate Director, U.S. General Accounting Office December 14, 1977. (General Accounting Office survey requested by Robert W. Kastenmeir, Chairman of the House Judiciary Committee Subcommittee on Courts, Civil Liberties and Administration of Justice. The Kastenmeir subcommittee held hearings dealing with the subject; the U.S. prison mechanism was established by executive action of the bureau chief in 1974.)

17. Within the U.S. Dept. of Commerce, in 1971, the Secretary established an Executive Ombudsman, to perform an information function and to investigate and settle questions and complaints raised by businessmen and consumers about the department. Handbill by the Office of the Ombudsman, U.S. Dept. of Commerce. The Maryland Dept. of Economic and Community Development and the Pennsylvania Dept. of Commerce Business Ombudsman carry on similar operations. In Maine, Ohio and Tennessee similar offices were discontinued.

18. INTERNATIONAL BAR ASSOCIATION, OMBUDSMAN AND OTHER COMPLAINT-HANDLING SYSTEMS SURVEY, 47 (1977) notes that an incomplete record shows that 124 U.S. colleges and universities and three in Canada have established Ombudsmen. In addition, nine school districts using Ombudsmen are listed.

19. The New Jersey Department of Public Advocate includes the Division of Mental Health Advocacy. Note 15 *supra*.

20. The Nursing Home Ombudsman is discussed below, see the text accompanying footnote 52. See also Regan, *When Nursing Home Patients Complain: The Ombudsman or the Patient Advocate*, 65 GEO. L.J. 691 (1977); G. ANNAS, *THE RIGHTS OF HOSPITAL PATIENTS—THE BASIC ACLU GUIDE TO A HOSPITAL PATIENT'S RIGHTS* (1975).

21. The Council of Europe Commission on Human Rights has received complaints regarding the denial of rights under the European Convention for the Protection of Human Rights and Fundamental Freedom against those states which have acknowledged the Commission's jurisdiction since 1971. INTERNATIONAL BAR ASSOCIATION, VII Survey.

22. The Canadian Official Language Act became operational in 1969, and established the Office of Commissioner of Official Languages (both English and French). The Commissioner investigates complaints that the status of an official language has not been recognized. INTERNATIONAL BAR ASSOCIATION, VII Survey.

23. In the Canadian province of Nova Scotia, a three-man commission deals with citizen complaints against the police. Great Britain inaugurated a similar procedure in 1976. INTERNATIONAL BAR ASSOCIATION, VII Survey, at \_\_\_\_\_.



Black and a Spanish speaking Hispanic Ombudsman.<sup>25</sup>

Governor Hugh Carey of New York established the Advocate for the Disabled as a division of the Department of State in June, 1976, and appointed the occupant October 8, 1977, to improve conditions for the handicapped.<sup>26</sup>

Commentators have suggested the use of the concept in other areas, including citizens as consumers, tenants and public assistance recipients.<sup>27</sup>

The specialized functional area Ombudsman is sometimes referred to as the "hybrid" form, as distinct from the "legislative" or "executive" form. The term hybrid has to do with the specialized area within which the Ombudsman operates, rather than the source of his authority, which is usually executive but sometimes legislative.

The Ombudsman has appeared in the business community, aiding the employees.<sup>28</sup>

In addition to a general, state-wide geographical operation (which may be limited in function by the nature of the governor's authority or by the legislative mandate), some departments of state government have established Executive Ombudsman operations within the purview of their specialized functional area authority. A state department of transportation may receive complaints regarding highway problems from any point within the state.

Many local governments have adopted the Ombudsman concept on the municipal, county or other local authority level.

The growth and expansion of the Ombudsman concept has not been without its reverses. The first state level proposal was made in Connecticut in 1963, the same year the first Ombudsman concept bill was introduced in Congress.<sup>29</sup> There has been no federal legislation and only five of the states have taken legislative action. A number of operating Ombudsman offices have been closed down.

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24. New Zealand enacted a computer privacy act in 1976 and the Chief Ombudsman was appointed privacy commissioner. The Australian state of New South Wales had passed a similar statute the previous year. INTERNATIONAL BAR ASSOCIATION, VII Survey, at \_\_\_\_\_.

25. See Table I.

26. New York Times, October 9, 1977, at 72, col. 3. Harold Unterberg, a New York City attorney, assumed the post November 1, 1977; he will receive \$34,000 annually. The office will serve as a clearinghouse for information, make referrals and advise the Governor and the Legislature on matters affecting the handicapped. The Rehabilitation Act of 1973, 29 U.S.C. § 793 (1976), will give rise to other opportunities for similar operations.

27. See W. GELLHORN, WHEN AMERICANS COMPLAIN, 195-211 (1966), Ombudsmen for students, public housing occupants, welfare recipients; King, *The Consumer Ombudsman*, 79 COM. L.J. 355 (1974); Moore, *Ombudsman and the Ghetto*, 1 CONN. L. REV. 244, 261-62 (1968), Ombudsman for the poor; Verkuil, *The Ombudsman and the Limits of the Adversary System*, 75 COLUM. L. REV. 845, 850 (1975), for universities.

28. New York Times, May 7, 1976, at 17, col. —. Dunn, *The View from the Ombudsman's Chair*. Ms. Dunn was hired by the Aircraft Engine Group of the General Electric Company in 1973 as the company's first Ombudsman. She was charged with the duties of improving communications, reviewing complaint-handling procedures and working to reverse unfair decisions. She held the post for 2.5 years. The Group now has two Ombudsmen.

29. S. ANDERSON, OMBUDSMAN PAPERS: AMERICAN EXPERIENCE AND PROPOSALS 28, 14 (1969).

Some opponents argue that the legislators should perform any complaint-handling function. Others oppose any further addition to the already bloated bureaucracy. Proponents and opponents often argue with regard to the reach of the Ombudsman, or his procedures, or fall out over other matters.

### III. THE NORTH CAROLINA EXPERIENCE—LOCAL GOVERNMENT

The State covers 52,586 square miles (28th in size). In the 1970 census, 5,082,000 were counted, ranking the state 11th in population. The 1977 population estimate was 5.5 million. The State was 45 percent urban (ranking 46th) and 55 percent rural (ranking 6th) and the per capita income was low—\$4,922 in 1976 (ranking 41st).<sup>30</sup> North Carolina is wide, reaching almost 500 miles from the Great Smoky Mountains to the sandy beaches of Cape Hatteras. There are eight major metropolitan areas.<sup>31</sup>

In 1969, Winston-Salem and Charlotte began North Carolina's first Ombudsman operations.<sup>32</sup> Winston-Salem (population 145,000) first created an Office of Public Relations (hereinafter referred to as OPR). From the beginning, the office served as a channel for citizen complaints and today the telephone complaint service operates 24 hours daily. In January, 1973, the position of Citizen's Service Coordinator was established on a trial basis and was soon made permanent within the 1973-74 budget.

Forsyth County followed Winston-Salem's lead; in 1972, the Public Information Office (hereinafter referred to as PIO) was established. While the Board of Commissioners was asked to establish an Ombudsman operation in 1975 and declined to do so, about five percent of the time of PIO continues to be devoted to complaint handling.

The Winston-Salem OPR has a staff of seven and the 1977-78 budget is \$118,000. The information, referral and complaint-handling operation includes

30. U.S. DEPT. OF COMMERCE, *LOCAL AREA PERSONAL INCOME 1970-75*, 62 (1977).

31. Greensboro, Winston-Salem, High Point (over 776,000), Charlotte, Gastonia (almost 606,000), Raleigh, Durham (over 483,000), Fayetteville (almost 238,000), Kannapolis, Concord, Salisbury (175,000), Asheville (over 169,000), Wilmington (almost 132,000), and Burlington (101,000). One of the 100 counties (Currituck) is included in the Norfolk, Virginia Beach, Portsmouth, Virginia metropolitan area. *SALES AND MARKETING MANAGEMENT*, VOL. 119, No. 2, C-151 (1977).

32. The City-County Planning Board [hereinafter cited as CCPB] of Winston-Salem/Forsyth County is not included in the following discussion of complaint handling operations. Authorized by state legislation (1947 N.C. Sess. Laws, Ch. 677, as amended by 1953 N.C. Sess. Laws, Ch. 777 and 1973 N.C. Sess. Laws, Chs. 45 and 381) and by action of both local governments—see Winston-Salem ordinance dated February 13, 1948, CCPB began operations on the later date. CCPB has a regular staff of 26 (and five additional CETA employees), a budget (\$650,000 in 1977-78) drawn from federal, state, county, city and private sources, and engages in a multitude of functions, one of which is citizen participation. Citizen participation began informally in 1967 and was officially recognized in 1974. Ten community councils were developed and served to funnel citizen input to CCPB. Typically, some citizen complaints are included, and they are referred to the appropriate city or county offices. Telephone conversation with John A. Donnelly, CCPB Director, December 21, 1977 and February 28, 1978.

about ten percent direct complaint-handling; the figure had been higher in the early years. The Citizens Service Coordinator is part of OPR.<sup>33</sup> The Forsyth County PIO has a staff of five; the telephone "Citizens Action" line operates 40 hours weekly.<sup>34</sup>

The Forsyth Information Referral Service Telephone (hereinafter referred to as FIRST) became operational in November, 1977. Winston-Salem Foundation money and county in-kind contributions enables FIRST to serve as a human services information and referral agency for private, federal, state and local programs and benefits. FIRST serves an Ombudsman function; an estimated fifteen percent of the contacts involve complaints. FIRST has a staff of three and a first year grant of \$32,000.<sup>35</sup>

By ordinance, the City Council of Charlotte (population almost 300,000) established the Office of Public Service and Information (hereinafter referred to as OPSI) in September, 1969. From a staff of two, the operation has grown to nine; the current budget is \$160,000 (including a County contribution towards the joint telephone operation). The operation is essentially a telephone operation; during fiscal 1974-75, there were 52,545 telephone contacts, while in fiscal 1976-77 there were 81,347. Within the recent total, about ninety percent were for information with the remainder divided between requests for service and complaints. The complaint total has declined in recent years. The Charlotte Mobile City Hall van visits to shopping centers began in 1970, the first such operation in the nation.<sup>36</sup>

The Charlotte OPSI first operated a telephone "Hot Line to City Hall." After the Mecklenburg County Public Service and Information Office (hereinafter referred to as PSIO) began to operate in April, 1970, the joint "City-County Action Line" came into being. The current staff consists of three plus a CETA funded employee; the budget is \$95,421. Like its urban counterpart, the Mecklenburg County PSIO reported about five percent of its time was spent handling complaints.<sup>37</sup>

The program of Greensboro (population 159,000) in Guilford County developed over a longer period of time and passed through several phases. The mayor established a community relations program in 1968; two years later the program was reduced to part-time. In mid-1973, the Community Representative office was opened with a staff of two; and in the fall, 1974, the PIO was

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33. Telephone conversation with Mrs. Nancy Wolfe, Director, Office of Public Relations [hereinafter cited as OPR], December 6, 1977; *see also* City Movin' (1975) and Program 77-78 City of Winston-Salem (1977), both by OPR.

34. Telephone conversation with Stephen J. Bennett, Director, Public Information Office, December 19, 1977, and letter from Steven J. Bennett to William G. Haemmel (December 21, 1977).

35. Telephone conversation with Mrs. Betty H. Hicks, Director, Forsyth Information Referral Telephone Service, December 19, 1977, and letter from Betty H. Hicks to William G. Haemmel (December 20, 1977).

36. Telephone conversation with William H. Guerrant, Director, Public Service Information Office, November 29, 1977, and a letter from William H. Guerrant to William G. Haemmel (December 5, 1977).

37. Telephone conversation with Mrs. Rita A. Simpson, Public Service and Information Officer, December 21, 1977, and letter from Rita A. Simpson to William G. Haemmel (December 22, 1977).

established. The two offices report to the city manager. The two community representatives divide their time between complaints and public information matters. The PIO operates the telephone City's Action Line.<sup>38</sup>

The city of High Point (population 63,400) in Guilford County began its public information program in 1972. The current budget is \$39,111. By 1977 there were three employees; about 25 percent of their work was complaint referrals. The Telephone "City Help Line" began in September, 1977.<sup>39</sup>

The Guilford County Community Councils office began in the summer, 1973. About ten percent of the work consists of complaint handling, in addition to information and complaint referrals. The office had received a federal HUD grant and added a recreational program and a recreational coordinator in 1977; the regular staff of three augmented the recreational coordinator until February, 1978. The budget was \$55,900, excluding the recreational program.<sup>40</sup>

The Durham (population 106,000) experience was somewhat similar to that of Greensboro. A public information officer was employed in 1971 and after his staff grew in the face of a mounting volume of information, public relations tasks and complaint referrals, in February, 1977, a citizens service representative was added to directly handle the complaints. The citizens service representative is an administrative assistant to the city manager and is responsible to him. In that he answers to the city executive, the citizens service representative is not an advocate for the people. The staff consists of seven and an additional CETA employee; the budget is \$59,000, plus an additional \$29,598 for the citizens service representative operation.<sup>41</sup>

The North Carolina capital city, Raleigh (population 146,000) established a Research and Public Information Office (hereinafter referred to as RPIO) in 1975. The current staff is six and the budget \$84,906. RPIO established a Feedback program and the growth of the volume of complaints was such that the City Council authorized the position of Ombudsman on December 21, 1976 and the City Manager made the appointment on June 5, 1977—the first municipality in the State to use the term. The budget for the new operation was about \$20,000.<sup>42</sup>

Several other municipal and county complaint handling operations continue on a minimal basis, or were operated briefly and have recently suspended opera-

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38. Telephone conversation with Dan Shelton, Chief Community Representative, November 22, 1977.

39. Telephone conversation with David T. Wilson, Director of Public Information, December 21, 1977.

40. Telephone conversation with Mrs. Margaret N. Register, Community Councils Coordinator, December 20, 1977.

41. Telephone conversation with Walter A. Jackson, Public Information Officer, December 7, 1977. Robert W. Hites, Jr. is the Citizens Service Representative.

42. Telephone conversation with Donald E. Harris, Ombudsman, November 29, 1977, and letter from Donald E. Harris to William G. Haemmel (January 17, 1978). See also CITY OF RALEIGH ADMINISTRATION MANUAL STANDARD PROCEDURE NO. 100-17, HANDLING CITIZEN COMPLAINTS.

43. The North Carolina League of Municipalities' List of Public Information Officers; letter to William G. Haemmel (December 21, 1977).

tions.<sup>43</sup> Dare County is located on the coast; the population is 11,000. The Dare County Public Information Office was established in January, 1975; about two percent of the work of the staff of two consists of complaint handling.<sup>44</sup>

The Buncombe County (Asheville) Public Information Office was a victim of partisan politics during 1977. The city of Rocky Mount (estimated population 40,000) employed an Advocate Planner (hereinafter referred to as AP) from 1976 to 1977 and a RPIO for nine months in 1976-77. The AP sought to develop citizens input through neighborhood councils; when the State Planning Grant ended, the position was not continued. During his tenure, the RPIO devoted five to ten percent of his time to complaint handling.<sup>45</sup>

#### IV. THE NORTH CAROLINA EXPERIENCE—STATE LEVEL OF GOVERNMENT

During the period 1973-75, the first state-wide Ombudsmen operations began in North Carolina. By executive action, the Governor established the Office of the governor's Ombudsman on March 21, 1973 and three departments of state government, Human Resources, Natural and Economic Resources and Transportation informally began similar operations, at first on a part-time basis.

Legislative action on April 12, 1974 created the Inmate Grievance Commission, the state's first Ombudsman-type action by the General Assembly.<sup>46</sup> The five members of the Commission are appointed by the Governor. In turn, the Commissioners, with the Governor's approval, appoints the Executive Director, who serves at their pleasure. By statute, two of the Commissioners are attorneys. The Executive Director, Fred G. Morrison, Jr., is an attorney. There are approximately 14,500 inmates in the State's 79 penal institutions. The 1977-78 budget is \$135,797 and there are six employees of the Inmate Grievance Commission (hereinafter referred to as IGC).

During the second half of 1975, within the Department of Human Resources, a Nursing Home Ombudsman began to function, funded by a grant from the Federal Government. Like the Inmate Grievance operation, the Nursing Home Ombudsman was concerned with a specialized functional area and not with complaints in general.

In January, 1973, James E. Holshouser, Jr., was inaugurated Governor, the first Republican elected in this century. On March 21, 1973, he established

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44. Telephone conversation with Mrs. Sharon D. Golden, December 21, 1977; *see also* Dare County's Progress and Annual Report 1976-77.

45. Telephone conversation with Stephen W. Raper, Administrative Assistant to the City Manager, December 21, 1977, and letter from Stephen W. Raper to William G. Haemmel (January 16, 1978).

46. N.C. GEN. STAT. § 148-101 (1977). The Inmate Grievance Commission became operational in January, 1975.

The Office of Governor's Ombudsman;<sup>47</sup> Fred M. Gallagher, III, a stockbroker, was named the Governor's Ombudsman. The staff grew to five—the Ombudsman, a deputy, an assistant and two secretaries.

Popularly known as the "People's Man," the program received greater visibility by Holshouser's People's Day and People's Tour. He made himself available to all those interested for five minutes. During four years, Holshouser spent over fifty days making contacts in all parts of the state.<sup>48</sup> Additionally, inquiries flowed in from visitors to the State Administration Building in Raleigh, by letter or over the toll-free telephone. The number of cases increased and then leveled off.<sup>49</sup>

The state government is made up of nineteen major departments (See Table 2). Eight of the nineteen are under the command of constitutional offices directly elected, rather than appointed by the governor. The term of the elected state officers runs concurrently with that of the governor. Of the nine department heads appointed by the Governor, three informally established departmental Ombudsmen during 1973: the Departments of Human Resources (hereinafter referred to as DHR), Natural and Economic Resources and Transportation (hereinafter referred to as DOT). In DHR and DOT, the Ombudsmen were senior aids to the newly appointed secretary and at first operated informally. DHR, the largest department in point of numbers of employees (26,000 in 1976), formalized the Ombudsman function within the Office of the Secretary on March 24, 1976, effective January 1, 1976.<sup>50</sup> The DHR and DOT full-time Ombudsmen handled matters brought directly to them and assisted the Governor's Ombudsman. At the mid-point of 1976, the DOT Ombudsman averaged over 850 cases within a four-month period and dealt with 29 agencies.<sup>51</sup>

In addition to the toll-free telephone line which served the Ombudsman in the office of the secretary of DHR for about a year before it was discontinued, during 1974, DHR opened a toll-free "Careline" telephone service. While the toll-free lines within the executive branch of government came under attack by the Democratic General Assembly in 1976, Careline was continued when it was

47. In a telephone conversation with James Holshouser (October 5, 1977) Governor Holshouser stated the concept was brought to him by his staff. During his campaign, Holshouser became aware of a growing concern regarding the growth and increasing complexity of government and a corresponding decline of confidence among the people; he established the Ombudsman as one instrument to overcome the problem.

48. Governor's Office press release (June 21, 1976).

49. Numbers of cases by fiscal year, July 1, 1973, to June 30, 1974, 3263; July 1, 1974, to June 30, 1975, 4484, a 37% increase; July 1, 1975 to June 30, 1976, over 4500. Source: NORTH CAROLINA REPORT OF THE PEOPLE'S MAN—1974; NORTH CAROLINA SECOND ANNUAL REPORT OF THE PEOPLE'S MAN—1975; North Carolina Third Annual Report of the People's Man—1976.

50. See DEPARTMENT OF HUMAN RESOURCES DIRECTIVE NO. 17-76 (1976).

51. Letter from G. Payne Daniel to William G. Haemmel (July 8, 1976). DOT is the second largest department in terms of number of employees. From January until November 21, 1977, there was no DOT Ombudsman; on the latter date Mrs. Nancy R. Roberts was named to the post. During those months complaints were referred directly to the divisions of Highways, Motor Vehicles and Secondary Roads. Telephone conversation with James Rand (November 22, 1977). James Rand is the Administrative Staff Engineer, Division of Highways.

realized that its human services functions had to be served by telephone operations.

The Department of Natural and Economic Resources (hereinafter referred to as NER) Ombudsman operation was continued on a part-time basis from 1973 through 1976.

Within DHR, a second Ombudsman, the Nursing Home Ombudsman, began operating during the second half of 1975; and in 1977, North Carolina's second Ombudsman-type legislation, the Nursing Home Patients' Bill of Rights Act, was passed.<sup>52</sup>

The United States Department of Health, Education and Welfare (hereinafter referred to as HEW) funded a Nursing Home Ombudsman Demonstration Project in seven states in 1972-73. The Older American Amendments of 1975<sup>53</sup> expanded the concept to all of the states, the District of Columbia and Puerto Rico. A Nursing Home Ombudsman was added to the DHR staff; the position is fully funded by HEW. It is estimated that approximately 15,000 elderly persons reside in the State's 179 licensed nursing homes.

For the first year of operations, the Nursing Home Ombudsman operated as a line Ombudsman, receiving and investigating complaints. Where violations were found, the matter was referred to the Division of Facilities Services, to pursue in the course of the annual inspection of nursing homes.

In January, 1976, HEW altered the program to a staff operation and the Nursing Home Ombudsman Developmental Specialist (hereinafter referred to as NHODS) set about the task of promoting, organizing, and training local Ombudsman functions on a county or regional basis. An operational manual dealing with both substantive and procedural matters was developed. Concen-

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52. 1977 N.C. Sess. Laws, Ch. 897, N.C. GEN. STAT. § 130-264 (1977). The Act became effective January 1, 1978, except for S. 2, which becomes effective March 1, 1979. The Act applies to nursing homes and homes for the aged licensed under N.C. GEN. STAT. § 130-9(e) (1977). The Act sets forth a list of 15 patients' rights and further provides that patients be supplied the address and phone number of the DHR is given authority to inspect records and must respond to a complaint within 60 days. A patient, his guardian or DHR may seek an injunction and DHR is empowered to revoke the facility's license where there is a substantial failure of compliance. Further, DHR is authorized to exact an administrative penalty of \$10 per day per patient for each violation; right of appeal is provided and DHR is empowered to seek recovery of same in Wake County Superior Court.

S. 2 adds subdivision (7) to N.C. GEN. STAT. § 130-9 (1978) and requires as an additional condition of licensing that each facility be served by a five person Community Advisory Committee [hereinafter cited as CAC]. CAC is charged with serving the best interests of the patient, including representation in the processing of grievances. CAC members have right of entry and must visit each home at least quarterly and inform themselves of conditions generally. They are charged with attempting to resolve matters on a local level and may communicate with DHR or any other agency in relation to the interests of the patient.

It should be noted that while CAC members are drawn from the community, they are volunteers and serve without compensation.

Three are named by the County Commissioners and two by the facility. It remains to be seen how effectively such an Ombudsman committee can perform.

53. 42 U.S.C. § 3028 (Supp. IV 1974), as amended by Act of Nov. 28, 1975, Pub. L. No. 94-135 (1975).

trating first in areas with large numbers of nursing homes and Councils of Aging, by the start of 1978, NHODS had assisted committees to begin operations and another five were nearing activation.<sup>54</sup>

In addition to the DHR, DOT and NER Ombudsmen, the other departments designated contact persons who worked with the Governor's Ombudsman and others. Human service and transportation problems were the two most numerous during 1973-74; and the following year, Commerce surpassed both, with Correction in close pursuit.<sup>55</sup>

The Office of the Ombudsman was within the Department of Administration but was funded by the Governor's office, except for a one-year grant of \$30,575 received from the Appalachian Regional Commission in 1973. In 1976, the Democratic General Assembly voted to eliminate funds for the Ombudsman and to cut the toll-free telephone WATS lines. The toll-free lines in the Attorney General's Consumer Protection Division and Department of Insurance Consumer Information Division were eliminated. Holshouser continued the Ombudsman operation and the toll-free line.

The Holshouser Ombudsman Office carried out several surveys to gauge the degree of satisfaction generated.<sup>56</sup> The 1974 survey showed 54.5 percent of those served were satisfied while the 1975 survey reflected 72 percent of total satisfaction and another eleven percent somewhat satisfied. In 1976, the heads of departments and divisions, both those under the Governor's control and those headed by officers independently elected, were asked to return, anonymously, a questionnaire which rated the program: 92 percent approved the concept, 75 percent indicated the Ombudsman was doing an effective job and only five percent believed the program should not be made permanent.

On January 8, 1977, James B. Hunt, Jr., Democrat, was inaugurated governor. While the Holshouser Ombudsman/People's Man suffered from conflict between a Republican governor and a Democratic General Assembly, Hunt restored the stature of the office.

Hunt included in his campaign calls for volunteers in the areas of education, energy conservation and crime prevention. By executive order, he created an Office of Citizen Affairs (hereinafter referred to as OCA) within the Office of the Governor, to promote citizen awareness and involvement, and transferred several functions, including the Ombudsman's Office to OCA. Renamed the Office of Citizen Help (hereinafter referred to as OCH) to placate the General Assembly, the Ombudsman functions are carried on by the Ombudsman, a

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54. Telephone conversation with Steve Freedman, Supervisor of Nursing Home Ombudsman Developmental Specialist, February 23, 1978, and letter from Mrs. Mary Bethel, NHODS, February 27, 1978. NHODS is within DHR's Division of Aging. The Division was established April 21, 1977, by N.C. GEN. STAT. § 143B-181.1 (1978). The Office of Assistant Secretary for Aging and the Governor's Advisory Council on Aging were also established. N.C. GEN. STAT. §§ 143B-181.2, 180 (1977).

55. NORTH CAROLINA SECOND ANNUAL REPORT OF THE PEOPLE'S MAN—1975, 10 (1976).

56. It should be noted that the surveys were carried out and reported by the Office of the Ombudsman independent of any other determination of validity. See note 1 *supra* at 7; note 48 *supra*.



Deputy Ombudsman, two Assistant Ombudsmen and an administrative secretary. OCH is funded for \$96,218; the Chief Ombudsman receives \$25,000 (after July 1, \$26,775).

On May 31, 1977, the Governor named Dr. James Branson Chavis as Ombudsman. Chavis was dean of student affairs at Pembroke State University and is a Lumbee Indian.<sup>57</sup>

During 1977, the Ombudsman concept developed further in two additional departments of state government: Insurance and the Department of Natural Resources and Community Development (hereinafter referred to as NRCD).<sup>58</sup>

As already noted, the old Department of NER had continued a part-time Ombudsman operation since 1973. In 1976, the part-time operation handled over 100 cases.

Following his appointment in January, 1977, the new secretary established an Office of Citizen Affairs as a full-time Ombudsman operation, and the new director gradually received a three-fold extension of his Ombudsman authority. Initially, he was charged with the responsibility of citizens' relations with the department. Then, as the reorganized NRCD moved into the newly assigned function of community development and began to deal with local governments, he added the Ombudsman function as between the two levels of government. The third accretion of his Ombudsman responsibilities was only an interim arrangement; effective April 1, 1978, the Office of Local Government Advocacy was to become operational in the area of state-local governmental relations and handle relational problems. The Office of Citizen Affairs & Employees Relations had handled 320 citizens' complaints by the close of 1977.<sup>59</sup>

The Commissioner of Insurance carried out an internal executive reorganization of that department, effective September 15, 1977. Under the new structure, one of the four new directors was given responsibility for program development, budget, personnel and made Ombudsman. In addition, the director will handle the new program dealing with the rights of the disabled.<sup>60</sup> The Department of Insurance thus became the first of the state departments of government headed up by an officer directly elected to establish an Ombudsman.

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57. Exec. Order III, (March 29, 1977). S. 1(2) charges the Office of Citizen Affairs [hereinafter cited as OCA] "to act as ombudsman." The General Assembly appropriated \$245,218 for OCA and three federal grants brought the total up to \$357,218 through Fiscal Year 1978. Chief Ombudsman Chavis supplied several documents and additional information by telephone on March 2, 1978.

58. The Department of Natural and Economic Resources was reorganized and became the Department of Natural Resources and Community Development effective June 28, 1977. N.C. GEN. STAT. § 143B-276 (1977). See also N.C. GEN. STAT. § 143B-427 (1977) dealing with the reconstituted Department of Commerce.

59. Telephone conversations with Paul G. Sebo, Director, Office of Citizen Affairs & Employee Relations, November 22, 1977, and February 24, 1978.

60. Telephone conversation with Director Oscar Smith, November 22, 1977.

61. Note 7 *supra*.

## V. CONCLUSION

Clearly, the Ombudsman concept is an idea whose time has come. The North Carolina experience is a 'microcosm of the experience of the United States generally, and indeed, of the world at large.

Given expanding governmental operations based upon more money and services flowing to the citizenry in the form of "public" property, increased complexity of programs and operations and a burgeoning bureaucracy to handle the programs and operations, and the potential for problems magnifies. While legal services to the affluent and others have expanded, the potential problems expand at a greater rate, and many of the problems simply are not amendable to the traditional, common law, adversarial solution.

The effectiveness of the Ombudsman has a positive correlation to his independence: the higher the base of his authority and the more independent his office, the more impartial and free of political and personal influence can be his work product. Similarly, the more removed from other state agencies, the higher the degree of credibility of the Ombudsman. While a high executive may change, or one political party given way to another, the statutory Ombudsman can continue. Given a fixed term of office, the statutory Ombudsman can rise above the play of party and executives.

In that he performs an unusually wide range of functions—investigator, decisionmaker, mediator, negotiator, advocate, censor, reformer—and is in contact with the administrative, executive, legislative and judicial branches of government and yet himself is part of the legislative (or executive) branch, the Ombudsman role calls for an unusual combination of skills and aptitudes. Faced with a possibly suspicious or hostile general public or special clientele—as in the case of the prison inmate Ombudsman, the Ombudsman must also be something of a diplomat and an image-builder. In these troubled times, the Ombudsman's potential for helping to restore confidence in Government is profound.

Generally, both in the United States and in North Carolina, Professor Rowat's warning<sup>61</sup> has not been heeded. While the classical feature of the Ombudsman are lacking in many respects, sufficient of the features are present to merit the use of the term "Ombudsman" in referring to the new complaint-handling officer.

In North Carolina, the Ombudsman concept has been successfully transplanted, has taken root and is growing and prospering. The Ombudsman concept is in an early evolutionary stage; it is meeting recognized needs.

In North Carolina, the Ombudsman concept has survived a change of parties and a succession of governors. The number of offices and volume of cases continues to increase, as does public recognition.

The first, halting steps have been taken. The General Assembly must now make the concept permanent, enhance the independence of the Ombudsman functions, carefully spell out to whom he is responsible as a citizen's defender

and precisely limit his authority. There is sufficient experience on hand to guide the way and enhance the basic concept of a government which is responsive to and welcomes citizens' input.

**TABLE 1****STATE GENERAL OMBUDSMEN AND INFORMATION  
AND REFERRAL SERVICES**

- ALASKA**—the Ombudsman Act of 1975: legislative election of the Ombudsman
- COLORADO**—Lt. Gov. served voluntarily 1966-70; Gov. Ex. Or. 1975: Citizen's Advocate Office
- CONNECTICUT**—Governor's State Information Bureau, 1973
- HAWAII**—FIRST LEGISLATION—The Ombudsman Act of 1967, amended 1974 and 1975; legislative election of Ombudsman
- ILLINOIS**—Mail Control Center in the Governor's Office, 1973
- IOWA**—Gov. Ex. Or. 1970: The Citizen's Aide; Citizens' Aide Act of 1972, amended 1974, Deputy for Dept. of Corrections, and 1975 (Indian Affairs)
- KENTUCKY**—Gov. Ex. Or. 1973: Office of Ombudsman, Dept. of Human Resources
- MAINE**—Gov. Ex. Or. 1973: Director & Ombudsman, Division of Community Services
- MASSACHUSETTS**—(2) Ombudsman, Division of Employment Security, 1972; State Secretary 1975: Citizen Information Service
- MISSOURI**—Lt. Gov. voluntary 1973: Lt. Gov. & Ombudsman, Office of Citizen's Complaints
- MONTANA**—Gov. Ex. Or. 1973: Governor's Office of Citizen Advocate, Legislature funded in 1977 for two years
- NEBRASKA**—The Public Counsel Act of 1969: Public Counsel; in 1976, legislation added a Deputy Public Counsel for Corrections
- NEW HAMPSHIRE**—Gov. action in 1974: Governor's Office of Citizen Services
- NEW JERSEY**—The Dept. of the Public Advocate Act of 1974 established a new department which includes a Division of Citizen Complaints and Settlement
- NEW MEXICO**—Legislation in 1971 added Ombudsman duties to Lt. Gov.'s Office
- NEW YORK**—(3) Lt. Gov. voluntary 1975, with legislative and executive budget support; Secretary of State began 1975, and in January 1976, established Dept. of State Office of Citizen Services. Gov. Ex. Or. 1976: Advocate for the Disabled
- NORTH CAROLINA**—Gov. action 1973: Governor's Ombudsman (People's Man); Gov. Ex. Or. 1977: Governor's Office of Citizen Affairs, including Citizen Help (Ombudsman)

**OHIO**—Several offices were established administratively: Dept. of Economic and Community Development Local Government Ombudsman—discontinued; Dept. of Commerce Consumer Protection Ombudsman; Dept. of Mental Health and Mental Retardation Ombudsman Protective Client Service; Commission on Aging Ombudsman; Environmental Protection Agency Ombudsman. Legislation allows but does not require the Director of the Environmental Protection Agency to appoint an Ombudsman. Legislation established an Ombudsman in the Bureau of Workmen's Compensation until January 1, 1978.

**OREGON—FIRST EXECUTIVE ACTION**—Gov. action 1969: Office of the Governor's Ombudsman

**PENNSYLVANIA**—Governor's Branch Offices functioned 1967 to 1971; Gov. Ex. Or. 1973: Governor's Action Center

**PUERTO RICO**—Gov. Ex. Or. 1969: Office of the Governor Citizen Services Division, Citizen Feedback Program

**RHODE ISLAND**—Legislation established Little State House program in 1969; eliminated 1973

**SOUTH CAROLINA**—Gov. Ex. Or. 1971: Governor's Office of Citizen Service

**UTAH**—1972: Governor appointed a Black Ombudsman; 1973: Governor appointed a Spanish speaking (now Hispanic) Ombudsman. Both within the Dept. of Community Affairs

**VIRGINIA**—In 1970, legislation established within the Dept. of Agriculture and Commerce the position of Administrator of Consumer Affairs. In 1973, Governor's action added to that office the function of State Citizens' Service Assistance Office.

**TABLE 2****DEPARTMENTS WITHIN THE NORTH CAROLINA  
STATE GOVERNMENT, JULY 1977**

1. Department of Administration
2. Department of Agriculture (Commissioner\*)
3. Department of Commerce
4. Department of Correction (DOC)
5. Department of Crime Control and Public Safety
6. Department of Cultural Resources
7. Office of the Governor
8. Department of Human Resources (DHR)
9. Department of Insurance (Commissioner\*)
10. Department of Justice (Attorney General\*)
11. Department of Labor (Commissioner\*)
12. Office of the Lt. Governor
13. Department of Natural Resources and Community Development (NRCD)
14. Department of Public Education (Superintendent of Public Instruction\*)
15. Department of Revenue
16. Department of the Secretary of State\*
17. Department of the State Auditor\*
18. Department of the State Treasurer\*
19. Department of Transportation and Highway Safety (DOT)

\*The Council of State: Commissioners of the Departments of Agriculture, Insurance, Labor, the Attorney General (Justice Department), the Superintendent of Public Instruction (Department of Public Education), the Department of the Secretary of State, the Department of the State Auditor and the Department of the State Treasurer. Additionally, the Lieutenant-Governor is directly elected.

Ten of the above are directly elected: 2, 7, 9, 10, 11, 12, 14, 16, 17 and 18.