



Neutral, Informal & Independent

The Ombudsman is a neutral, informal and independent resource which helps the public and MnDOT resolve issues that have previously been unresolved through the normal channels and processes.



Neutrality

Neutrality means the Ombudsman is an advocate for a fair process, not an advocate for any one individual or group of individuals. The Ombudsman's practice is to listen to all sides, check facts and try to help the parties find creative solutions to resolve the issue.

Informality

By taking an issue to the Ombudsman, constituents should expect informal processes like listening, brainstorming, clarifying, facilitation, reality testing and shuttle diplomacy to be used to help resolve an issue.

Independence

The Ombudsman reports directly to the Commissioner. The Ombudsman is independent from other department entities and has sole discretion when fact finding or creating options for resolution.

Confidentiality

The Ombudsman also practices confidentiality to the extent possible under the Minnesota Data Practices Act, Minnesota Statutes, Chapter 13.



The Ombudsman will...

- Listen to all parties
- Ask questions to clarify the issue; determine who has been involved and what action has been taken
- Seek to understand what the constituent wants to see happen
- Work with the constituent and department experts to generate options for resolution
- Help all parties weigh the pros and cons of the options
- Follow up on the final option selected

The Ombudsman will NOT...

- Advocate for one party or point of view
- Replace formal processes
- Provide legal advice or opinions
- Act as the final decision maker; the MnDOT Commissioner makes final decisions



Satisfied Customers

MnDOT District Management – “You and your staff have been so helpful to [this] District – it is much appreciated. Today, my perception is that the districts truly appreciate the services of your office and have realized many successes with the ombudsman process. Everything I hear about the Ombudsman services for the District is positive. So, we're grateful to have you and your staff help us through several difficult situations.”



Constituent – “Thanks to you and your hard work on our behalf, this is a red letter day. I just received a phone call saying that the service signs have been installed. That could not have happened had it not been for you. I thank you!”

Constituent – “Thank you so much for your hospitality and for your listening - *really* listening! - to us at this morning's meeting. We appreciate your sincere concern about this issue....”

MnDOT District Staff – “Over the last year one or more of the Ombudsman's Section members have given [the] District counsel and provided for an unbiased mediation option for issue resolution. The issue resolution has gone both ways for the District. The communications have always been professional and timely in regards to responsiveness. Your Section has always been very friendly and kept to the facts of the cases.. In my opinion it has been one of the best programs initiated for resolution and guidance in resolution of MnDOT issues both in Operations and construction areas. A *big thanks* from [the] District and me in your continued efforts and support.”

A Message from the Ombudsman

It is my pleasure to submit this annual report on the performance of the Ombudsman's Office for the 2012 calendar year. This is our fourth annual report and we hope it illustrates how our small office helps the people of Minnesota in a big way.

We have shortened the report this year to make it more succinct and user friendly. As in previous reports, we have included a sampling of the kinds of issues people bring to us and how we responded to them. I hope you find this report useful.

I would like to thank everyone we work with in MnDOT for their commitment to resolve disputes in a collaborative way. Please contact me if you have any questions or comments. We welcome the opportunity to discuss our program and the services we offer with you.



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A Message from the Minnesota Department of Transportation Commissioner

Dear Citizens of Minnesota,

I am pleased to share with you the 2012 Ombudsman Annual Report for the Minnesota Department of Transportation.



Established in October 2008, the award-winning Ombudsman program serves both the public and MnDOT by providing a neutral, informal and independent resource to help decide conflicts when other processes are unable to reach resolution. By listening to all sides of an issue, putting people first and collaborating to find solutions that are fair and consistent with department policy, the Ombudsman can move all parties forward with the aim of settling conflicts in a fair and timely manner.

In 2013, the Ombudsman will continue to serve as a resource for the public to help resolve issues with MnDOT through development of the existing program and growth in areas of conflict management and conflict resolution. While there is not an easy remedy for every situation, we respect each participant's viewpoint and pledge to create a better understanding of all views.

We thank all of you who have entrusted the Ombudsman process with your issues and those of you who worked beside us to resolve the issues. We have learned a great deal in the last four years and together we will continue to help the department act with ingenuity, integrity and accountability.

Commissioner Charlie Zelle
Minnesota Department of Transportation

Ombudsman Annual Report

January 2012-
December 2012

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Neutral, Informal & Independent

Satisfied Constituents



Stats

Case Distribution by Concern Type

In 2012, the Ombudsman's Office handled 131 cases of which 129 were new cases and two that carried over, one from 2010 and one from 2011.

The Ombudsman's Office categorizes its files into 14 topic areas, with one new category, State Aid, expected to come online within the first quarter of 2013. In 2012, Information was the top category, just as it has been since the Office's inception. The number of Information requests jumped from 18 files in 2010 to 53 files in 2011; however, in 2012 the number remained relatively stable at 51 requests.

Contacting the Ombudsman

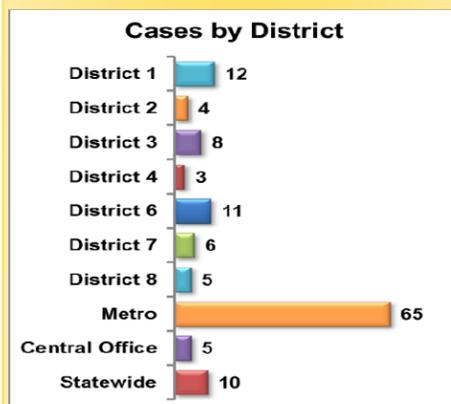
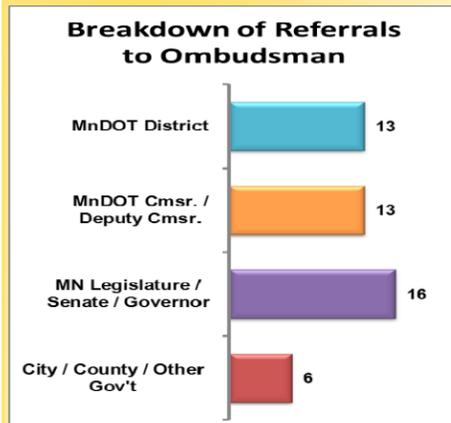
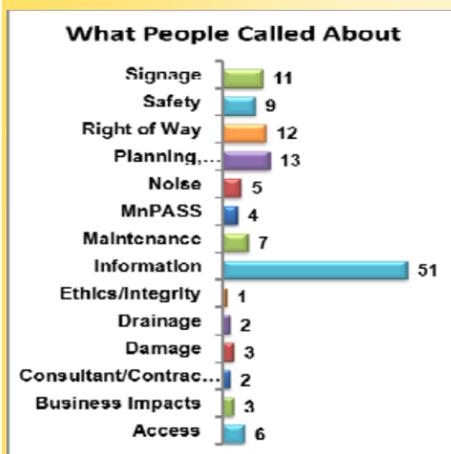
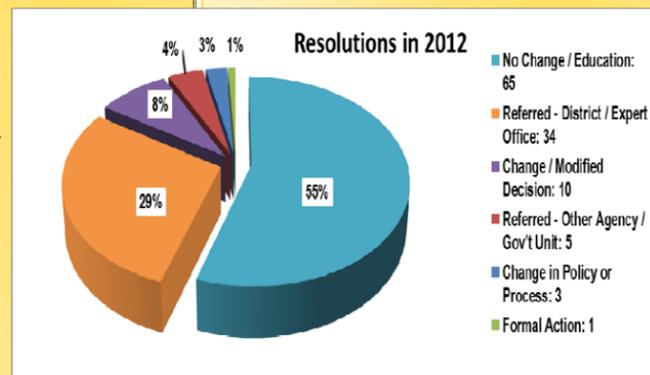
The Ombudsman can be contacted several ways. The most utilized point-of-contact method was the website (58); followed by referrals from the Minnesota Legislature (16), district referrals (13) and referrals from the Commissioner's Office (13). This presents a significant change from years past where phone calls usually ranked second in contact methods; however, the reporting of a contact method has changed for some instances and the Office is now tracking who is sending us referrals rather than which method the constituent chooses to use to contact the Ombudsman.

2012 Outcomes

There are several tools the Ombudsman may use to bring resolution to issues, including: fact finding, shuttle diplomacy, expert panels, facilitated discussion and mediation.

When the Office resolved a case, many different results occurred:

- Change in MnDOT policy procedure
- Modification or complete change in original MnDOT decision
- Education/no change in decision
- Formal Action (Settlement or Tort Claim)
- Referral (District or Other Agency)



Sustainable Resolutions

Unightly Fish House

Issue

A staffer from the Minnesota House of Representatives contacted the Ombudsman's Office, on behalf of a constituent, about an old, dilapidated fish house on the right of way. The constituent felt the fish house was an eyesore, detracting from the beauty of the area, and wanted to know if MnDOT would take it down.

Action

Although this sounded easy, the age of the shed and the unknown nature of the title made this much more complicated than just tearing down the unsightly building. First, MnDOT needed to find out who owned the land on which the shed sat and what kind of rights the title bestowed on the owner; so, a title search was completed for the site. The title search found the State had a highway easement on the land but the riparian rights, rights to use the lake and the land by an owner underneath the highway easement, probably still existed.

The title search also revealed the last known owner was a land developer who appears to have purchased the land in 1956. After an extensive search for the owner/developer was conducted, it was determined the developer could not be located. Because the owner could not be located, and there was significant concern from other lake shore owners about the abandoned fish house, MnDOT could then step in and begin the process of removal.

Resolution

Due to the age of the fish house, probably built in the 40's or 50's, an environmental review through the Environmental Stewardship Office needed to be conducted. Their review of the building materials concluded the fish house contained asbestos in the roof shingles and lead in the paint. These hazardous materials had to be removed and disposed of properly to ensure the land and the lake were not contaminated while the fish house was being permanently removed. The contract for removing the hazardous materials and the building structure amounted to \$3,574.77.

The constituent had this to say after the case was closed: "Well it is done. And citizens' efforts are heard and responded to. Our state is working for us. I encourage you to get involved, if you are not already, and make government work for you. I found out that most of those employees and elected officials do want to help. Put them to work on your issues."



Sustainable Resolutions

MnPASS

Issue

A constituent wrote a letter to MnPASS customer service and the Ombudsman's Office regarding a billing issue. Normally MnPASS Customer Service directly handles billing complaints; however, in this particular instance, the constituent had tried to resolve the issue with customer service and still felt he was being billed incorrectly.



According to MnPASS records, the account was opened, a transponder was sent to the constituent and a deposit of \$40 was retained for the transponder. After more than 1 1/2 years of charges of \$1.50/month for rental of the transponder, which was never used, the credit card on file was declined, adding another \$25 to the bill. Very shortly thereafter, a \$25 deactivation fee was also assessed. To top it all off, between the time the deactivation fee was assessed and the \$40 transponder lease deposit was charged, recovering the cost of the transponder, another \$1.50 lease fee was also charged. After all these charges, the account was closed per MnDOT protocol. The transponder would not work, its cost had been recouped through the deposit and the account was deactivated because the credit card on file had been declined.

Even though the account was closed, the \$1.50 monthly lease fee for the transponder continued to be assessed on the account. These charges to a defunct account continued for 46 months after the closure of the account, creating a bill for \$69.00, which MnPASS Customer Service was unwilling to reimburse.

Action

The Ombudsman worked with MnPASS staff to reimburse the additional charges assessed to the constituent after the account was closed.

Resolution

Although MnPASS billing is handled through a contractor, it seemed rather obvious this was a problematic billing mistake. Once the deposit is taken to recover the costs of the transponder, charges should stop. The monthly fee was found to be in error and a refund was issued to the constituent for the excess charges. The computer glitch which caused the billing error was reported and fixed.

