

141—2.11(2C) Disposition after investigation.

2.11(1) *Complaint unsubstantiated.* If, after completing an investigation, the citizens' aide/ombudsman determines the complaint is not substantiated, based upon a preponderance of the evidence, the citizens' aide/ombudsman shall inform the complainant and the agency involved of such determination.

2.11(2) *Complaint indeterminate.* If, after completing an investigation, the citizens' aide/ombudsman is unable to conclusively determine, based upon a preponderance of the evidence, whether the complaint is substantiated or unsubstantiated, the citizens' aide/ombudsman shall inform the complainant and the agency involved of such conclusion.

2.11(3) *Complaint substantiated.* If, after completing an investigation, the citizens' aide/ombudsman determines the complaint is substantiated, based upon a preponderance of the evidence, the citizens' aide/ombudsman shall inform the complainant and the agency involved of the findings of fact and conclusions. If appropriate, the citizens' aide/ombudsman shall also inform the agency of any recommendation that:

1. The matter be further considered by the agency;
2. The administrative action be modified or canceled;
3. A rule on which an administrative action is based be altered;
4. Reasons be given for an administrative action; or
5. Any other action be taken by the agency.

2.11(4) *Agency response to recommendations.* If the citizens' aide/ombudsman requests, the agency shall notify the citizens' aide/ombudsman within 20 days in writing of any action taken or to be taken on the recommendations or the reasons for not complying with the recommendations.

2.11(5) *Legislative action.* If the citizens' aide/ombudsman believes that a law resulted in administrative action which was unfair or otherwise objectionable, the citizens' aide/ombudsman shall notify the general assembly of desirable statutory change. Notification may be given by submitting a legislative proposal or by presenting testimony or statements to the general assembly or one of its committees or members regarding the statutory change.

2.11(6) *Referral for disciplinary or criminal action.* The citizens' aide/ombudsman shall refer a public official, employee or other person for disciplinary or criminal proceeding, if such referral is warranted under rule 2.14(2C).