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COMMONWEALTH OF
PUERTO RICO



REGULATIONS FOR THE
PROCEDURE AND ADJUDICATION
OF COMPLAINTS BROUGHT
BEFORE THE OFFICE OF THE
OMBUDSMAN FOR THE ELDERLY

The Office of the Ombudsman for the Elderly
Regulations for the Procedure and Adjudication of Complaints

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The Office of the Ombudsman for the Elderly
Regulations for the Procedure and Adjudication of Complaints

- Rule 1** **Title**
- 1.1 These regulations will be known, and henceforth referred to, as the Regulations for the Procedure and Adjudication of Complaints.
- Rule 2** **Legal Authority**
- 2.1 These regulations will be enacted under the power bestowed to the Office of the Ombudsman for the Elderly under Act No. 203 of August 7, 2004, known as "*Office of the Ombudsman for the Elderly Act*"; Act No. 170 of August 12, 1988, as amended, known as "*Uniform Administrative Procedure Act*"; Public Act 89-73 of July 14, 1965, as amended, known as the "*Older American Act of 1965*"; and Act No. 121 of July 12, 1986, as amended, known as the "*Bill of Rights for Aged Persons*".
- Rule 3** **Purpose, Scope, and Interpretation of these Rules**
- 3.1 **Purpose-** Under the power bestowed by Articles 8 and 17 of Act No. 203, mentioned before, that authorizes the regulation and overseeing of the compliance with public policy of government or public entities, these regulations are approved with the purpose of complying with the aforementioned Act No. 170, henceforth, establishing the administrative procedures that guarantee the rights of those people over which the Office has authority or jurisdiction, to adjudicate the obligations of the parties and, thus, achieve the uniformity of the administrative decisional procedure.
- 3.2 **Scope-** These regulations will govern the administrative and adjudicative procedures related to the regulation, and oversee of public and private entities over which the agency has jurisdiction, as well as, adjudicate complaints related to violations of the established public policy.

3.3 **Interpretation-** These rules shall be liberally interpreted to warrant a fair, prompt, and inexpensive solution to all actions or procedures initiated or carried out by this Office.

3.4 **Terminology Interpretation-** The terms that are defined in Rule 4 of these Regulations will have the meaning expressed by each term as follows, unless another interpretation is clearly conveyed from the text.

Rule 4 Definitions

The following terminology is defined as follows:

4.1 **Adjudication** - a pronouncement by which an agency determines the rights, obligations or privileges pertaining to the parties.

4.2 **Agency** - any department, board, commission, office, division, bureau, administration, public corporation or its subsidiary, authority, entity of the Commonwealth of Puerto Rico, including any of its officers, employees, or members acting or appearing to act in the fulfillment of their duties.

4.3 **Case** - each situation reported or detected by the Office representative in benefit of an elderly person that includes one (1) or more complaints or problems that require the opening of a file, includes conducting an investigation; the gathering of information, establishing objectives and/or strategies for its solution or follow up by means of dispute resolution process or administrative hearing.

4.4 **Summons** - a document issued by the Ombudsman or its authorized representative where a petitioner, complainant, witness, petitioning party, or defendant is ordered to appear at the Office, as well as, any document issuing orders for the production of documents, material, or other objects.

4.5 **Day** - Calendar day, unless otherwise specified.

4.6 **Emergency** - Situation where there is imminent danger to the health, safety, and well being of an elderly person, requiring an immediate action.

- 4.7 **State of Emergency** - a situation of imminent danger declared by the Office towards a public or public institution that, as judged by the Office, endangers the allocation of funds assigned to the public or private institution, or the health and/or safety of elderly persons participants of the programs and benefits sponsored by the agency and that requires immediate action from the State.
- 4.8 **File** - all documents and materials related to a specific issue that is or has been before the consideration of the Office and has not been declared by law as matter exempt from disclosure.
- 4.9 **Disabled** - Elderly person declared as such by a Court with competency.
- 4.10 **Intervener**- any person that is not originally part of an adjudicative procedure before the Office of the Ombudsman for the Elderly, and who has shown standing or legitimate interest in the procedure by complying with the requirements detailed in Section 3.5 of Act No. 170 of August 12, 1988.
- 4.11 **Institution or Entity** - is any association, corporation, organization, institute or natural or judicial person, public or private that lends, offers, or renders any service or activity, or administers or develops any program related to elderly persons, as such term is defined in this regulation, and that receives financial funding from the government of the Commonwealth of Puerto Rico or that receives funding from the government of the United States of America, that for the benefit, care, and protection of such people are foreseen in federal and state laws.
- 4.12 **Notice**- office communication sent to the parties in which they are informed of the decision to investigate the allegations of the petitioner or complainant or to dismiss such allegations due to a lack of evidence to justify granting the requested remedy.
- 4.13 **Examiner Officer** - an officer, whose duties will be to preside over the administrative hearing and who, upon concluding the adjudicative procedure, will submit a report that includes the

findings, judicial conclusions, and recommendations before the Ombudsman for its approval.

4.14 **Office-** Office of the Ombudsman for the Elderly created in accordance to Act No. 203 of August 7, 2004.

4.15 **Interlocutory Order** - an action of the Office, within an adjudicative procedure, which disposes of a procedural aspect of it, but does not dispose of the controversy on its merits.

4.16 **Resolution** - any decision or final action of the Office, particularly applied, that adjudicates the rights and obligations of the parties or that imposes penalties, sanctions, or grants any other administrative remedy.

4.17 **Partial Order or Resolution-** action of the Office, within an adjudicative procedure, that provides a right or obligation that does not end the controversy as a whole, but to one specific aspect.

4.18 **Order to Show Cause** - an action initiated by the Office by its own means or by request of a party, addressed to the other party to show cause, because of which it should not be sanctioned for the violation of rules and regulations or any Order issued by the Ombudsman or an Examiner Officer.

4.19 **Party-** all judicial or natural persons included in the action, or who is allowed to intervene or participate in it or who has submitted a petition for revision or compliance of an Order, or has been designated as a party in said procedure.

4.20 **Elderly** - all persons 60 years of age or older.

4.21 **Person-** all natural or judicial persons of private or public character, including but not limited to government instrumentalities, municipalities, societies, public corporations, and trusts.

4.22 **Expedite or Immediate Action Procedure** - all action taken by the Office of the Ombudsman for the Elderly in which an order is issued in accordance to Section 3.17 of Act No. 170 of August 12, 1988, as amended.

- 4.23 **Formal Procedure** - a public hearing held before an Examiner Officer, which should be recorded or stenographed and in which the presiding officer will prepare a report to be considered by the Ombudsman.
- 4.24 **Ombudsman- Ombudsman or Ombudswoman for the Elderly**, by virtue of Act No. 203 of August 7, 2004.
- 4.25 **Complaint** - a claim presented by a person, against another person, requesting acknowledgement of his/her right and that a remedy be granted. It also means the process initiated by the Office for infringements to the laws, regulations, or established procedures.
- 4.26 **Defendant** - a natural or judicial person to whom the Office or other person accuses of having infringed or violating a law or regulation in effect. It shall also mean any person being investigated by the Office.
- 4.27 **Complainant** - any elderly person who by him/herself, his/her tutor, authorized representative, or a particular person, submits before the Office a petition or complaint against another person alleging a violation to the rights provided by virtue of state and federal laws in relation to the elderly.
- 4.28 **Rules-** the "Regulations for the Procedure and Adjudication of Complaints brought before the Office of the Ombudsman for the Elderly."
- 4.29 **Authorized Representative** - A particular person to whom the elderly person grants a specific authorization to submit before the Office a petition or complaint on his/her behalf.
- 4.30 **Tutor** - the person to whom a competent court granted the caring of an individual or his/her possessions, or of both, for proper management, when such individual has been declared disabled, as defined by Article 167 of the Puerto Rico Civil Code.
- 4.31 **Administrative Hearing** - Quasi-judicial procedure in which the parties' allegations are set forth, and is presided by an Examiner Officer, who will issue an Order or Resolution.

Rule 5 Jurisdiction

- 5.1 The Office will be able to receive, serve, investigate, process, solve, and adjudicate complaints related to actions and omissions that violate the rights of elderly persons, deny the benefits and opportunities to which they are entitled, and that affect benefit programs. Likewise, it will grant the pertinent remedies in accordance to the law; order corrective measures to any natural or judicial person or any agency that denies, hampers, violates or contravenes the rights and benefits of elderly persons.

Rule 6 Submittal of Complaints- General Provisions

- 6.1 Any natural or judicial person or government agency with knowledge of any action or omission, under the jurisdiction of the Office, that has been carried out by a natural or judicial person in violation of the regulations or provisions of law administered by the Office, may file a petition or complaint before said Office.

6.2 Complaints Requirements

If the complaint is submitted in person, by regular mail, telephone, electronically, or by facsimile, it should include the following:

- a. Full name of the parties, including both surnames, if dealing with a natural person, and if not available, any other information for verification of identification.
- b. Brief and precise description of the basic facts that brought about the complaint.
- c. A description of the remedy sought.
- d. A detailed description or account of the documents available to sustain the allegations.
- e. Date of the facts.
- f. Signature of complainant or its authorized representative.

If the complaint is submitted by the Office, it should include:

- a. Defendant's name and postal address.
- b. The constituent facts of the petition or complaint.

c. Legal or regulatory provisions which are said to have been infringed.

d. Sanction proposal

6.3 The submittal of a complaint or petition will not be allowed if it does not meet the criteria expressed in the previous sections, according to the given case.

6.4 The petitioner or complainant is responsible of submitting to the Office all the necessary documentation to process the petition or complaint.

6.5 In cases where the petitioner or plaintiff does not have the economic means to hire the services of a lawyer to represent him/her in the administrative hearing, or in another adjudicative procedure; or if the petitioner or plaintiff requests legal representation, the following procedure will be followed:

6.5.1 A file will be opened including personal data of the individual, and information and documents related to the case.

6.5.2 This file will be referred to the Office of Legal Affairs for evaluation by the Director, who will determine if the service is to be provided or not, according to the availability of the lawyers and the merits of the case.

Rule 7 Filing of the Case

7.1 The Office will not process those cases which it considers:

- a. the claim as a matter outside its jurisdiction; or
- b. to be frivolous or not been adequately evidenced; or
- c. if the complainant or petitioner desists or voluntarily withdraws;

or

d. the alleged facts do not show the complainant or petitioner has a right to be granted a remedy ,or

e. the complainant or petitioner does not have the capacity to plead a petition or complaint; or

- f. the petition or complaint is under investigation by another Agency or Office, and the Ombudsman judges it represents duplicity of efforts; or
- g. due to a lack of interest on the part of the complainant or petitioner; or
- h. for any other legally valid reason.

Rule 8 Administrative Hearing Procedure

8.1 Guarantee of Rights- At all formal adjudicative

procedures brought before the Office, the following rights will be safeguarded:

- a. The right of a party to be duly notified of the charges, complaints, or claims made against it
- b. The right to submit evidence
- c. The right to an impartial adjudication
- d. The right to that the decision based on the record

8.2 Petition for Intervention

- a) Any person with legitimate interest in an adjudicative procedure before the Office can submit a written application, duly documented, to be able to intervene or participate in said procedure.
- b) The petition can be accepted or denied, to its discretion, considering the following factors:
 - 1) that the petitioner interest could be adversely affected in the adjudicative procedure;
 - 2) that no other legal means exist for the petitioner to adequately protect its rights;
 - 3) that the interest of the petitioner has been adequately represented by the parties in the adjudicative procedure;
 - 4) that the petitioner's participation can reasonably help prepare a more comprehensive file of the adjudicative procedure;

- 5) that the petitioner's participation can excessively lengthen or delay the adjudicative procedure;
- 6) that the petitioner represents or acts as the spokesperson for other community groups or entities;
- 7) that the petitioner be able to offer information, expertise, special knowledge, or technical advice that otherwise would not be available during the adjudicative procedure.
- c) The Office can request that additional evidence be submitted to enable the issuing of the corresponding resolution regarding the petition for intervention.
- d) Denial from the Office for the petition of intervention in an adjudicative procedure should be notified in writing to the petitioner, and should include the basis for the resolution and the available resource for revision.

8.3 **Examiner Officer** -The Office will designate examiner officers to conduct adjudication procedures held before it, who not necessarily have to be lawyers. The Examiner Officer shall have the obligation to submit a report on the hearing. The Ombudsman can delegate the authority to adjudicate on one or more officers. The Examiner Officer may request information from the persons subject to the jurisdiction of the Office of the Ombudsman for the Elderly, if said information is related to the case.

If any of the parties or their legal representatives should not follow the provisions of these regulations or of any order issued by the Examiner Officer, the Office on its own initiative, or on request of the parties, may order the submittal of evidence to show why a sanction should not be imposed. The order will inform of the rules, regulations, or orders that have not been met, and a twenty (20) day term will be provided, from the date the order was notified, to show cause. If the order is not observed, or if the cause for the non-

compliance cannot be justified, then a financial sanction may be imposed in favor of the agency or of any of the parties, which should not exceed Two Hundred Dollars (\$200.00) per action of non-compliance, to the party or its attorney, if the latter is responsible for the non-compliance.

The Office has the faculty to impose the payment of attorney's fees and honoraries when issuing a partial or final resolution, under the same circumstances provided in Rule 44 of the current Civil Procedure.

8.4 Notification of the Administrative Hearing - Once the Examiner Officer receives the case, he/she will proceed to notify the parties and witnesses, with at least fifteen (15) days in advance to the date of the administrative hearing. The Examiner Officer will notify the parties by mail or personally. The notification should include the following information:

- a) Name of the parties
- b) Case number
- c) Date
- d) Time
- e) Place
- f) Nature or purpose, and requirements of the parties.
- g) Inform the parties that they may be represented by an attorney, although this is not mandatory, even in cases involving corporations and partnerships.
- h) Citation of the legal provisions or regulations that grant cause for the hearing to be held.
- i) Reference of the legal provisions or regulations infringed and its constitutive facts.
- j) Warning of the measures that may be taken by the Office if one of the parties fails to appear.
- k) Warning that the hearing cannot be canceled, unless a written request is submitted five (5) days prior to the date of the hearing.

- 8.5 **Emergency Hearing Notification** - When the need arises to hold an emergency administrative hearing, the reason why it is necessary to shorten the fifteen (15) day period provided by law will be included in the notification, along with the aforementioned requirements.
- 8.6 **Emergency Adjudicative Procedure** - The Office shall send a notification, when deemed most convenient, to those persons required to comply with the order or resolution. The order or resolution will become effective when issued.
- The order or resolution issued by the Office of the Ombudsman for the Elderly will provide for an administrative hearing to be held not later than ten (10) days from the date of its notification.
- The Office will issue an order or resolution that includes a concise statement of the determinations of fact, conclusions of law, and the public policy reasons that justify the decision of the Office for the specific action.
- 8.7 **Suspension of the Hearing** - The Examiner Officer cannot cancel a hearing already notified, except if requested in writing and stating the reasons that justify the suspension. The request should be submitted five (5) days prior to the date of the hearing. The petitioner should send copies of the request for cancellation to the other parties and interveners in the procedure within the five (5) days specified. Non-compliance with this Rule could represent the imposition of financial sanctions.
- 8.8 **Pre-hearing Conference** - After receiving the petition or complaint, if the Office determines that an adjudicative hearing should be held, it will notify all parties or their authorized representatives and interveners, be it on its own initiative or upon request from one of the parties, to a pre-hearing conference, with the purpose of reaching a definitive agreement or simplifying the questions or the evidence to be considered during the hearing. Stipulations between the parties may be allowed in solving the controversies, as long as the Office determines that it serves the best public interest.

- 8.9 **Application of the Civil Procedures and Evidence Rules - Ordinarily,** the Civil Procedure Rules or the Evidence Rules shall not apply, but the fundamental principles of both rules may be used in a flexible manner, to take care of the circumstances of each particular case, in order to achieve a prompt, just, and inexpensive solution to the submitted complaint.
- 8.10 **Procedure During the Hearing -** The Examiner Officer shall preside the hearing in a relatively informal atmosphere, shall offer all parties the necessary time for a complete disclosure of the facts and issues under discussion; the opportunity to respond, present evidence and argument, conduct counter- interrogation, and submit rebuttal evidence, except if restricted or limited by the stipulations at the initial hearing and status conference.
- 8.11 **Ocular Inspections-** The Examiner Officer presiding the hearing shall, at any given time, carryout an ocular inspection *motu proprio* or if requested by the parties.
- 8.12 **Exclusion of Evidence -** The Examiner Officer presiding the hearing may exclude such evidence which is deemed impertinent, immaterial, repetitive, or inadmissible according to constitutional or legal principles based on evidential privileges admitted by the Courts.
- 8.13 **Discovery of Evidence -** Ordinarily, evidential discovery procedures are not applicable to administrative adjudication cases, unless authorized by the Examiner Officer presiding the hearing. Notwithstanding, the mechanism of evidential discovery is guaranteed to all defendants in those cases where the adjudication procedure is initiated by the Office.
- 8.14 **Public Hearing -** All hearings will be public, unless one of the parties submits a written request, duly documented, for the hearing to be held privately, and thus authorized by the Examiner Officer presiding the hearing, at his/her discretion, if there might be irreparable damage to the petitioner or complainant.

- 8.15 **Consolidation of the Parties** - In the situation where there are several complaints against an Institution or entity, these may be considered jointly, except that the presiding Examiner Officer decides on the contrary.
- 8.16 **Official Knowledge** - The Examiner Officer may include as official knowledge all that can be object of judicial knowledge in the Courts of Puerto Rico.
- 8.17 **Recordings**- Every administrative hearing shall be recorded, however, the recording will not be transcribed, or reproduced unless the Ombudsman, after a written request from the interested party, authorizes it, or as ordered by a competent Court.
- 8.18 **Contempt** - If a duly notified party does not appear at the pre-hearing conference or at any other stage during the adjudicative procedure without a just cause, the presiding Examiner Officer could declare the party in contempt, and continue with the procedure in its absence, but shall notify the party, in writing, the reasons for the determination and the available revision recourse.
- 8.19 **Attorney Behavior** - The parties and their representatives shall observe the expected decorum and respect towards the Examiner Officer and towards the other parties.
The attorney postulating before the Office shall faithfully observe the current Professional Ethics Canon.
The parties shall be advised that they may appear with their legal counsel, but are not required to be represented as such, including corporate and partnership cases.
- 8.20 **Proposal for Determinations of Fact and Conclusions of Law** - Upon conclusion of the adjudicative hearing, the Examiner Officer may grant a 15 (fifteen) day term for the parties to present their proposals of determination of fact and conclusions of law.
- 8.21 **Duration of the Process** - All cases submitted to the adjudicative procedure before the Office should be resolved within a six (6)

month period from its presentation, except under exceptional circumstances.

Rule 9 Examiner Officer Report

9.1 Within the following sixty (60) days from the date of conclusion of the hearing, the Examiner Officer should submit a Report to the Ombudsman that will include a relation of the determinations of facts and the conclusions of law.

9.2 The Office file will constitute the exclusive basis for the determination of the Ombudsman and for the ultimate judicial revision. The file should include:

- a. Notice of all procedures.
- b. Any order or interlocutory resolution rendered before the hearing.
- c. Any motion, allegation, petition or requirement.
- d. Evidence received or considered.
- e. A relation of all the issues from which official knowledge was taken.
- f. Offered evidence, objections, and resolutions pertaining to each.
- g. Proposals for the determinations of fact and conclusions of law, requested orders, and exceptions.
- h. The report prepared by the Examiner Officer who presided the hearing, along with any transcription of all or part of the hearing held before the final provisions on the procedure, should be included in the file if ordered by the Ombudsman or the Court.
- i. Any order or resolution which is final, preliminary or under reconsideration.

Rule 10 Resolution

10.1 The Ombudsman shall issue a final Order or Resolution within ninety (90) days after having concluded the hearing or after the submittal of the proposals for the determinations of fact and

conclusions of law, unless this period has been relinquished or extended upon written consent from all parties or by justified cause.

10.2 The final Order or Resolution shall include separately the determinations of fact approved during the administrative hearing, if the same have not been relinquished; the conclusions of law that serve as the basis for the adjudication, the availability of a reconsideration or revision resource, according to the case. The Order or Resolution shall be signed by the Ombudsman or by any other official legally authorized.

10.3 The Order or Resolution shall advise of the right to request a reconsideration or revision of such, within the corresponding terms.

10.4 The Office should promptly notify the parties of the order or resolution by mail, and file a copy, as well as evidence of the notification. A party cannot be required to comply with a final order unless previously notified.

Rule 11 Resolution Waiver and Correction of Errors

11.1 The Office shall allow a new administrative hearing to all or any of the parties, concerning all or part of the issues under litigation on any of the following grounds:

- a) If substantial evidence is discovered, which, in spite of reasonable actions, was not discovered nor presented at the hearing.
- b) If required by law.

11.2 Error of form in the resolutions, orders, or documents in the file, and that appear inadvertently or due to omission, may be corrected by the Office, at any time, on its own initiative or under a motion submitted by a party. When submitting a revision, corrections can be made before appealing to a competent court, and subsequently, corrections can only be made if authorized by the competent court. Said corrections shall be notified to the parties.

11.2 The Office may waive a resolution, an order or a procedure for one of the parties for the reasons indicated in Rule 49.2 of the Rules of Civil Procedure.

Rule 12 Reconsideration and Revision

12.1 Reconsideration

- a. The party adversely affected by a final Resolution or Order of the Ombudsman may submit a motion for reconsideration within a term of twenty (20) days from the date of the filing of the on record of the notification of the resolution or order. The motion shall be documented and notified simultaneously to the parties.
- b. Once submitted, the motion shall be considered. If rejected or did not acted upon it within fifteen (15) days, the period to request a revision will begin anew from the date the rejection is notified or from the time of the expiration of those fifteen (15) days, whichever the case. If a determination is made on the motion, the period to request a revision will begin from the date a copy of the notification of the resolution from the Office is filed on record, resolving definitely the motion for reconsideration. Said resolution should be issued and filed on record within ninety (90) days following the submittal of the motion for reconsideration. If the Office accepts the motion for reconsideration, but does not take any action within ninety (90) days of its submittal, it will loose jurisdiction over the matter, and the period to request a judicial revision will begin upon the expiration of said term of ninety (90) days, except if the Office, for a just cause and within those ninety (90) days, extends the term to resolve on the matter for a period that should not exceed thirty (30) additional days.

12.2 Revision

- a. A party adversely affected by an final order or resolution of the Office, and that has exhausted all remedies provided by the Office, may submit a review application before the Court of

Appeals within thirty (30) days from the date the copy of the Office's final order or resolution was filed on record or according to the applicable date set forth in Rule 12.1 of these Regulations; when the period to request a judicial review has been interrupted by the timely submittal of a motion for reconsideration. The party will notify the submittal of the review application to the Office and to all concerned parties within the period to request the revision.

Rule 13 Sanctions

13.1 If the party against whom the order or resolution is issued does not comply or stops complying with the rules and regulations of this Office, it may be sanctioned, upon previous notice; said notice can be issued by mail. The order will inform of the rules, regulations, or orders that have not been observed and a period of twenty (20) days will be granted, from the date of the notification of the order to show cause. Upon non-compliance with this order, or if the non-compliance is determined to be unjustified, a sanction shall be applied consisting of a two hundred dollar (\$200.00) fine per each separate imposition, to the party or the attorney, if the latter were responsible for the non-compliance.

13.2 A dismissal of the complaint can be ordered, in the case of the petitioner or complainant; or the elimination of the allegations, in the case of petitioner or defendant, if after having imposed the financial sanctions and having the corresponding party been notified, said party insists on the non-compliance.

13.3 This Office may impose and collect administrative economic sanctions up to Ten Thousand Dollars (\$10,000.00) against a party that violates by action or omission the dispositions that warrant the rights of elderly people within the Constitution of the United States of America, and the Constitution and Laws of the Commonwealth of Puerto Rico.

- 13.4 Attorney's costs and fees can also be imposed for the same cases provided in Rule 44 of Civil Procedure.
- 13.5 In any case, the Ombudsman may recur to the competent Court to request a warning order of contempt or to initiate any due recourse under the Law.

Rule 14 Remedies

- 14.1 As established by law, this Office could grant as remedy to a party a tort pecuniary compensation, including moral damages.

Rule 15 File Confidentiality

- 15.1 The files of this Office are protected by the confidentiality rules provided in the laws that protect elderly persons.
- 15.2 Any of the parties may, on its own or through an authorized representative, if previously requested in writing, examine or copy the file or files, as well as the recordings kept at the Office relating to complaints, except for writings that are a product of the intellectual work of any officer of the Office (e. g., notes, internal memorandums, internal reports, among others). Likewise, by means of an order issued by a competent Court.

- 15.3 In the case that one of the parties may want to examine or copy a file or a given document, it should be requested in writing before the hearing; or verbally, if requested during the administrative hearing.

Rule 16 Separability

- 16.1 In the event that a competent Court declares invalid, null, or ineffective any provision in these rules, the remainder will continue to be in effect with all its force of law.

Rule 17 Derogatory Clause

- 17.1 These regulations leave without effect any previous Regulations, Administrative Order, Letter or previous Program Instruction, in contravention with its provisions.

Rule 18 Amendments

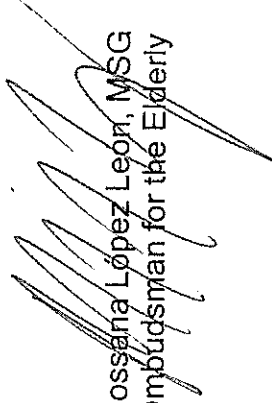
- 18.1 The proposals for amendments of these Regulations shall be submitted to the Ombudsman or the person designated by him/her

for its evaluation and will be the prerogative of the Ombudsman to approve the same.

Rule 19 Effectivity

- 19.1 These regulations shall become effective thirty (30) days after the filing at the State Department.
- 19.2 Upon the approval of these regulations all existing regulations concerning this issue become null.

In San Juan, Puerto Rico, on March 1st., 2006.


Rossana López León, MSG
Ombudsman for the Elderly