



DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF LEGISLATIVE AUDITS
MARYLAND GENERAL ASSEMBLY

Victoria L. Gruber
Executive Director

Gregory A. Hook, CPA
Legislative Auditor

February 11, 2021

Senator Paul G. Pinsky
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Delegate Maggie McIntosh
121 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Senator Pinsky and Delegate McIntosh:

I am respectfully requesting that Senate Bill 922 and House Bill 756, to be subsequently amended, pertaining to the Office of Legislative Audits (OLA) be given a favorable report by your respective Committees. The purpose of the legislation was to codify certain operational aspects of OLA's Fraud Hotline, which was created in 2002 under instruction from the then Joint Audit Committee, and the OLA's Fraud Investigation Unit (FIU).

Key aspects of the original legislation included codifying the maintenance of the OLA Fraud Hotline, establishing the confidentiality of information received by OLA via the Hotline, allowing disclosures of certain Hotline information, and requiring State agencies to publicize the existence of the Hotline to State employees. Additionally, the legislation authorized the OLA FIU to investigate certain allegations of fraud, waste, and abuse of State resources.

Finally, the legislation included several provisions related to certain OLA investigative authority and formalizing OLA's relationship with other investigative and prosecutorial agencies; including the Office of the Attorney General Criminal Division (CD) and the Office of the State Prosecutor (OSP). In developing the associated language for the legislation, OLA researched existing investigative statutes for other states' legislative or state auditors, and other Maryland investigative agencies. Subsequent to the submission of the SB 922 and HB 756, OLA was made aware of unintended consequences of certain of this language, which if adopted would provide OLA with extraordinary authority beyond what was intended.

Discussions between representatives of the OLA, CD and the OSP resulted in agreement on the necessity of removing certain language from the submitted legislation, and the preparation of a sponsor amendment to strike that language. Those discussions were held in a collaborative manner and OLA understands that the CD and OSP are amenable to working with OLA during the interim on developing proper means and statutory language to accomplish the intent of the original legislation regarding OLA's fraud investigative authority.

Your consideration of OLA's request is appreciated, and OLA stands ready to assist the Maryland General Assembly in its oversight of State government operations and establishing appropriate accountability.

Sincerely,

A handwritten signature in black ink that reads "Gregory A. Hook". The signature is written in a cursive, flowing style.

Gregory A. Hook
Legislative Auditor

cc: Senator Clarence K. Lam, M.D., Senate Chair, Joint Audit and Evaluation Committee
Delegate Carol L. Krimm, House Chair, Joint Audit and Evaluation Committee
Victoria L. Gruber, Executive Director, Department of Legislative Services
Michele Lambert, Staff, House Appropriations Committee
April Morton, Staff, Senate Education, Health, and Environmental Affairs Committee