



OFFICE OF THE INSPECTOR GENERAL

Testimony of Montgomery County Inspector General Megan Davey Limarzi in support of SB193, Public Information Act-Denial of Part of a Public Record-Investigations by Inspectors General

My name is Megan Davey Limarzi, and I am the Inspector General for Montgomery County. I am here today in support of Senate Bill 193 which would expand the list of offices that may invoke the Maryland Public Information Act (MPIA) permissible denial for investigatory records so as to cover records of investigations conducted by a local Inspector General's Office.

It is well established that reports to fraud hotlines are the most common method of detecting fraud, waste, abuse and mismanagement in governmental programs. Whistleblowers who come forward play an invaluable role and provide critical assistance to OIGs. Without reports from and the cooperation of persons who work in government, OIGs are not able to successfully conduct effective, independent oversight of how taxpayer funds are spent; deter, detect, and fight fraud, waste and abuse; or serve out their mission to promote transparency in government. In order to encourage individuals to feel safe providing information, we must be careful to protect the identities of complainants and cooperators, the information that is supplied, and the investigatory methods employed during investigations conducted by inspector general offices.

Even though my office conducts investigations of allegations of fraud, waste, and abuse which often lead to civil, administrative, or criminal actions, similar to other offices already granted the option of such a denial, our files, and more importantly, our whistleblowers and cooperators, are not fully protected. We are unable to guarantee to those persons who report improper activities in government programs, the full protections that are available if complaints were directed elsewhere.

For example, if my office was embedded in a State agency, I would have other avenues available to protect these records, such as executive privilege or personnel regulations. If I was an ethics office, I would have specific avenues to deny disclosure. Even the recently created OIG for Education that this body created last year in the Kirwan Blueprint legislation is exempt from MPIA and can deny access to its investigatory files. Furthermore, last year the General Assembly also expanded the denial of investigatory records to the Commissioner for Financial Regulation to encourage cooperation from persons with critical information that would be useful to that office. This is in the end an issue of parity. I cannot at this time tell complainants that I can unequivocally protect



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their identity and my office cannot deny requests into ongoing investigations that could jeopardize or taint evidence, expose complainants to retaliation, or reveal vulnerabilities that might harm the public good.

The amendment proposed in Bill 193 will give my office these vital protections which have unintentionally been denied to local OIGs thus far and it will strengthen our ability to perform the vital work we do.

I thank Senator Kagan for introducing this bill, and the Committee for your consideration.