

April 22, 2026

EXECUTIVE COMMITTEE MEETING SUPPORTING DOCUMENTS

- **Elly Hagen request for Council's By-Laws, Code of Ethics and Decorum and Conflict of Interest Policy**
- **2022 Enrique Escalon's Application to the Council, Resume and Confidentiality/Non-Disclosure Agreement**
- **2023 Enrique Escalon's Appointments Questionnaire to the Governor**
- **Council By-Laws**
- **Code of Ethics and Decorum Policy**
- **Conflict of Interest Policy**
- **Letters to Dr. Susan Gold**
- **Audits of Selective Administrative and Operational Activities of FDDC**
- **Inspector General Complaint**

**Request for Background
Documents from Elly Hagen**

Merle Barrett

From: Elly Hagen <elly@ellyhagen.com>
Sent: Friday, March 20, 2026 2:10 PM
To: Valerie Breen
Subject: Fw: Request for Executive Committee Meeting

Is it possible to get these background documents from you?

Get [Outlook for iOS](#)

From: Elly Hagen <elly@ellyhagen.com>
Sent: Friday, March 13, 2026 4:07 PM
To: Eddie Hall <eddieamorkatty@yahoo.com>
Cc: Stewart, Greg <gstewart@ngn-tally.com>; Valerie Breen <valerieb@fddc.org>
Subject: Request for Executive Committee Meeting

Hi Eddie,

I am requesting that we call a special Executive Committee meeting to further discuss Enrique Escallon's membership on the Council.

If a member violates the Council Bylaws, Code of Ethics and Decorum policy, Conflict of Interest policy, or takes other actions to the detriment of the Council and/or the mission of the Council, his/her membership will be reviewed by the Executive Committee at a regular or specially called Executive Committee meeting.

Valerie Breen referenced several background documents relating to Enrique in our last meeting, and I would like to have the opportunity for the Executive Committee to review those documents prior to the meeting.

Thank you,

Elly

Elly Hagen
Elly Hagen Marketing & Public Relations
(239) 994-3927
elly@ellyhagen.com

elly hagen
marketing & public relations

Enrique Escallon's Application to the Council

Submitted by Mr. Escallon
to FDDC website
Enrique Escallon

Kristen Conlin

From: FDDC Website Form <emailserver@digitalopps.com>
Sent: Sunday, July 10, 2022 1:20 PM
To: Kristen Conlin; Vanda Jenkins
Subject: New submission from Council Applicant Questionnaire

1. The following categories are defined under the Federal Developmental Disabilities (DD) Act of 2000.

- Parent or guardian of a child with a developmental disability
- Immediate relative or guardian of an adult with mentally impairing conditions who cannot advocate for themselves

Provide a brief narrative on how you meet the category marked in question #1.

I am a parent and guardian of my son with Developmental Disabilities, also has served in several non-profit organizations that serve and/or represent individuals Developmental Disabilities.

2. Are you familiar with the DD Council?

Yes

If Yes, please explain below:

I served on the council over 20 years ago and I have followed their advocacy, also I have served as volunteer peer in several initiatives of the council.

3. Do you know anyone who has served as a DD Council Member?

Yes

If Yes, please list below:

Jackie Needelman, Susan Gold, Yolanda Herrera, Eddie Hall, Cherie Hall, Lisa Miller, Jean Sherman, TJ Moon, Jack Kosisk and many more

4. What Boards or Councils do you currently serve on and what office or position(s) do you hold?

Disability Rights Florida - Past Chair (term-out)
FAAST - Past Chair
Miami-Dade Superintendent Advisory Panel (Chair)

5. What Boards or Councils have you served on in the past five years?

Parent to Parent of Miami - Chair
National PTA - Board Member

6. Will your association with any organizations affect your participation in certain DD Council activities?

No

7. Will you, any of your relatives, or other individuals with whom you are associated potentially benefit from activities or decisions of the Council?

No

8. Are you a Partners in Policymaking graduate? and What year did you graduate?

Yes

PIP Graduation Date:

07/11/1998

9. What volunteer groups or activities in your local community are you involved in?

Habitat for Humanity
Breaking Bread breaking Barriers (feed Homeless)
Many with the Miami-Dade Public Schools ESE
and many others

10. Are you or a family member currently receiving services designed for persons with DD?

Yes

If Yes, is the primary funding through:

- Medicaid Waiver

What relationship is your family member?

Son

11. Are you currently providing services for persons with DD?

No

12. We are a Statewide Council and conduct business both electronically via-email and webinars, as well as face to face.

A. Mark everything you currently have access to:

- Phone
- Computer
- Tablet (e.g. Apple iPad)
- E-mail
- Zoom, Microsoft Teams or similar conferencing platform
- Transportation

13. Provide the best way to reach you:

Best phone number

(130) 576-1720

Best e-mail address

Escallon@bellsouth.net

14. Provide the best way to send documents:

Mailing Address

4371 SW 150 Ct
Miami, FL 33185
[Map It](#)

Provide your physical address:

4371 SW 150 Ct
Miami, FL 33185
[Map It](#)

County of Residence

Miami-Dade

Ethnicity:

- Hispanic

Please provide an updated resume:

- [EEE-Bio.docx](#)

Signature:

A handwritten signature in black ink, appearing to be 'EE' with a stylized flourish.

Print Name:

Enrique Escallon

RESUME/BIO

Enrique Escallon
4371 SW 150 Court
Miami, Florida 33185

(305)761-7205
(305)554-5364
Escallon@bellsouth.net

Personal and Professional Information

- SunTrust Banks now TRUIST Vice-President 1972 - Present
 - Developer & Architect in Computer Software Systems
 - Member of the Diversity Team of South Florida

Community Involvement

Current service includes:

- Department of Education 1988 - Present
- *Member of the Miami-Dade Superintendent Advisory Panel for*
 - *Exceptional Student Education*
 - *School of Choice*
 - *Attendance Boundary*
- *Member of the Florida Department of Education Advisory Committee for the Education of Exceptional Students.*
- *Participated as peer reviewer for Grants for the United States Office of Special Education Programs.*
- Disability Rights of Florida - Board Member. 2013 – 2022
- Boy Scouts 1958 - Present
 - *Chairman 1998-2000, member of executive committee and different officer positions.*
 - *Scoutmaster, Cub master, other leadership positions*

PTA Involvement

1988 - Present

Current service includes:

- *Advocates PTA*

Previous service includes:

- National PTA Board Member (member representative)
- Member of the National PTA Resource Development Committee
- Member of Florida PTA Board
- Member of the Miami-Dade PTA Board
- Member of multiple Local PTA Boards
- Member of National PTA ESE committee.
- Building Successful Partnerships Presenter.
- Florida PTA Exceptional Child Committee Chair
- Member of National PTA ESE committee.
- Building Successful Partnerships Presenter.
- Florida PTA Exceptional Child Committee Chair

Previous service includes:

- VSA of Florida - Board Member. 2008 - 2018
- Parent to Parent of Miami, Inc. 1996 - 2014
 - *Member of the Board and I held different officer positions.*
- Florida Developmental Disabilities Council 2000 - 2010
 - *Chairman 2006-2008, member of executive committee and different officer positions.*
- Florida Alliance for Assistive Services and Technology 2002 - Present
 - *Chairman 2008-2010, member of executive committee and different officer positions.*
- Family Network for Disabilities of Florida 1994 - 1998
 - *Board Member and Life member.*

Honors and Awards (Optional)

- Appointed by three different Governors to several Committees & Task forces for Education and Special Needs.

- Multiple others award and recognitions. (available on request)

Kristen Conlin

From: FDDC Website Form <emailserver@digitalopps.com>
Sent: Tuesday, January 16, 2024 3:14 PM
To: Kristen Conlin; Thomas Hutchins
Subject: New submission from CONFIDENTIALITY & NON-DISCLOSURE AGREEMENT

Date

16/01/2024

Name

Enrique Escallon

By selecting the "I Accept" button, I am signing this Agreement electronically.

I Accept

Signature- Recipient



Name

Enrique Escallon

Signature- Authorized Representative, FDDC



Name

Enrique Escallon

Enrique Escallon's Application to the Governor's Office

Sent to Governor
by Mr. Escallon



Appointments Questionnaire

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

January 31, 2023

Date Completed

Name. MR. Enrique Escallon

MR./MRS./MS./DR.

FIRST

LAST

MIDDLE/MAIDEN

Section 1- General Information

List all your places of residence for the last ten (10) years.

Address	City & State	Dates: From / To December 1991 / Present
4371 SW 150 Court, Miami, Florida 33185		

List all your former and current residences outside of Florida that you have maintained at any time during adulthood

Address	City & State	Dates: From / To
not applicable		

Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No

If "Yes" give details:

Date	Place	Nature	Disposition

Section 2- Education and Background

High School: Liceo de Cervantes, Bogota, Colombia
 (Name) (Location)

Year Graduated: 1967

List all postsecondary education institutions attended:

Name	Dates	Degree Received
Universidad de los Andes	1968-1971	N/A Undergraduate
FIU	1973-1974	N/A Undergraduate

Are you or have you ever been a member of the armed forces of the United States? Yes No

If "Yes" List:

Dates of service: _____

Branch or component: _____

Date & type of discharge: _____

Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Location	Type of Business	Occupation Title	Period
TRUIST	Finance/Banking	Vice-President	1972-2022(retired)

Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No

If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No

If "Yes", please list:

Have you ever been elected or appointed to any public office in this state? Yes No

If "Yes", state the office title, dates in office, level of government (city, county, district, state, federal), and whether you were elected or appointed (if appointed, by whom):

Office Title	Dates in Office	Level of Government	Election or Appointment
Council Member	1994-2000	Council	Appointment
	2000-2010?		

If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: Quarterly
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence
Attended all meetings		

Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No

If "Yes" give details:

Date	Nature of Violation	Disposition

Have you ever been suspended from any office by the Governor of the State of Florida? Yes No

If "Yes", list:

Title of Office: _____
Date of suspension: _____

Reason for suspension:
Result: Reinstated Removed Resigned

Please identify all association memberships and offices (including any business, professional, occupational, civic, or fraternal organizations) you have held or hold relating in the last 10 years:

Name of the Association	Role	Dates of Membership
National Parent Teacher Association	Board Member	2016-2018
Disability Rights Florida	Board Member	2018-2022
FAAST	Board Member	2020-2022
Florida PTA	ESE Chair	2021-2023
Miami Dade Superintendent Advisory Panel for ESE	Chair	2019-2023

Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No

If "Yes", explain:

List three persons who have known you well within the past five (5) years. Include a current telephone number. Exclude your relatives and members of the Florida Senate.

Name	Organization	Phone Number
Marc Silverman	Silverman Financial, INC	305-670-7088
Ellas Seife	Seife Software, LLC	786-286-6005
Jackie Needelman	Florida Bar	305-409-2319

In the following space, please explain why you want to serve as a gubernatorial appointee and share anything else that you think may be helpful:

I want the opportunity to serve and share my experiences that I have gained over the past 30 years to improve the lives of individuals with Developmental Disabilities in Florida.

So this will allow me to invest in the Florida and share my skills and knowledge to build better lives and communities for Floridians with Developmental Disabilities.

In serving in various Tasks of the Florida DD Council I have learned how I can contribute to the Council initiatives .

Have you previously been appointed to any office that required confirmation by the Florida Senate?

Yes No

If "Yes", list:

(1) Title of Office: _____

(2) Term of Appointment: _____

(3) Confirmation Result: _____

Have you ever been refused a fidelity, surety, performance, or other bond? Yes No

If "Yes", explain:

License/Certificate	Title/Number	Date Issued	Issuing Authority	Disciplinary Action/Date
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Section 3- Possible Conflicts of Interest

Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment?

Yes No

If "Yes", explain:

Name of Business	Your Relationship to Business	Business Relationship to Agency
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment?

Yes No

If "Yes", explain:

Name of Business	Relationship to You	Relationship to Business	Business Relationship to Agency
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

(1) Did you receive any compensation other than reimbursement for expenses? Yes No

(2) Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied

Principal Represented

Are there any possible conflicts of interest that could affect your ability to serve as a gubernatorial appointee?

not applicable

If you agree, please type or write your initials for each of the following statements:

(1) If appointed, I agree to follow, as applicable to the position, Florida's public records and open meeting laws. EE

(2) If appointed, I agree to follow, as applicable to the position, the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S. EE

Section 4- References and Experience

State your experiences and interests or elements of your personal history that qualify you for this appointment:

I have served in several task forces of the council on Communications, Education, Health and Employment.

In addition I am a parent of a young adult with significant Developmental Disabilities and thru this journey I have served on the FDOE BEESS advisory, and FAAST, National PTA University of Miami University Center of Excellence on Developmental Disabilities and many other Organizations on DD.

Please list specifically any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment:

not applicable

Please list any awards or recognitions you have received relating to the subject matter of this appointment:

Many awards and recognitions, available on request and in my Biography

Section 5- Certification and Signature

I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Executive Office of the Governor and criminal penalties. I agree to these conditions, and I declare that I have read the foregoing application and any attachments and the facts stated within them are true, correct, and complete to the best of my knowledge and belief.

By checking this box and typing my name below I am electronically signing my application and understand that an electronic signature has the same force and effect as a written signature.

/s/ Enrique Escallon
First Name Middle Initial Last Name Suffix

Please save this document to upload with your board application.

If you have any questions, please call (850) 717-9243 or email Appointments@ceog.mvflorida.com

By-Laws

Code of Ethics and Decorum

Conflict of Interest Policy



BYLAWS

ARTICLE I: TITLE

The Florida Developmental Disabilities Council, Inc. (herein and after referred to as the "Council"), is established with respect to the state's participation in the Developmental Disabilities Program in accordance with the provisions of the Developmental Disabilities Assistance and Bill of Rights Act, P.L.106-402 Final Rule, 45 CFR Part 1386 (42 U.S.C. 15001, et. seq.), and subsequent federal laws and regulations.

ARTICLE II: PURPOSE

- A. The purpose of the Council is to engage in advocacy, capacity building, and systemic change activities that contribute to a coordinated, person- and family-centered, person- and family-directed, comprehensive system of community services and individualized supports that enable individuals with intellectual and developmental disabilities to exercise self-determination, be independent, and be integrated and included in all facets of community life. To this purpose, the duties of the Council are:
1. To advocate on behalf of persons with intellectual and developmental disabilities.
 2. To advise the executive and legislative branches of government and the private sector on programs, policies, and proposed legislation about current and potential services for persons with intellectual and developmental disabilities and their families.
 3. To develop, implement, and revise as necessary a state plan that meets the needs of persons with intellectual and developmental disabilities and their families.
 4. To coordinate and cooperate with agencies responsible for the provision of services to this population and to advise such agencies about the developmental disabilities program goals, objectives and priorities.

ARTICLE III: MEMBERSHIP

- A. The Council shall be composed of twenty-six (26) members appointed by the Governor to serve, as prescribed by the laws and regulations authorizing the Council.
1. The membership of the Council shall be geographically representative of the state and reflect the diversity of the state with respect to race and ethnicity.
- B. The Council must maintain the following representation of individuals with intellectual and developmental disabilities:

15 Citizen Members comprised of:

1. Eight (8) individuals with developmental disabilities
 2. Seven (7) Parents/Guardians/Immediate Relatives of individuals with a developmental disability with a mentally impairing condition and cannot advocate for themselves.
 3. Members in this paragraph (B) shall not be employees of a State agency that receives funds or provides services with federal funds from the Developmental Disabilities Act, nor managing employees of any other entity that receives funds or provides services under the Act, nor persons with an ownership or control interest with respect to such an entity.
- C. The Council must include in its membership representatives of relevant state entities, including:
1. The state agencies that administer funds under the Rehabilitation Act of 1973, Individuals with Disabilities Education Act, Older American Act and Titles V and XIX of the Social Security Act, and the state Developmental Disabilities agency. These representatives must have sufficient authority to engage in policy planning and implementation on behalf of their agency.
 2. The University Centers for Excellence in Developmental Disabilities Education, Research, and Service.
 3. The state protection and advocacy system.
 4. Local and nongovernmental agencies that provide services to individuals with intellectual and developmental disabilities.
 5. Private nonprofit groups concerned with services for individuals with intellectual and developmental disabilities.
- D. If the gubernatorial-appointed representative from a state agency or University Center of Excellence in Developmental Disabilities Education, Research, and Service or the state protection and advocacy system is the agency director, an appointed designee who can vote in his/her absence is permitted. Should the agency director wish to appoint a designee to act on his/her behalf, he/she must notify the Executive Director with the name and title of the designee.
- E. Membership on the Council shall be by appointment for a term as specified by the Governor.
1. A member may be appointed to a second successive term.
 2. Any member desiring to resign from the Council shall submit his or her resignation in writing to the Council Chair and the Executive Director of the Council who will forward a copy to the Governor.
 3. A vacancy created when a Council member resigns will not be counted toward quorum until the Governor appoints a member to fill the vacancy.
 4. If not otherwise removed by the Governor for cause or by resignation, members continue to serve until his/her successor is appointed by the Governor.

5. The Council will submit recommendations to the Governor for reappointments and new appointments.
- F. The Executive Committee will review the attendance of Council members at least annually. Unless determined justified, the Executive Committee will determine the appropriate action for absences of twenty-five percent or more of regularly scheduled Council, committee, and task force meetings.
- G. If a member violates the Council Bylaws, Code of Ethics and Decorum policy, Conflict of Interest policy or takes other actions to the detriment of the Council and/or the mission of the Council, his/her membership will be reviewed by the Executive Committee at a regular or specially called Executive Committee meeting. The issue shall be placed on the agenda of the Executive Committee meeting by the Council Chair after at least ten (10) working days prior written notice is given to the Council member, assuring appropriate accommodations are made, if needed. The Executive Committee will determine the action to be taken, if any, up to and including recommending termination of the membership.

If the Executive Committee votes to recommend termination of membership for cause, a letter conveying this recommendation shall be forwarded to the Governor, which shall explain cause of action, unless the Council member shall, within fifteen (15) working days after the vote of the Executive Committee, write a written request to the Council Chair for a full hearing by the Council. If this request is made the matter shall be placed on the Council agenda and heard at the next regularly scheduled Council meeting or, at the option of the Council Chair, at any specially called Council meeting.
- H. No Council, committee or task force member shall provide any goods, services or representation to the Council for compensation during the term of the member's appointment.
- I. Conflict of Interest
 1. A conflict of interest exists when:
 - a) a member has a personal or professional interest that influences the independence of his or her judgment to the point that it tends to lead to the disregard of his or her public duty or interest; and/or
 - b) a member fails to adhere to the requirements set forth in the Conflict of Interest policy.
 2. Council, Committee, and Task Force members shall avoid conflicts of interest or potential conflicts of interest in regard to Council activities.
 3. Should a conflict of interest arise, a member must declare his/her conflict of interest and recuse him or herself from voting related to the issue. The Chair will have discretion to determine if a member with a conflict of interest will need to leave the room during the discussion.

If the issue is policy-related, the member may offer information on the issue but shall not advocate or attempt to influence the decision. The member will then leave the meeting for the balance of the discussion and voting on the issue.

If the issue is related to Council funding or any other non-policy-related issue, a member must leave the room and recuse him or herself from any discussion, deliberation, and/or vote regarding the matter.

- J. The members of the Council, its committees and its task forces serve without financial compensation, but they shall be entitled to approved travel or personal care expenses incurred in attending Council meetings and other approved program-related functions.
- K. The conduct of members of the Council shall be in accordance with the policy and procedures of the Developmental Disabilities Council, the Conflict of Interest policy, and the Code of Ethics and Decorum Policy for members of the Florida Developmental Disabilities Council, Inc., which have been duly adopted by the Council and are hereby incorporated into these Bylaws, by reference.

ARTICLE IV: OFFICERS

The officers of the Council are as follows: Chair, Vice Chair, and Treasurer. The officers are elected by vote of the majority of Council members. Officers will serve for a term of two (2) years. Officers may serve more than one term in an elected position.

A. Duties of the Council Chair:

1. To conduct meetings of the Council and meetings of the Executive Committee.
2. With the Executive Committee, to determine the appointment and termination of task force and committee members as necessary.
3. To ensure that the functions of the Council as described in the DD Act and other pertinent state and federal laws are carried out.
4. To promote the Council's continuous collaborative working relationship with agencies of state government in exercising their responsibilities to persons with intellectual and developmental disabilities.
5. To serve as the official spokesperson for the Council.
6. To provide support and guidance to the Executive Director in interpreting and carrying out Council activities.
7. To lead the Executive Committee in an evaluation of the Executive Director each year, including a competitive compensation package.
8. To encourage active involvement of all Council members.

B. Duties of the Vice Chair:

1. To carry out the duties of the Council Chair in the absence of the Council Chair and to assume the duties of the Council Chair, if that office is vacated, through the remainder of the term.

2. To assist the Council Chair in monitoring the activities of the Council committees, task forces, and other groups established by the Council.
 3. To oversee revision and review of the Bylaws on at least a biennial basis.
 4. To carry out other duties as delegated by the Council Chair.
- C. Duties of the Treasurer:
1. To chair the Council's Finance Committee.
 2. To develop and submit the annual operating budget in accordance with the upcoming year's federal allotment.
 3. To review the Council's financial statements quarterly and report to the Council on a triannual basis.
 4. To report to the Council the results and recommendations of the annual independent auditor's report.

ARTICLE V: COMMITTEES

- A. Standing Committees: Standing committees of the Council shall be the Executive Committee, Finance Committee, the State Plan Committee and the Public Policy Committee.
- B. Executive Committee: The Executive Committee shall be comprised of the Council Chair, the Vice-Chair, the Treasurer, two (2) at-large members who are appointed by the Council Chair and two (2) elected at-large members.

At-large members will serve for a term of two (2) years. At-large members may serve more than one term, and may serve more than one term consecutively in either an elected or appointed position.

The Executive Committee's duties shall be:

1. To serve in an overall advisory capacity to the Council in the formulation of policy.
2. To take emergency action on behalf of the Council and to make decisions to maintain the course of business between Council meetings. Any such actions, whether in meetings or conference calls, shall be reported to the full Council for the purpose of vote, approval, or disapproval at the next Council meeting; provided, however, those actions impacting on third parties shall not be affected.
3. To recommend to the Council the hiring and termination of the Executive Director in accordance with Council policy and procedures and to conduct, review, and approve the annual performance evaluation and remuneration of the Executive Director.
4. To serve in an advisory capacity to the Executive Director on matters of personnel management and policy. This includes but is not limited to serving as a grievance and appeal body for Council employees, if requested by employees after internal procedures

have been followed; developing or revising policies; and approving staffing, salary and benefit recommendations.

5. To review Council membership recommendations and forward to the full Council and Governor.
 6. To guide Council member development activities.
 7. To serve as an advisory board for matters relating to conflicts of interest, including but not limited to making determinations of whether a conflict exists and what actions to take to address undisclosed conflicts.
 8. The Executive Committee shall function as a Nominating Committee to develop a slate of proposed officers.
- C. The Finance Committee reviews the financial status and monitors expenditures of the Council, reporting its findings to the Council at least three times each year. Furthermore, this committee shall periodically review the Council's fiscal regulations and policies and make recommendations to the Council accordingly. The Finance Committee is also responsible for contracting for an annual audit of the Council's financial status and reporting such status to the full Council.

Additionally, the Finance Committee provides feedback to the State Plan Committee regarding the assessment of current contractual obligations and applications for continued funding.

- D. The State Plan Committee provides oversight to and ensures the development, implementation, and achievement of the Council's Five-Year State Plan. The responsibilities of the State Plan Committee are specified in the Council's policies.
- E. The State Plan Committee shall be a collective representation of the task forces as established under the State Plan and specified in the Council's policies.
- F. Public Policy Committee is responsible for monitoring the legislative process and approving any modifications to the Council's legislative positions and any additional legislative positions. In the absence of the Public Policy Committee, approval of Council legislative positions may be authorized by two or more of the following: Council Chair, Public Policy Committee Chair, and/or Executive Director.
- G. Appointments: The Council Chair appoints the Chair and members of the standing committees with input from the Executive Director. Committees and task forces shall be comprised of not less than three (3) Council members.

ARTICLE VI: ELECTIONS

- A. Elections shall be held as needed during the last meeting of the federal fiscal year and all elected and appointed members shall begin their terms of office on October 1. The nominating and voting procedures are outlined in the policies.
- B. Voting: If during voting there are an insufficient number of eligible candidates to fill a position, the Executive Committee, acting as the Nominating Committee, will, within 30 days, meet and prepare a slate of one or more nominees to be voted on.

- C. Special Elections: In the event an elected officer (other than the Council Chair) or an elected at-large member resigns or otherwise leaves the Council during his/her term, a special election will be held at the next scheduled full Council meeting.
- D. In the event an appointed at-large member resigns or otherwise leaves the Council during his/her term, the Chair may appoint an at-large member for the remainder of the term.

ARTICLE VII: MEETINGS

- A. The Council shall meet at least three (3) times a year. The Council may call additional meetings as it deems necessary.
- B. Special meetings may be called by the Council Chair. Special meetings may also be called by written application of five (5) members made to the Vice Chair who shall send notices to all members not less than ten (10) working days prior to the meeting stating the purpose(s) of the meeting.
- C. Members are expected to attend Council and assigned committee and/or task force meetings. They shall notify the Executive Director, in writing, as soon as reasonably possible of any absences. Due to the complexity of matters considered by the Council, attendance at meetings is crucial.
- D. A quorum for Council meetings and all standing committees shall be at least forty percent (40%) of the membership. A member must be present to count toward quorum. Once a quorum is established, actions, as applicable, shall be taken by a majority vote of those present.
- E. All meetings of the Council, its committees, and task forces must be noticed and open to the public.
- F. Robert's Rules of Order, most recent edition, shall be followed by the Council in all cases involving parliamentary procedure when such rules do not conflict with the provisions of these Bylaws. The rules may be suspended by a two-thirds (2/3) vote of the voting members present at any meeting of the Council or its committees.

ARTICLE VIII: INDEMNIFICATION

- A. Any person who was or is a party, or is threatened to be made a party, to any threatened, pending, action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason that he or she is or was a member, officer, employee, or agent of the Council, or is or was serving at the request of the Council as a member, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, and the action is related to their service on behalf of the Council, shall be indemnified by the Council, against all expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, including any appeal thereof. However, no indemnification shall be available to an individual should it be determined that the individual's actions were in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights, safety or property. The initial determination as to whether an individual's actions are subject to indemnification shall be made by the Executive Committee.
- B. There shall be a right of review of the determination of the Executive Committee as follows:

1. A committee of three individuals shall be selected to review the determination of the Executive Committee as to whether a member, officer, employee or agent of the Council is entitled to indemnification under this Article.
 2. The committee shall consist of one individual selected by the Executive Director, one member selected by the Council and the third selected by those two individuals. In the event that an agreement cannot be reached by those two individuals, the Executive Director and the organization's Attorney will select the third individual.
 3. The committee shall review the circumstances of the civil, criminal, administrative, or investigative matter and determine whether the alleged actions are indemnifiable under these provisions.
- C. Upon being notified of the existence of a civil or criminal action, suit, or proceeding having been brought against a member, officer, employee, or agent of the Council, that individual shall immediately provide that information to the Executive Director. Expenses (including attorneys' fees) incurred in defending a civil or criminal action, suit, or proceeding shall be paid by the Council in advance of the final disposition of such action, suit, or proceeding upon notification of the existence of the action provided that the action is within the scope of this indemnification. Indemnification hereunder shall continue as to a person who has ceased to be a member, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such person. The foregoing rights of indemnification shall not be deemed exclusive of any other rights to which any such person may otherwise be entitled apart from these Bylaws. To the extent that it is ultimately determined that the individual is not entitled to indemnification under these provisions, the Council may seek reimbursement of any expenses (including attorney's fees) previously paid.
- D. The Council may authorize the purchase and maintenance of insurance on behalf of any person who is or was a member, officer, employee, or agent of the Council, or is or was serving at the request of the Council as a member, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Council would have the power to indemnify him or her against such liability under the provisions of these Bylaws.

ARTICLE IX: BYLAWS AMENDMENTS

These Bylaws may be amended at any time by a two-thirds (2/3) vote of the membership of the Council present at a duly called meeting at which a quorum is present; provided, however, that the agenda of the meeting and new wording of the proposed changes are sent to every member at least ten (10) working days before the date of the meeting at which the amendments will be considered. Recommendations for amendment may be developed through any individual member, committee, or task force. The ten (10) working day notice may be waived upon three-quarters (3/4) approval of the total membership if they want to address the changes at the current meeting.



CODE OF ETHICS AND DECORUM FOR COUNCIL AND RESOURCE MEMBERS OF THE FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

The Florida Developmental Disabilities Council, Inc. (Council) has adopted the following guidelines for conduct by all Council and Resource members. These guidelines offer a set of values, principals and standards to guide members in personal conduct and decision-making.

1. Members shall respect the unique needs, values and choices of persons with disabilities and their families.
2. Members shall communicate fully and honestly in the performance of all their responsibilities and shall provide sufficient information to enable informed decision-making.
3. Members shall be alert to and fully disclose situations that may cause a conflicting interest or have the appearance of a conflict. When a conflict of interest arises, the member shall act in accordance with Council By-Laws and policies.
4. Members shall abstain from disruptive, disrespectful and abusive behavior towards others and will at all times act with courtesy, dignity, and decorum.
5. Members shall fulfill their duties in a manner that is sensitive to cultural differences and shall not discriminate against individuals on the basis of disability, race, ethnicity, creed, religion, color, gender, age, sexual orientation, or national origin.
6. Members shall, in all circumstances when representing the Council, conduct themselves in a manner that preserves the credibility and reputation of the Council.
7. Members shall not speak for the full Council or act for the Council unless specifically authorized to do so in accordance with the Council's Guide for Representing the Council policy.
8. Members have a public duty to carry out the charge of the Developmental Disabilities Assistance and Bill of Rights Act and the Council's State Plan Goals and Objectives. As such, members shall take their decision-making responsibility seriously, by making fully informed, prepared and thoughtful decisions.
9. Members shall respect the differing opinions of other members and, when representing the Council, shall respect and support the decisions of the Council as a whole.

Responsibility

Members of the Florida Developmental Disabilities Council (FDDC) uphold professional standards of conduct, accept appropriate responsibility for their dress, personal hygiene, and behavior, and adapt their methods to the needs of the organization. They consult with, refer to, or cooperate with other members to the extent needed to serve the best interests of the Council. They are concerned about the ethical compliance of their colleagues' conduct as well. When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.

Integrity in Performance of Duties

The FDDC Council Members seek to promote integrity in the performance of their duties. In describing or reporting their services or products, they do not make statements that are false, misleading or deceptive. Each Council Member strives to be aware of his/her own belief systems, values, needs and limitations and the effect of these on his/her service. Each Council Member avoids improper and potentially harmful relationships.

Respect for the Rights and Dignity of Those Served

Council Members respect the fundamental right, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, mindful that legal and other obligations may lead to inconsistency and conflict with the exercise of these rights. They are aware of cultural, individual, and role differences, including those due to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status. They try to eliminate the effects of biases based on those factors, and they do not knowingly participate in or condone unfair discriminatory practices.

Social Responsibility

Council Members are aware of their responsibilities to the community and the society in which they work and live. They comply with the law and encourage the development of laws and social policy that serve the interest of those served.

Relationships with Colleagues

Council Members refrain from entering into another personal, professional, financial, or other relationship which reasonably might impair their objectivity or otherwise interfere with their ability to effectively perform Council related duties, or might harm or exploit the other party.

FDDC Public Statements

Council Members do not make public statements that are false, deceptive, misleading, or fraudulent, either because of what they state, convey, or suggest or because of what they omit.

Maintaining Confidentiality and Disclosures

Council Members have a primary obligation to respect the confidentiality rights of those served. They only disclose confidential information with the appropriate consent of the individual being served or other legally authorized person on behalf of the individual being served.

Confronting Ethical Issues

When anyone is uncertain whether a particular situation or course of action would violate this Ethics and Decorum Policy, the individual consults with the Executive Director or Chair of the Council who is knowledgeable about ethical issues.

When Council members believe that there may have been an ethical violation by another Council Member, they attempt to resolve the issue by bringing it to the attention of the Chair or Executive Director. They cooperate in ethics investigations, and resulting requirements, findings and resolutions of the committee investigation. Failure to cooperate is itself an ethics violation.

Council members do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than to protect the public.

Violations of the Code of Decorum

If an issue arises that is believed to be a violation of the Code of Decorum, his/her membership will be reviewed by the Executive Committee at a regular or specially called Executive Committee meeting. The issue shall be placed on the agenda of the Executive Committee meeting by the Chairperson after at least ten (10) working days prior

written notice is given to the Council member, assuring appropriate accommodations are made, if needed. The affected member shall be given the opportunity to address the issue with the Executive Committee. The Executive Committee will determine the action to be taken, if any, up to and including recommending termination of the membership. If after an Executive Committee ruling, the affected member has ongoing concerns regarding the issue, the matter may be brought to the full Council for consideration.



CONFLICT OF INTEREST POLICY

Purpose:

The purpose of the conflict of interest policy is to protect the Florida Developmental Disabilities Council (Council) interests when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a current or former Council member, staff or consultant of the Council. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Definitions:

1. **Interested Person:** Any current or former member of the Council, staff, consultant or member of a committee with Council delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
2. **Financial Interest:** A person has a financial interest if the person has, directly or indirectly, through business, investment or family:
 - a. An ownership or investment interest in any entity with which the Council has a transaction or arrangement,
 - b. A compensation arrangement with the Council or with any entity or individual with which the Council has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Council is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the appropriate Council or committee decides that a conflict of interest exists. (See Procedures 2)

Procedures:

1. **Duty to Disclose:** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Council's Executive Committee with delegated powers considering the proposed transaction or arrangement.
2. **Determining Whether a Conflict of Interest Exists:** After disclosure of the financial interest and all material facts, and after any discussion with the interested person,

he/she shall leave the meeting while the determination of a conflict of interest is discussed and voted upon.

3. Procedures for Addressing the Conflict of Interest:

- a. An interested person may make a presentation at the meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The Chair of the Council or Executive Committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Council or Executive Committee shall determine whether the Council can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Council or Executive Committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in the Council's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy:

- a. If the Council or Executive Committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Council or Executive Committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Records of Proceedings:

The minutes of the Council and all committees with Council delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Council's or Executive Committee's decision as to whether a conflict of interest in fact existed.
2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Compensation:

1. Any person who receives compensation, other than travel or personal care reimbursements, from the Council is precluded from being on the Council.

Annual Statements:

Each Council member and member of a committee with Council-delegated powers shall annually sign a statement, which affirms such person:

1. Has received a copy of the conflict of interest policy,
2. Has read and understands the policy, and
3. Has agreed to comply with the policy.

Section 124(c)(5)(D) of the DD Act requires that the State Plan shall provide an assurance that no member of the Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

In accordance with section 125(b)(4), Council members who are representatives of agencies and organizations, as provided for in the DD Act, shall recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

**Executive Office of the Governor
Audit(s) of Selected Administrative
and Operational Activities of FDDC**



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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850-487-0801 fax

March 18, 2008

Ms. Debra Dowds, Executive Director
The Florida Developmental Disabilities Council, Inc.
124 Marriot Drive, Suite 203
Tallahassee, Florida 32301-2981

Dear Ms. Dowds:

In accordance with the Executive Office of the Governor's Approved Annual and Long-Range Audit Plan for Fiscal Year 2007-2008, and the statutory mandate of Section 20.055(2)(b), Florida Statutes, we will be conducting an audit of the Florida Developmental Disabilities Council, Inc. The scope of the audit will include selected administrative and operational activities for the period October 1, 2006, through January 31, 2008.

Our audit objectives are to determine the appropriateness of selected transactions and activities, and compliance with selected federal regulations, statutes, rules, bylaws, and Council policies and procedures.

Laure Boyd, Audit Manager, will be performing the audit and will be contacting your staff in the next few days to begin fieldwork. We request that you provide access to any and all requested documents, records, staff, etc. We plan to finalize our fieldwork by April 11, 2008.

We look forward to working with you and your staff. If you have any questions, please contact Laure Boyd at (850) 922-4637.

Sincerely,

Kim B. Mills
Director of Auditing

KBM/LNB

cc: Enrique J. Escallon, Chairperson, Florida Developmental Disabilities Council, Inc.
Eric Eikenberg, Chief of Staff, Executive Office of the Governor



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
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June 3, 2008

Ms. Debra Dowds, Executive Director
The Florida Developmental Disabilities Council, Inc.
124 Marriot Drive, Suite 203
Tallahassee, Florida 32301-2981

Subject: Audit of Selected Administrative and Operational Activities of the Florida
Developmental Disabilities Council

Dear Ms. Dowds:

Enclosed are the preliminary findings and recommendations resulting from our audit of selected administrative and operational activities of the Florida Developmental Disabilities Council for the period October 1, 2006 through January 31, 2008. Pursuant to Section 20.055(5)(d), Florida Statutes, please respond to the preliminary findings and recommendations within twenty (20) working days after receipt of this letter. Your response will be included in our final audit report and should be remitted to this Office no later than Monday, June 30, 2008.

If you have any questions, please contact Laure Boyd or me at (850) 922-4637.

Sincerely,

A handwritten signature in cursive script that reads "Kim B. Mills".

Kim B. Mills
Director of Auditing

KBM/LNB

cc: Enrique J. Escallon, Chairperson, Florida Developmental Disabilities Council, Inc.
Eric Eikenberg, Chief of Staff, Executive Office of the Governor
Melinda M. Miguel, Chief Inspector General, Executive Office of the Governor

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

INTRODUCTION

The Florida Developmental Disabilities Council, Inc. (Council) is a non-profit corporation fully funded through a grant authorized by the U.S. Department of Health and Human Services under the Federal Developmental Disabilities Assistance and Bill of Rights Act (Act). The grant in the amount of \$3,562,124, is awarded directly to the Council and is not accounted for through the State's Treasury and accounting records. Each state in the nation has a Developmental Disabilities Council that functions to increase the independence, productivity, inclusion, and community integration of people with developmental disabilities.

In accordance with the Act, state Councils are composed of family members and individuals with developmental disabilities (60%), and representatives of state, local and non-governmental agencies that administer funds under Federal laws related to individuals with disabilities (40%). In Florida, there are twenty-nine members on the Council who are appointed by the Governor.

Section 393.002, Florida Statutes, requires the Governor to designate, by executive order, a nonprofit corporation as the agency to receive Federal funds to implement, on behalf of the State of Florida, Part B of the Developmental Disabilities Assistance and Bill of Rights Act. The Council carries out the State's responsibilities under Executive Order 95-478, and is also subject to certain State and Federal regulations, including Title 2, Part 224, Code of Federal Regulations, *Cost Principles for State, Local and Indian Tribal Governments* (U.S. Office of Management and Budget (OMB) Circular A-87) as specified in the grant award; Title 45, Part 74, Code of Federal Regulations, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-*

Profit Organizations (OMB Circular A-110); and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

OVERALL CONCLUSION

Our review disclosed improvements were needed in the following areas:
1) Florida Sunshine Law, 2) Allowable Travel Expenditures, 3) Lobbying Expenditures and 4) Potential Conflicts of Interest in Contracting.

COMMENTS

The Office of the Chief Inspector General extends our appreciation to the management and staff of the Florida Developmental Disabilities Council, Agency for Persons with Disabilities, and Agency for Health Care Administration for their assistance and cooperation during this audit.

PURPOSE, SCOPE & METHODOLOGY

In accordance with the 2007-2008 annual work plan approved by Governor Charlie Crist for the Chief Inspector General's Office, we conducted this audit to assess the appropriateness of selected transactions and activities of the Council and compliance with applicable Federal and State laws.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors. We performed the following procedures for the audit period of October 1, 2006 through January 31, 2008:

- reviewed Executive Order 95-478, applicable Federal regulations, OMB Circulars and Florida Statutes;
- reviewed Council bylaws, policies and procedures;

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

- reviewed records pertaining to Council meetings;
- examined a sample of 39 travel vouchers;
- examined documentation in three procurement packages;
- reviewed expenditure detail and other documentation associated with the 2007 Inclusion Summit; and
- performed other tests as appropriate.

FINDINGS AND RECOMMENDATIONS

1 - FLORIDA SUNSHINE LAW

The Council is subject to the provisions of Section 286.011, Florida Statutes, the Florida Sunshine Law. The three basic requirements of the Florida Sunshine Law are: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of these meetings must be given; and (3) minutes of the meetings must be taken and made available for public inspection. The Government-in-the-Sunshine Manual states, "The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to Section 286.011, Florida Statutes. Instead, the law is applicable to *any* gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which *foreseeable action* will be taken by the public board or commission."

We reviewed a sample of meetings attended by Council members to determine compliance with the Florida Sunshine Law requirements. We reviewed records for 17 meetings, including the 2007 Inclusion Summit, where two or more Council

members attended the meetings and the meetings' objectives were to develop plans/strategies to be recommended for action by the full Council. Although minutes were maintained, staff had not posted the appropriate notice for four of these meetings.

Although the Council's Legal Counsel had notified the Executive Director in a 2003 memorandum that the Florida Sunshine Law applies to meetings of the Council, staff indicated they were unaware that meetings held to develop recommended strategies were included in that requirement.

We commend the Council on the following action: In a memorandum dated May 14, 2008, the Executive Director notified us that "recognizing the importance of the posting of both meeting the Sunshine Law requirements and transparency of our operation, the Council at its March 7, 2008 meeting adopted a new policy relative to meeting the Government in the Sunshine Law and the Public Records Act. In addition, our attorney . . . conducted a workshop on the Sunshine Law and Public Records Act and the policy at our March meeting."

We recommend the Council continue to provide periodic training for staff and Council members on the requirements and applicability of the Florida Sunshine Law to ensure compliance with the law. We also recommend that the Council staff develop and implement procedures to ensure all meetings are noticed as required.

2 - TRAVEL EXPENDITURES

The grant agreement with the U.S. Department of Health and Human Services requires the Council to be responsible for effectively controlling the use of funds in compliance with Federal requirements. Also, the Council's bylaws state that Council members can receive reimbursement for travel expenses in accordance with procedures established by the Council. Our

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

review of Council policies and procedures, along with transactions occurring during the audit period, identified the following deviations:

- **Policy on Personal Care Attendants**

In accordance with the Act, State Council policies can include provisions for reimbursing Council members for reasonable and necessary expenses including expenses for child care and personal assistance services while attending Council meetings and performing Council duties. The Council's travel procedures allow for personal care attendant fees to be reimbursed as incidental expenses when they are submitted with an invoice showing charges for services, dates and times of service, and signatures by the personal care attendant and the Council member. According to Council policy, members are encouraged to "use other reimbursement options first if they are available". Payments for services are reimbursed on an hourly basis at a rate not to exceed \$20 per hour or \$120 per 24-hour period. A Council member may get pre-approval from the Executive Director to exceed the payment limit if there is a hardship or special circumstance.

We noted that Council members seeking reimbursement for personal care attendant charges did not use the *Invoice for Personal Care* provided in the Council's Policies and Procedures Manual. Invoices submitted did not always include required details such as the times of services, the number of hours per day and the Council member's signature. These elements are necessary for establishing compliance with procedures and accountability for disbursements made.

Staff indicated use of the form is just a suggestion and not a requirement for Council members to follow. Failure to enforce this policy results in inconsistent application by Council members and staff and may result in abuse of the reimbursement policy.

Executive Order 95-478 states: *...the Council shall be governed by policies and bylaws consistent with the provisions of... the Act.* **We recommend** the Council enforce the policies and procedures to ensure accountability of funds.

In addition, we found several instances in which the Council reimbursed Council members for personal care attendant charges that were also reimbursed by a State agency. Specifically, we identified ten instances where hours reimbursed by the Council and the State agency, in total, exceeded 24 hours in a day. We also noted 41 instances where the Council and the state agency reimbursed Council members for personal care attendant services rendered on the same day. Without times recorded on the invoices submitted to the Council, we could not determine if the reimbursements were duplicative.

Council staff stated they do not question the validity of personal care attendants' invoices and they are not involved in the payments made by State agencies.

We recommend the Council strengthen internal controls over reimbursements to Council members by requiring members to certify that other reimbursement options are not available and reimbursement for invoiced charges will not be made by another agency for the same expenditure.

Information on the reimbursements made by the Council and the state agency for the same day's service was referred to the applicable state agency for further review.

- **General Travel Expenditures**

During our review of travel vouchers, we noted where written justification or explanation for higher costs was not supplied for the following: (1) several instances where the Council reimbursed members for hotel charges ranging from \$154 to \$221 per night

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

without justification; (2) a Council member sought reimbursement for \$19.17 for valet parking to attend a day meeting at a hotel when free complimentary parking was available; (3) a Council member submitted reimbursements for parking in an airport's short term parking area at \$20 per day for several days rather than using long term parking at \$15 per day or economy parking at \$9 per day; (4) the same Council member submitted receipts on at least three occasions to valet park at the airport at \$24 per day for six days rather than using long term or economy parking; and (5) a Council member regularly charged 26 miles from their home address to the airport meeting address when the distance is 14.5 miles.

While the hotel charges, use of valet parking and claiming reimbursement for additional miles may be appropriate under certain circumstances, there was no documentation of the circumstances and no evidence of advance approval for these charges.

We recommend the Council revise its policies to include requirements relating to the reasonableness of incidental travel expenses incurred and justification/approval for special circumstances and enforce those policies to ensure the effective control of use of funds in compliance with Federal regulations. Training on allowable costs and procedures for allowing exceptions should be provided to Council members and staff on a periodic and on-going basis.

3 - POTENTIAL CONFLICTS OF INTEREST

Federal regulations set forth standards for obtaining consistency and uniformity among Federal agencies in the administration of grants to and agreements with institutes of higher education, hospital, and other non-profit organizations. Title 45, Section 74.43, Code of Federal Regulations, *Competition*, states: "All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free

competition. The recipient shall be alert to organizations conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bid and/or requests for proposals shall be excluded from competing for such procurements."

In January 2005, the Council's Executive Director obtained a legal opinion in which the Council's Legal Counsel reported that the Federal regulations "preclude the drafters of the original [contractual services] proposal from bidding on the ITN [invitation to negotiate]." The Legal Counsel wrote that "such conflicts could be overridden under the bylaws."

The Council's bylaws state "to avoid even an appearance of impropriety . . . it is the policy of the Council that no appointed Council member, acting in a private capacity, shall either directly or indirectly, provide any goods services or representation, for compensation, to the Council during the term of the member's appointment . . . unless the matter at issue is approved by a vote of two-thirds (2/3) of the total membership present, exclusive of the declarant, [emphasis added] at a duly called meeting at which a quorum is present . . ." This provision appears to be contrary to Federal regulations and permits transactions which may give the appearance of a conflict of interest.

We recommend the Council revise their bylaws to be in agreement with Federal regulations pertaining to conflicts of interest and implement procedures to ensure compliance with those regulations.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

Enrique Escallon, Chairperson
Debra Dowds, Executive Director

June 16, 2008

Ms. Kim Mills
Director of Auditing
Office of the Chief Inspector General
2103 The Capital
Tallahassee, Florida 32399-0001

*Get the need
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Dear Ms. Mills:

The Florida Developmental Disabilities Council, Inc. provides the following response to the preliminary findings of the audit of selected administrative and operational activities of the Council.

1. Florida Sunshine Law:

We concur that periodic training for staff and Council members on the requirements and applicability would be advantageous to ensuring compliance with the Florida Sunshine Law. The Council at its March 7, 2008 quarterly council business meeting adopted a policy on meeting the requirements of the Florida Sunshine and Public Records Law. This policy will provide additional specificity to the public meeting and posting requirements. The Council will develop and implement procedures by the Council's September quarterly Council meeting to accompany these policies and provide further checks and balances to ensure adequate compliance. The Council has instituted workshops for Council members and staff at the quarterly council business meetings. A workshop on the sunshine law and council policy was conducted in March 2008 and will henceforth be conducted on a bi-annual basis.

Adrian

2. Travel Expenditures:

Personal Care Attendants

We concur that the standardized Invoice for Personal Care needs to be consistently utilized and needs to contain all of the essential elements as required by the personal care attendant policy that would prevent reimbursements that exceed the amount allowed within a twenty four hour period. The Council will revise its policy to require a specific form so that all of the essential elements are provided. Additionally, the Council will add an attestation statement to all reimbursements (including reimbursements for personal care attendants) to certify that other reimbursements options are not available and to certify that the member has not and will not submit a reimbursement request to another entity for these expenses being requested for reimbursement. We will be talking to other agencies to determine how we can share information on reimbursements.

PCA Form & Policy

Debra de

General Travel Expenditures

We concur that the Council should revise its travel reimbursement policy to include requirements related to reasonableness of incidental travel expenses incurred and justification/approval for special circumstances to ensure the effective control of use of funds in compliance with federal regulations. The revised travel policy and reimbursement forms will be developed by the September quarterly Council meeting. Training on the new policy and forms will be presented at that meeting with refresher trainings conducted on a bi-annual basis.

Attestation to Travel Reimbursement Form

Part of Fin. Com. Report

3. Potential Conflict of Interest:

We concur that, while not the intent of the Council, an interpretation could be made that sanctions the Council overriding a federal law related to conflict of interest. The Council will amend its By-Laws at our September quarterly Council meeting to clarify that federal regulations pertaining to conflict of interest and other aspects of the procurement process related to conflict of interest cannot be superseded by council action. In addition, the Council is negotiating a contract with the University of Miami, Ethics Program, to develop a conflict of interest guide which will provide guidance to the Council relative to the potential conflict of interest situations it encounters and will provide recommendations as to how the Council should strengthen its conflict of interest procedures.

Linda

The Council would like to express its appreciation for the professionalism of the staff of the Governor's Inspector General Office in conducting this audit. If you have have any questions, please do not hesitate to contact me at 850-488-4180.

Sincerely,

Debra Dowds
Executive Director

CC: Enrique Escallon



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

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MEMORANDUM

TO: Debra Dowds, Executive Director
Florida Development Disabilities Council

FROM: Kim Mills, Director of Auditing *kbm*
Office of the Chief Inspector General

SUBJECT: Audit Follow-up

DATE: June 23, 2008

Attached is the report on the Chief Inspector General's audit of the Florida Developmental Disabilities Council. Some of the items discussed at the exit conference are not included in this report but will be provided to you in a letter within the next week.

Audit standards require that we follow-up on the implementation of corrective actions taken to address the audit findings and recommendations. This follow-up review will include corrections actions related to recommendations included in the audit report and in the letter mentioned above. In accordance with our Audit Policies and Procedures, this review must be completed by December 31, 2008, six months after the release of the audit report. The results will be reported to the Governor and the Auditor General's office. We will contact you by December 1, 2008 to begin our review.

If you have any questions, please contact Laure Boyd or me at (850) 922-4637. Thank you for your assistance.

/kbm

Attachment

EXECUTIVE OFFICE OF THE GOVERNOR



OFFICE OF THE CHIEF INSPECTOR GENERAL

AUDIT OF SELECTED ADMINISTRATIVE AND OPERATIONAL ACTIVITIES OF
THE FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REPORT No. 2008-6
JUNE 23, 2008



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

June 23, 2008

The Honorable Charlie Crist
Governor of Florida
The Capitol
Tallahassee, FL 32399-0001

Mr. Enrique Escallon, Chairperson
Florida Developmental Disabilities Council
124 Marriott Drive, Suite 203
Tallahassee, FL 32301-2981

Dear Governor Crist and Mr. Escallon:

Enclosed is Audit Report No. 2008-6 detailing the findings from the audit of selected administrative and operational activities of the Florida Developmental Disabilities Council. The Council's response to the audit findings and recommendations is included in this report.

I am available to discuss this report with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Miguel".

Melinda M. Miguel
Chief Inspector General

MMM/kbm

Enclosure

cc: Eric Eikenberg, Chief of Staff
Debra Dowds, Council Executive Director
David Martin, Auditor General

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

INTRODUCTION

The Florida Developmental Disabilities Council, Inc. (Council) is a non-profit corporation fully funded through a grant authorized by the U.S. Department of Health and Human Services under the Federal Developmental Disabilities Assistance and Bill of Rights Act (Act). The grant in the amount of \$3,562,124, is awarded directly to the Council and is not accounted for through the State's Treasury and accounting records. Each state in the nation has a Developmental Disabilities Council that functions to increase the independence, productivity, inclusion, and community integration of people with developmental disabilities.

In accordance with the Act, state Councils are composed of family members and individuals with developmental disabilities (60%), and representatives of state, local and non-governmental agencies that administer funds under Federal laws related to individuals with disabilities (40%). In Florida, there are twenty-nine members on the Council who are appointed by the Governor.

Section 393.002, Florida Statutes, requires the Governor to designate, by executive order, a nonprofit corporation as the agency to receive Federal funds to implement, on behalf of the State of Florida, Part B of the Developmental Disabilities Assistance and Bill of Rights Act. The Council carries out the State's responsibilities under Executive Order 95-478, and is also subject to certain State and Federal regulations, including Title 2, Part 224, Code of Federal Regulations, *Cost Principles for State, Local and Indian Tribal Governments* (U.S. Office of Management and Budget (OMB) Circular A-87) as specified in the grant award; Title 45, Part 74, Code of Federal Regulations, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-*

Profit Organizations (OMB Circular A-110); and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

OVERALL CONCLUSION

Our review disclosed improvements were needed in the following areas:

1) Florida Sunshine Law, 2) Allowable Travel Expenditures, and 3) Potential Conflicts of Interest in Contracting.

COMMENTS

The Office of the Chief Inspector General extends our appreciation to the management and staff of the Florida Developmental Disabilities Council, Agency for Persons with Disabilities, and Agency for Health Care Administration for their assistance and cooperation during this audit.

PURPOSE, SCOPE & METHODOLOGY

In accordance with the 2007-2008 annual work plan approved by Governor Charlie Crist for the Chief Inspector General's Office, we conducted this audit to assess the appropriateness of selected transactions and activities of the Council and compliance with applicable Federal and State laws.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors. We performed the following procedures for the audit period of October 1, 2006 through January 31, 2008:

- reviewed Executive Order 95-478, applicable Federal regulations, OMB Circulars and Florida Statutes;
- reviewed Council bylaws, policies and procedures;

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

- reviewed records pertaining to Council meetings;
- examined a sample of 39 travel vouchers;
- examined documentation in three procurement packages;
- reviewed expenditure detail and other documentation associated with the 2007 Inclusion Summit; and
- performed other tests as appropriate.

FINDINGS AND RECOMMENDATIONS

1 - FLORIDA SUNSHINE LAW

The Council is subject to the provisions of Section 286.011, Florida Statutes, the Florida Sunshine Law. The three basic requirements of the Florida Sunshine Law are: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of these meetings must be given; and (3) minutes of the meetings must be taken and made available for public inspection. The Government-in-the-Sunshine Manual states, "The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to Section 286.011, Florida Statutes. Instead, the law is applicable to *any* gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which *foreseeable action* will be taken by the public board or commission."

We reviewed a sample of meetings attended by Council members to determine compliance with the Florida Sunshine Law requirements. We reviewed records for 17 meetings, including the 2007 Inclusion Summit, where two or more Council

members attended the meetings and the meetings' objectives were to develop plans/strategies to be recommended for action by the full Council. Although minutes were maintained, staff had not posted the appropriate notice for four of these meetings.

Although the Council's Legal Counsel had notified the Executive Director in a 2003 memorandum that the Florida Sunshine Law applies to meetings of the Council, staff indicated they were unaware that meetings held to develop recommended strategies were included in that requirement.

We commend the Council on the following action: In a memorandum dated May 14, 2008, the Executive Director notified us that "recognizing the importance of the posting of both meeting the Sunshine Law requirements and transparency of our operation, the Council at its March 7, 2008 meeting adopted a new policy relative to meeting the Government in the Sunshine Law and the Public Records Act. In addition, our attorney . . . conducted a workshop on the Sunshine Law and Public Records Act and the policy at our March meeting."

We recommend the Council continue to provide periodic training for staff and Council members on the requirements and applicability of the Florida Sunshine Law to ensure compliance with the law. We also recommend that the Council staff develop and implement procedures to ensure all meetings are noticed as required.

2 - TRAVEL EXPENDITURES

The grant agreement with the U.S. Department of Health and Human Services requires the Council to be responsible for effectively controlling the use of funds in compliance with Federal requirements. Also, the Council's bylaws state that Council members can receive reimbursement for travel expenses in accordance with procedures established by the Council. Our

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

review of Council policies and procedures, along with transactions occurring during the audit period, identified the following deviations:

- **Policy on Personal Care Attendants**

In accordance with the Act, State Council policies can include provisions for reimbursing Council members for reasonable and necessary expenses including expenses for child care and personal assistance services while attending Council meetings and performing Council duties. The Council's travel procedures allow for personal care attendant fees to be reimbursed as incidental expenses when they are submitted with an invoice showing charges for services, dates and times of service, and signatures by the personal care attendant and the Council member. According to Council policy, members are encouraged to "use other reimbursement options first if they are available". Payments for services are reimbursed on an hourly basis at a rate not to exceed \$20 per hour or \$120 per 24-hour period. A Council member may get pre-approval from the Executive Director to exceed the payment limit if there is a hardship or special circumstance.

We noted that Council members seeking reimbursement for personal care attendant charges did not use the *Invoice for Personal Care* provided in the Council's Policies and Procedures Manual. Invoices submitted did not always include required details such as the times of services, the number of hours per day and the Council member's signature. These elements are necessary for establishing compliance with procedures and accountability for disbursements made.

Staff indicated use of the form is just a suggestion and not a requirement for Council members to follow. Failure to enforce this policy results in inconsistent application by Council members and staff and may result in abuse of the reimbursement policy.

Executive Order 95-478 states: *...the Council shall be governed by policies and bylaws consistent with the provisions of... the Act.* **We recommend** the Council enforce the policies and procedures to ensure accountability of funds.

In addition, we found several instances in which the Council reimbursed Council members for personal care attendant charges that were also reimbursed by a State agency. Specifically, we identified ten instances where hours reimbursed by the Council and the State agency, in total, exceeded 24 hours in a day. We also noted 41 instances where the Council and the state agency reimbursed Council members for personal care attendant services rendered on the same day. Without times recorded on the invoices submitted to the Council, we could not determine if the reimbursements were duplicative.

Council staff stated they do not question the validity of personal care attendants' invoices and they are not involved in the payments made by State agencies.

We recommend the Council strengthen internal controls over reimbursements to Council members by requiring members to certify that other reimbursement options are not available and reimbursement for invoiced charges will not be made by another agency for the same expenditure.

Information on the reimbursements made by the Council and the state agency for the same day's service was referred to the applicable state agency for further review.

- **General Travel Expenditures**

During our review of travel vouchers, we noted where written justification or explanation for higher costs was not supplied for the following: (1) several instances where the Council reimbursed members for hotel charges ranging from \$154 to \$221 per night

Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council

without justification; (2) a Council member sought reimbursement for \$19.17 for valet parking to attend a day meeting at a hotel when free complimentary parking was available; (3) a Council member submitted reimbursements for parking in an airport's short term parking area at \$20 per day for several days rather than using long term parking at \$15 per day or economy parking at \$9 per day; (4) the same Council member submitted receipts on at least three occasions to valet park at the airport at \$24 per day for six days rather than using long term or economy parking; and (5) a Council member regularly charged 26 miles from their home address to the airport meeting address when the distance is 14.5 miles.

While the hotel charges, use of valet parking and claiming reimbursement for additional miles may be appropriate under certain circumstances, there was no documentation of the circumstances and no evidence of advance approval for these charges.

We recommend the Council revise its policies to include requirements relating to the reasonableness of incidental travel expenses incurred and justification/approval for special circumstances and enforce those policies to ensure the effective control of use of funds in compliance with Federal regulations. Training on allowable costs and procedures for allowing exceptions should be provided to Council members and staff on a periodic and on-going basis.

3 - POTENTIAL CONFLICTS OF INTEREST

Federal regulations set forth standards for obtaining consistency and uniformity among Federal agencies in the administration of grants to and agreements with institutes of higher education, hospital, and other non-profit organizations. Title 45, Section 74.43, Code of Federal Regulations, *Competition*, states: "All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free

competition. The recipient shall be alert to organizations conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bid and/or requests for proposals shall be excluded from competing for such procurements."

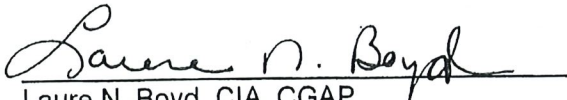
In January 2005, the Council's Executive Director obtained a legal opinion in which the Council's Legal Counsel reported that the Federal regulations "preclude the drafters of the original [contractual services] proposal from bidding on the ITN [invitation to negotiate]." The Legal Counsel wrote that "such conflicts could be overridden under the bylaws."

The Council's bylaws state "to avoid even an appearance of impropriety . . . it is the policy of the Council that no appointed Council member, acting in a private capacity, shall either directly or indirectly, provide any goods services or representation, for compensation, to the Council during the term of the member's appointment . . . *unless the matter at issue is approved by a vote of two-thirds (2/3) of the total membership present, exclusive of the declarant, [emphasis added]* at a duly called meeting at which a quorum is present . . ." This provision appears to be contrary to Federal regulations and permits transactions which may give the appearance of a conflict of interest.

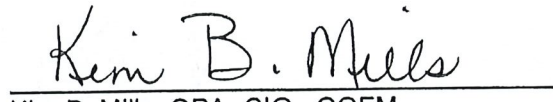
We recommend the Council revise their bylaws to be in agreement with Federal regulations pertaining to conflicts of interest and implement procedures to ensure compliance with those regulations.

**Audit of Selected Administrative and Operational Activities
of the Florida Developmental Disabilities Council**


Audit Performed by:


Laure N. Boyd, CIA, CGAP
Audit Manager

Audit reviewed by:


Kim B. Mills, CPA, CIG, CGFM
Director of Auditing

Audit approved by:


Melinda M. Miguel, CIG, CBE, CGFM
Chief Inspector General

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

Enrique Escallon, Chairperson
Debra Dowds, Executive Director

June 16, 2008

Ms. Kim Mills
Director of Auditing
Office of the Chief Inspector General
2103 The Capital
Tallahassee, Florida 32399-0001

RECEIVED

JUN 18 2008

**Governor's Office
Chief Inspector General**

Dear Ms. Mills:

The Florida Developmental Disabilities Council, Inc. provides the following response to the preliminary findings of the audit of selected administrative and operational activities of the Council.

1. Florida Sunshine Law:

We concur that periodic training for staff and Council members on the requirements and applicability would be advantageous to ensuring compliance with the Florida Sunshine Law. The Council at its March 7, 2008 quarterly council business meeting adopted a policy on meeting the requirements of the Florida Sunshine and Public Records Laws. This policy will provide additional specificity to the public meeting and posting requirements. The Council will develop and implement procedures by the Council's September quarterly Council meeting to accompany these policies and provide further checks and balances to ensure adequate compliance. The Council has instituted workshops for Council members and staff at the quarterly council business meetings. A workshop on the sunshine law and council policy was conducted in March 2008 and will henceforth be conducted on a bi-annual basis.

2. Travel Expenditures:

Personal Care Attendants

We concur that the standardized Invoice for Personal Care needs to be consistently utilized and needs to contain all of the essential elements as required by the personal care attendant policy that would prevent reimbursements that exceed the amount allowed within a twenty four hour period. The Council will revise its policy to require a specific form so that all of the essential elements are provided. Additionally, the Council will add an attestation statement to all reimbursements (including reimbursements for personal care attendants) to certify that other reimbursements options are not available and to certify that the member has not and will not submit a reimbursement request to another entity for these expenses being requested for reimbursement. We will be talking to other agencies to determine how we can share information on reimbursements.

General Travel Expenditures

We concur that the Council should revise its travel reimbursement policy to include requirements related to reasonableness of incidental travel expenses incurred and justification/approval for special circumstances to ensure the effective control of use of funds in compliance with federal regulations. The revised travel policy and reimbursement forms will be developed by the September quarterly Council meeting. Training on the new policy and forms will be presented at that meeting with refresher trainings conducted on a bi-annual basis.

3. Potential Conflict of Interest:

We concur that, while not the intent of the Council, an interpretation could be made that sanctions the Council overriding a federal law related to conflict of interest. The Council will amend its By-Laws at our September quarterly Council meeting to clarify that federal regulations pertaining to conflict of interest and other aspects of the procurement process related to conflict of interest cannot be superseded by council action. In addition, the Council is negotiating a contract with the University of Miami, Ethics Program, to develop a conflict of interest guide which will provide guidance to the Council relative to the potential conflict of interest situations it encounters and will provide recommendations as to how the Council should strengthen its conflict of interest procedures.

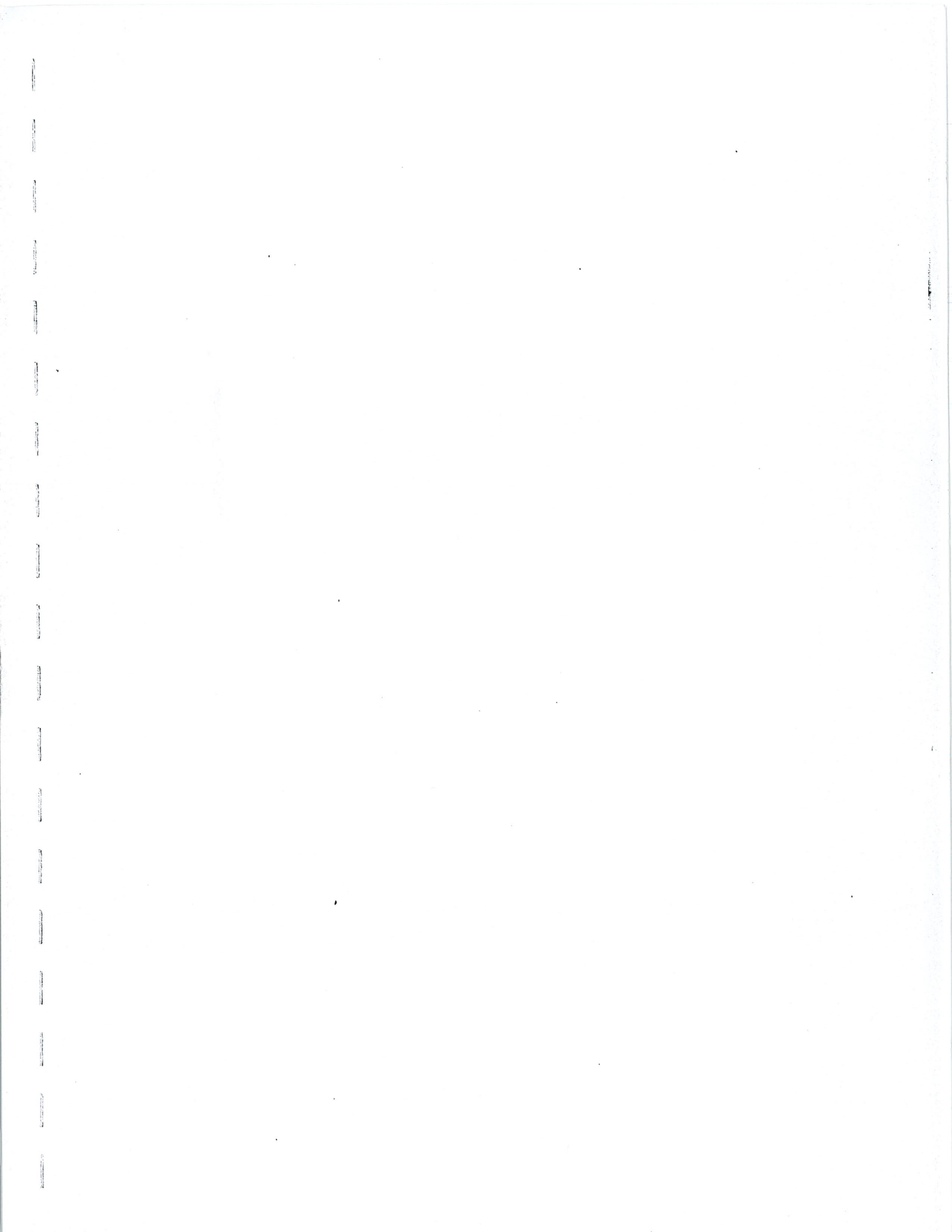
The Council would like to express its appreciation for the professionalism of the staff of the Governor's Inspector General Office in conducting this audit. If you have have any questions, please do not hesitate to contact me at 850-488-4180.

Sincerely,

Debra Dowds for

Debra Dowds
Executive Director

CC: Enrique Escallon





CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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MEMORANDUM

TO: Mr. Enrique Escallon, Chairperson
Florida Development Disabilities Council
Ms. Debra Dowds, Executive Director ✓
Florida Development Disabilities Council

FROM: Kim Mills, Director of Auditing *KBM*
Office of the Chief Inspector General

SUBJECT: 2008 FDDC Audit – Other Matters

DATE: July 30, 2008

During our June 2, 2008, exit conference, we identified several issues that did not rise to the level of a reportable condition but are noteworthy for your information and corrective actions. The issues discussed are as follows:

- During our interviews of several Council members, we learned that Council members had been allowed to monitor their employer's contracts with the Council. Such a practice does not promote a perception of independence and accountability for adequate contract performance. It is our understanding that this practice has been discontinued by the Florida Developmental Disabilities Council.
- Concerns were raised by some Council members regarding bid specifications being so narrow in scope that only a few bidders were eligible to submit a bid for contract. This practice gives the appearance of favoritism toward a small group of vendors. We recommend that the scope of bid specifications be expanded, where possible, to attract a larger number of potential bidders.
- During the 2007 Inclusion Summit, the Council purchased promotional items such as stress balls and tote bags. The cost of those items seemed questionable under the provisions of OMB Circular A-87; however the Council's Legal Counsel indicated that, because the items were used in achieving the Council's purpose, the costs were allowable. We were unable to determine how those items related to the Council's purpose; therefore we

recommend that, in the future, the Council document in their files the purpose achieved by making such purchases.

- Of the three vendor selection packages we reviewed, we found one was not complete. We recommend the Council implement procedures necessary to ensure that vendor selection packages are complete at the close of the procurement process.
- During our review of documents contained in selection packages, we noticed emails that appeared to include discussions of matters addressed in previous Council meetings. Such actions may violate the Florida Sunshine Law. We recommend Council members discontinue this practice. Council staff should include in their Sunshine Law training sessions a reminder to the members that the Florida Sunshine Law restrictions extend to email communications.
- Our survey of Council members revealed some instances where the selection committee discussed the members' evaluations prior to all of the committee members receiving the bid package and completing their evaluation. This process may have improperly influenced the members who had not yet completed their evaluations. We recommend the Council implement procedures to ensure that all evaluations are completed before any selection committee meetings are held and the evaluation discussed.

Audit standards require that we follow-up on the implementation of corrective actions taken to address the audit findings and recommendations. Our follow-up review will include corrective actions related to recommendations in the audit report and in this letter. In accordance with our Audit Policies and Procedures, this review must be completed by December 31, 2008, six months after the release of the audit report. The results will be reported to the Governor and the Joint Legislative Auditing Committee. We will contact you by December 1, 2008 to begin our review.

Thank you for your assistance. If you have any questions, please contact Laure Boyd or me at (850) 922-4637.

/kbm

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

Susan Gold, Ed. D, Chairperson
Debra Dowds, Executive Director

December 19, 2008

Ms. Kim Mills
Director of Auditing
Office of the Chief Inspector General
The Capitol
Room 2103
Tallahassee, 32399-0001

Dear Ms. Mills,

This letter is to update you on the Council's implementation of the additional recommendations included in your July 13, 2008 memorandum.

- Recommendations: During our interviews of several Council members, we learned that Council members had been allowed to monitor their employer's contracts with the Council. Such a practice does not promote a perception of independence and accountability for adequate contract performance. It is our understanding that this practice has been discontinued by the Florida Developmental Disabilities Council.

Response: The Council has specifically prohibited a council member monitoring their employer's contract with the Council. Specifically, the Council policy "Roles of the Council Team Members in the Oversight and Management of Council Contracts/Projects" was revised at the September 19th Council meeting to include –

- That it is the responsibility of the task force to ensure that the monitor assignments provide independence and accountability of the project/contract review and monitoring.
- That neither Council or task force members are permitted to be monitors to projects/contracts with their employers or to any other project/contract where the independence and accountability of the review and monitoring can not be ensured.

A chart of all the projects with monitor assignments is provided to all council members with every quarterly council meeting binder. In addition, the Council Chair will be specifically reviewing the chart. We would like to note that there has been only one incident of a council member monitoring their employer's contract. A copy of the revised Council policy is attached.

- Recommendation: Concerns were raised by some Council members regarding bid specifications being so narrow in scope that only a few bidders were eligible to submit a bid for contract. This practice gives the appearance of favoritism toward a small group of vendors. We recommend that the scope of bid specifications be expanded, where possible, to attract a larger number of potential bidders.

Response: The Council has identified opportunities to expand the bid specifications and allowed in the Request for Proposal for more flexibility relative to the initiative we are seeking to implement (such as in our Dental Training and Improving Wellness RFPs). We will continue to offer this flexibility where possible. However, for many of our initiatives, the scope of work needs to be specific to meet the objective intended. The Council has recognized the need to increase the number of proposals submitted for our RFPs. In response, we have identified many of the schools of disabilities, education, child development and other areas relevant to our work at the major colleges and universities in Florida and added them to our RFP vendor list. We have also added a number of out-of-state vendors. If an RFP targets a topic that is outside the disability arena (such as our recent organizational functional analysis RFP), we will identify as many entities in that field as possible to send a notice, in addition to our list serve and the posting in the Florida Administrative Weekly.

- Recommendation: During the 2007 Inclusion Summit, the Council purchased promotional items such as stress balls and tote bags. The cost of those items seemed questionable under the provisions of OMB Circular A-87; however the Council's Legal Counsel indicated that, because the items were used in the achieving the Council's purpose, the costs were allowable. We were unable to determine how those items related to the Council's purpose; therefore we recommend that, in the future, the Council document in their files the purpose achieved by making such purchases.

Response: We have implemented your recommendation by requiring as part of the procurement process to identify whether the supply being purchased is a promotional item and, if it is, to provide justification as to how the purchase is necessary to carry out the federal award. A copy of the Procurement Tracking Forms with the requirement is attached.

- Recommendation: Of the three vendor selection packages we reviewed, we found one was not complete. We recommend the Council implement procedures necessary to ensure that vendor selection packages are complete at the close of the procurement process.

Response: Even prior to your audit, we had implemented new RFP procedures. These procedures include that a copy of the selection package be provided to the CFO immediately after sending to the selection team members. The CFO reviews the package to make sure all the required items are included. Once the selection team has completed their rankings, the CFO is provided with a copy of each of the scoring sheets, conflict of interest forms and minutes of the selection team meeting/call. The rankings will not be posted until the CFO has all of these documents and has confirmed the correct score and

rankings. Copies of pages 45 – 48 from the Programmatic Procedure Manual describing this process is attached.

- **Recommendation:** During our review of documents contained in selection packages, we noticed emails that appeared to include discussions of matters addressed in previous Council meetings. Such actions may violate the Florida Sunshine Law. We recommend Council members discontinue this practice. Council staff should include in their Sunshine Law training sessions a reminder to the members that the Florida Sunshine Law restrictions extend to email communications.

Response: Our Florida Sunshine Law and Public Record Act Procedures include the provision—“E-mails between council and/or task force resource members must not include views on a particular issue unless it is expressly stated that the email is a one-way communication with a stipulation that no reply be provided.” We will reinforce in the Sunshine Law training sessions for members that emails are a communication mode that is covered by the Sunshine Law. Also, we at the staff are adding to our emails the following note to be an on-going reminders regarding emails communication:

Please note: The Florida Developmental Disabilities Council, Inc., is required to comply with Florida's public records law. Most written communications to and from Council staff and members regarding council business are public records available to the public and the media upon request. Your email communications may therefore be subject to public disclosure.

- **Recommendation:** Our survey of Council members revealed some instances where the selection committee discussed the members' evaluations prior to all of the committee members receiving the bid package and completing their evaluation. This process may have improperly influenced the members who had not yet completed their evaluations. We recommend the Council implement procedures to ensure that all evaluations are completed before any selection committee meetings are held and the evaluation discussed.

Response: Another aspect of the new RFP procedures implemented, as noted earlier, included more instruction and reinforcement of the procedures with the selection team members. Specifically, the form memo to the Selection Committee Members describes the key elements of the proposal review process, including evaluating each proposal independently, impartially and consistently (See copy of the form memo attached). An orientation call is held for every RFP selection team and is scheduled for shortly after the selection committee packet is received. All members are encouraged to participate. All members new to the process are required to participate in an orientation call. At this orientation call the process for the selection team is reviewed. Included in this review is that the review of the proposals is to be independent, specifically “members are not to discuss the proposals between themselves outside the selection team meeting (See copy of the RFP Review of Process for Selection Team). Finally, an FDDC Guide to Effective RFP Proposal Evaluation was prepared for members and a workshop conducted at the June Council meeting. A copy of the final guide as revised has been distributed for to council members.

Please do not hesitate to contact me or Lisa Taylor if you have any questions or we can be of any assistance. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Debra Dowds". The signature is fluid and elegant, with a large initial 'D'.

Debra Dowds
Executive Director

ROLES OF THE COUNCIL TEAM MEMBERS IN THE OVERSIGHT AND MANAGEMENT OF COUNCIL CONTRACTS/PROJECTS

In general,

- An advisory Committee is formed –
 - To provide the varied types of expertise that are pertinent to the topic to ensure the relevant perspectives and approaches are considered; and
 - To gain the buy-in of the stakeholders in the ultimate success of the outcomes, by providing them an opportunity to offer input and begin building the necessary partnerships.
- The Council/Task Force Monitor is the voice of the task force/committee and provides the formal linkage between the task force/committee and the project/contract to ensure that the intent of the task force/committee is represented.
- The Project Manager (i.e., the council staff responsible for managing the project) is responsible for the day-to-day management and oversight of the project.
- The Task Force/Committee is responsible for meeting its goals and objectives of the state plan and has authority relative to the on-going operation of the project/contract.

The responsibilities of each of these Council Team Members in fulfilling their roles are as follows:

Responsibility of the Advisory Committee:

- Provide advice to the contractor relative to the planning, direction and implementation of the initiative.

Responsibility of the Council/Task Force Member Monitor

- Approves minor shifts in direction or services of the project/contract. (Note: The Monitor and Project Manager will jointly determine if the shift is minor for the monitor to approve or major for the full task force to approve.)
- Reviews manager's narrative status report for each deliverable.
- Reviews and approves "major" project deliverable documents prior to approval. Deliverable documents considered to be "major" for the purpose of monitor review and approval should be determined at the beginning of the project.
- Reviews year 2 and/or year 3 scope of work.
- Participates on the Advisory Committee
- Works in collaboration with the project manager to resolve problems

- Reports on the status of the project/contract to appropriate task force or committee.

Responsibility of Project Manager:

- Ensures that all requirements of the contract/project are being met.
- Reviews deliverables and products to ensure acceptability relative to contract requirements and project intent.
- Provides monitor with the narrative status report and any concerns/issues with the project/contract.
- Approves deliverable for payment (Exception: Deliverable documents identified as “major” and will also require the approval of the monitor.)
- Day-to-day oversight of the project
- Identification of emerging problems and possible solutions.
- Preparation of contract and amendments
- Work in collaboration with the monitor to resolve problems.
- Inform monitor of all amendments to the contract.

Responsibility of the Task Force:

- Review periodically the status of the project/contract, its achievement of contracted outcomes, and progress toward meeting goals and objectives.
- Approve major shifts in direction or services of the project/contract, including, but not limited to termination of contracts. (Note, if the shift in direction or services differs significantly from the description approved by the Program Planning and Evaluation (PP&E) Committee, then the shift being made by the task force should be brought to the attention of PP&E.)
- Ensure that monitor assignments provide independence and accountability of the project/contract review and monitoring.

Other:

- All projects should have an Advisory Committee unless determined by the task force/committee to be unnecessary.
- All projects/contracts will have a council/task force monitor with the exception of the Training/Conferences RFP-100 contracts. For these Training/Conferences RFP-100 contracts, a report on the status of each contract will be presented to the Leadership Committee at each of its quarterly meetings, in lieu of assigned monitors.
- Council monitors and/or task forces/committees have final approval for direction of the initiative in the event the advice of the advisory committee may be considered inconsistent with the intent of the task force/committee.

- Every council and task force resource member is expected to be the monitor for at least one Council initiative. Prior to a council or task force member being assigned to monitor a second Council initiative, all council and task force members on the committee or task force need be a monitor to an initiative.
- The number of council or task force monitors assigned to a project/contract will be limited to one unless a self-advocate requests a monitor partner.
- Council or Task Force members are not permitted to be monitors to projects/contracts with their employers or to any other project/contract where the independence and accountability of the review and monitoring can not be ensured.

Adopted June 6, 2008

Revised September 19, 2008



FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

124 Marriott Drive, Suite 203, Tallahassee, FL 32301 (850) 488-4180 or 1-800-580-7801
FAX (850) 922-6702 - TDD 1-888-488-8633 -www. fddc.org

Procurement Tracking
Projects of \$500 or less

Short Title _____

Task Force or Committee Budget _____

Item to be purchased _____

Is this purchase for a supply that could be considered a promotional item? Yes No
If yes, how is this purchase necessary to carry out our Federal award?

	Company	Amount	Date
Quote 1			
Quote 2			

Selection: _____

APPROVED by: _____ Date _____

Program Manager _____

CFO or Executive Director _____

Purchase made _____ (date)

Delivery _____ (date)



FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

124 Marriott Drive, Suite 203, Tallahassee, FL 32301 (850) 488-4180 or 1-800-580-7801

FAX (850) 922-6702 - TDD 1-888-488-8633 -www. fddc.org

Procurement Tracking
Projects of \$501 to \$2,500

Short Title _____

Task Force or Committee Budget _____

Item to be purchased _____

Is this purchase for a supply that could be considered a promotional item? Yes No
If yes, how is this purchase necessary to carry out our Federal award?

	Company	Amount	Date
Quote 1			
Quote 2			

Selection: _____

APPROVED by:

Date

Program Manager _____

CFO _____

Executive Director _____

Purchase made _____ (date)

Delivery _____ (date)



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Procurement Tracking
Projects of \$2,501 - \$4,999

Short Title _____
Task Force or Committee Budget _____
Item to be purchased _____

Is this purchase for a supply that could be considered a promotional item? Yes No
If yes, how is this purchase necessary to carry out our Federal award?

	Company	Amount	Date
Quote 1			
Quote 2			
Quote 3			

Selection: _____

APPROVED by:		Date
Program Manager	_____	_____
Task Force/Committee Chair*	_____	_____
CFO	_____	_____
Executive Director	_____	_____

*Approval required for items purchased that are not specifically identified in approved budget.

Purchase made _____ (date)
Delivery _____ (date)

about each member on the knowledge and interests survey when appointing individuals to serve on the selection committee.

- f. The Selection Committee will include a minimum of three persons. The maximum number of members will be determined by the issuing Task Force, Committee, or Council Chairperson. The Chairperson should make every attempt to recruit the maximum number of members.
- g. Appointment to the Selection Committee shall be made with consideration of the Conflict of Interest policy. The appointment of additional or back-up members may be needed to provide a sufficient number of members of the Selection Committee who do not have a conflict of interest.

Revised 2/12/07 Based on RFP Work Group Call 2/20/07

3. The Selection Committee Documents

A Selection Committee Meeting can take place by telephone, or face-to-face. The program manager will have to develop and gather a number of documents together to use in the selection process. Here is a list of the documents needed for this process.

- a. The program manager must write the selection criteria questions **(315)** before the solicitation document is released, because Section 6 of this document requires information which is the basis for the evaluation. The criteria must address the elements of the project to be evaluated. Be sure to include specifics about the project when working on the criteria form.
- b. The program manager must develop an agenda. **(314)** The agenda must contain the name of each Selection Committee member, with the designation/occupation of each person participating. (For example, Jane Doe, Council member)
- c. The program manager must develop a public notice to the public of when the meeting will take place, with a contact name for face-to-face and conference call meetings. This allows the public to participate. **(310)**
- d. The program manager must also compile the documents that will be used and sent to the Selection Committee members for the meeting. Here are those documents:
 - 1. A memo explaining the contents of the packets. **(313)**
 - 2. A meeting agenda **(314)**
 - 3. A copy of the FDDC published solicitation document, RFT/ITN proposals.
 - 4. A copy of the Questions and Answers received from the RFP/ITN vendors.
 - 5. Conflict of Interest form **(307)** - All participants in this process must fill out, date and sign the Conflict of Interest form for each proposal evaluated. If a member has a conflict with any of the vendors who

6. A Staff Proposal Checklist form filled out by staff for each proposal received. **(304)**
7. A copy, for each member, of each proposal received.
8. A selection criteria form for each proposal. **(315)**
9. Completed Reference Checklist for each proposal **(312, 312A)**
A stamped self-addressed envelope should be provided to every member if the meeting will be a conference call meeting. This will make it easier for the member to send back the signed Conflict of Interest forms and the Selection Criteria forms for each proposal, in a timely manner. If the meeting is face-to-face, then the program manager has the responsibility of collecting all of these forms.
10. If any of the providers have worked with FDDC before, the program manager should include the Program Performance form for that provider.

e. The CFO must receive a complete packet at the time the packets are mailed out to the Selection Committee members.

f. The program manager will submit the above 10 items, in a packet, to the Selection Committee members, the day or day-after all the proposals are received. Selection Committee members must have ample time to review each proposal.

g. If the Selection Committee meeting is held face-to-face, the program manager should have extra copies of all the documents, in case a member comes in without his packet. In a telephone Conference Call meeting, the program manager should be ready to fax any of the required forms or documents to the member, in case he/she should need them.

4. The Process

There should only be one RFP Selection Committee Conference call per day/per task force. Do not schedule multiple RFP reviews on the same day, unless you have approval from your supervisor.

Be sure that you have on-hand the reference check for all the vendors that have submitted a proposal and a copy for each member. **(312A)** If the meeting is by conference call you should fax this document to the member, or send it with the packet.

Here is an outline of the process:

1. Program Managers should make sure that all of the members of the Selection Committee understand how they should evaluate and score the proposal. Be sure that members understand that this is a legal document.

- a. Program Managers should ask each member of the Selection Committee to carefully read the memo sent to them in their packet **(313)**. It is very important for each committee member to evaluate each proposal independently, impartially and consistently. To base their evaluation on the responsiveness of each applicant, consistent with the requirements of the solicitation document and the criteria published in the solicitation document. The project document, on which the solicitation document is based, should contain the priorities and goals that should be addressed in the document.
- b. The committee member should write clear, purposeful, detailed review comments and assign point scores that are consistent with the review comments. Many times the point scores and the comments are not compatible and a vendor is likely to request a file review or protest for such a document. Program managers should make sure that their members understand this item.
- c. Be sure to remind committee member in the meeting to sign and date the Selection Criteria form and the Conflict of Interest Form for each proposal.
- d. Ask members to bring all the material (s) you sent them to the Selection Committee Meeting, but have extra forms that you can send or fax with you.
- e. At the Selection Committee Meeting, all proposals will be reviewed orally. The reviewer should maximize the benefits of committee discussion. The committee discussion on each proposal will be used to supplement the individual reviews, to provide exposure for all viewpoints, thereby ensuring that each proposal receives a thorough and objective assessment, and to clarify misunderstandings and help provide answers to any outstanding question. Program managers should urge their committee to be objective on how they score the proposals.
- f. If a member modifies a score, he/she must also modify their comments based on that score. Many times member's comments and score are not compatible. If a member decides to change a score or comment, he/she must draw a line through the item (s), not erase it, insert the new score or comment next to it, and initial the change. The comments MUST be consistent with the score.
- g. All documents associated with this process are public documents and must be available to anyone who requests them. If this occurs, the Office of the CFO will let you know, but you should be prepared to provide all the necessary documentation for review.
- h. The program manager with his/her assistant will write the point score for each proposal, **(316)** as each member calls it out. Then he/she will average (add the points from each member for each proposal and divide it by the number of members who voted). The proposals are then ranked, and the proposal with the highest number of points will be #1, and so on. Projects, which have less than 70 points, will not be funded.

highest number of points will be #1, and so on. Projects, which have less than 70 points, will not be funded.

- i. The program manager serves in this committee only to provide technical assistance, he/she is not a member of this committee and does not vote. The program manager can provide information on the process, answer member questions, record meeting minutes, answer questions and record the votes of the members, but cannot select one proposal over another nor influence the process in any way.
- j. If it is a conference call meeting, have members fax the selection criteria forms and conflict of interest forms immediately after the meeting then mail the forms in the self-addressed stamped envelope you have provided.

D. Post Selection Committee Meeting (318)

The program manager must send to the CFO the original documents used at the Selection Committee Meeting and the following:

- a. Meeting minutes
- b. When and where the call was being held (date, time)
- c. Who chaired the meeting
- d. Scores, stipulations and/or recommendations, if any
- e. Signed conflict of interest forms.
- f. Original Ranking Sheet hard copy and an electronic version
- g. Public Notice
- h. Electronic version sent by vendors & electronic version of all documents used.
- i. One hard copy of Bid Tabulations and an electronic version emailed to CFO.

The program manager must keep completed copies of all documents for her/his file.

The CFO will

- 1) confirm the scores as recorded in the minutes with the scores on the score sheets,
- 2) verify that all conflict of interest forms have been received,
- 3) confirm the rankings on the bid tabulation scores, and
- 4) post scores on web.

E. Delay of Posting.

In order for the rankings of the proposals to be posted, the following documents are required to be submitted to the CFO:

1. minutes of the selection committee meeting
2. scoring sheets and conflict of interest forms for all selection committee members
3. bid tabulation



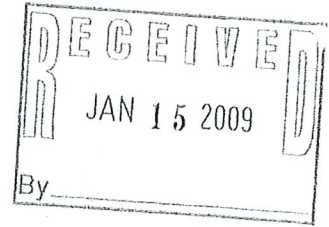
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GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
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January 13, 2009

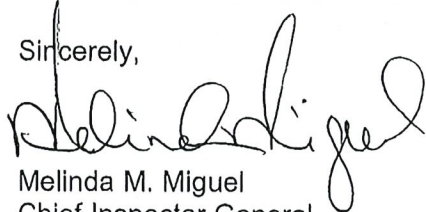
Honorable Charlie Crist
Governor of Florida
The Capitol
Tallahassee, FL 32399

Dear Governor Crist:

On June 23, 2008, the Office of the Chief Inspector General released Audit Report No. 2008-6, Audit of Selected Administrative and Operational Activities of the Florida Developmental Disabilities Council. The report provided details of our audit findings and recommendations for improvements. The audit was performed in accordance with the *International Standards for the Professional Practice of Internal Auditing* as published by the Institute of Internal Auditors.

Professional Auditing Standards require that "the chief audit executive should establish and maintain a system to monitor the disposition of results communicated to management" and "ensure that management actions have been effectively implemented." In accordance with this requirement, we have obtained information from the staff of the Florida Developmental Disabilities Council on the status of the recommendations. The results of our review, which are documented on the attached worksheets, disclosed that recommendations have been implemented to resolve the audit findings. No further follow-up is required.

Please call me if you have any questions or would like to discuss this further.

Sincerely,

Melinda M. Miguel
Chief Inspector General

/kbm

Attachments

cc: Jane Flowers, Audit Manager, Office of the Auditor General
Terry Shoffstall, Director, Legislative Auditing Committee
Dr. Susan Gold, Chair, Florida Developmental Disabilities Council
✓ Debra Dowds, Executive Director, Florida Developmental Disabilities Council

Executive Office of the Governor, Office of the Chief Inspector General
6-Month Follow-up of Chief Inspector General Report Number 2008-6
Audit of Selected Administrative and Operational Activities
Of the Florida Developmental Disabilities Council
Audit Report Dated June 23, 2008

Finding No. 1: Florida Sunshine Law

We reviewed records for 17 meetings where two or more Council members attended the meetings and the meetings' objectives were to develop plans/strategies to be recommended for action by the full Council. Although minutes were maintained, staff had not posted the appropriate notice for four of these meetings.

Recommendation:



We recommended the Council continue to provide periodic training for staff and Council members on the requirements and applicability of the Florida Sunshine Law to ensure compliance with the law. We also recommended that the Council staff develop and implement procedures to ensure all meetings are noticed as required.

Management's Initial Response dated June 16, 2008:

We concur that periodic training for staff and Council members on the requirements and applicability would be advantageous to ensuring compliance with the Florida Sunshine Law. The Council, at its March 7, 2008 quarterly meeting, adopted a policy on meeting the requirements of the Florida Sunshine and Public Records Laws. The Council will develop and implement procedures by the Council's September quarterly meeting to accompany these policies and provide further checks and balances to ensure adequate compliance. A workshop was conducted in March 2008 and will henceforth be conducted on a bi-annual basis.

Description of all corrective action implemented, partially implemented, and scheduled but not implemented:

December 31, 2008 Status: *The Council has developed and implemented procedures to accompany their policies and to provide further checks and balances to ensure adequate compliance. Our test of 27 meetings to which the Sunshine Law applied disclosed only 1 meeting that was not posted to either the Council's website or the bulletin board maintained in the Council's office. The Council is generally in compliance with Sunshine Law requirements regarding posting notices for meetings.*

Results of Follow-up Review	Status (Implemented, Partially Implemented, Not Implemented)	Planned Completion Date	Signature of Responsible Staff	Signature of Auditor
	Implemented	10-1-08	N/A	
				
			Debra Dowds, Exec. Director	Kim Mills



Executive Office of the Governor, Office of the Chief Inspector General
 6-Month Follow-up of Chief Inspector General Report Number 2008-6
 Audit of Selected Administrative and Operational Activities
 Of the Florida Developmental Disabilities Council
 Audit Report Dated June 23, 2008

Finding No. 2a: Travel Expenditures – Use of Invoice for Personal Care
 Travel expenditures for Council members seeking reimbursement for personal care attendant charges did not always include required details necessary for establishing compliance with procedures and accountability for disbursements made.

Recommendation:
 We recommended the Council enforce their policies and procedures to ensure accountability of funds.

Management's Initial Response dated June 16, 2008:
 We concur that the standardized Invoice for Personal Care needs to be consistently utilized and needs to contain all of the essential elements as required by the personal care attendant policy that would prevent reimbursements that exceed the amount allowed within a twenty four hour period. The Council will revise its policy to require a specific form so that all of the essential elements are provided.

Description of all corrective action implemented, partially implemented, and scheduled but not implemented:
December 31, 2008 Status: *The Council has revised its policy and requires use of the Invoice for Personal Care so that all of the essential elements are provided for reimbursement of personal attendant care charges.*

Results of Follow-up Review:	Status (Implemented, Partially Implemented, Not Implemented)	Planned Completion Date	Signature of Responsible Staff	Signature of Auditor
	Implemented 10-01-08	N/A	 Debra Dowds, Exec. Director	 Kim Mills

**Executive Office of the Governor, Office of the Chief Inspector General
6-Month Follow-up of Chief Inspector General Report Number 2008-6
Audit of Selected Administrative and Operational Activities
Of the Florida Developmental Disabilities Council
Audit Report Dated June 23, 2008**

Finding No. 2b: Travel Expenditures – Reimbursement for Personal Care Attendant Charges
We found several instances in which the Council reimbursed Council members for personal care attendant charges that were also reimbursed by a State agency.



Recommendation:
We recommended the Council strengthen internal controls over reimbursements to Council members by requiring members to certify that other reimbursement options are not available and reimbursement for invoiced charges will not be made by another agency for the same expenditure.

Management's Initial Response dated June 16, 2008:
The Council will add an attestation statement to all reimbursements (including reimbursements for personal care attendants) to certify that other reimbursement options are not available and to certify that the member has not and will not submit a reimbursement request to another entity for these expenses being requested for reimbursement. We will be talking to other agencies to determine how we can share information on reimbursements.

Description of all corrective action implemented, partially implemented, and scheduled but not implemented:

December 31, 2008 Status: *The Travel Reimbursement Form was revised to include the following statement: "I hereby certify or affirm and declare that this claim for reimbursement is true and correct in every material matter, that the expenses were actually incurred by me or allowed in accordance with Council travel policy as necessary in the performance of Council Business; and that these expenses have not and will not be reimbursed by another agency or entity." The Travel Reimbursement Form, signed and dated by the Council member/traveler, is used to request reimbursement for personal care attendant charges along with other travel expenses. The revised form was effective October 1, 2008.*

The revised Travel policy indicates the Council will periodically exchange reimbursement information with other agencies to ensure reimbursement of expenses is not duplicated. The Council's Executive Director has initiated discussions with other agencies to determine how they can share information on reimbursements on a periodic basis.

Results of Follow Up Review:	Status (Implemented, Partially Implemented, Not Implemented)	Planned Completion Date	Signature of Responsible Staff	Signature of Auditor
	Implemented 10-1-08	N/A	 Debra Dowds, Exec. Director	 Kim Mills

**Executive Office of the Governor, Office of the Chief Inspector General
 6-Month Follow-up of Chief Inspector General Report Number 2008-6
 Audit of Selected Administrative and Operational Activities
 Of the Florida Developmental Disabilities Council
 Audit Report Dated June 23, 2008**

Finding No. 2c: General Travel Expenditures

We noted that written justification or explanation for higher travel costs were not always supplied. While the hotel charges, use of valet parking and claiming reimbursement for additional miles may be appropriate under certain circumstances, there was no documentation of the circumstances and no evidence of advance approval for these charges.

Recommendation:


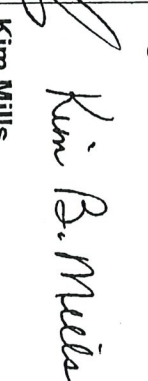
We recommended the Council revise its policies to include requirements relating to the reasonableness of incidental travel expenses incurred and justification/approval for special circumstances and enforce those policies to ensure the effective control of use of funds in compliance with Federal regulations. Training on allowable costs and procedures for allowing exceptions should be provided to Council members and staff on a periodic and on-going basis.

Management's Initial Response dated June 16, 2008:

We concur that the Council should revise its travel reimbursement policy. The revised policy and reimbursements forms will be developed in time for the September quarterly Council meeting. Training on the new policy and forms will be presented at that meeting with refresher trainings conducted on a bi-annual basis.

Description of all corrective action implemented, partially implemented, and scheduled but not implemented:

December 31, 2008 Status: The Council's Travel Policy was revised to address hotel rates, hotel and airport parking, and use of rental cars. Prior approval and justification is now required for exceeding maximum rates set. The Council approved the revisions to the travel policy at the September 2008 quarterly Council meeting. Training on the new policy was provided at that meeting and Council members were also provided a written document outlining the changes to the policy.

Results of Follow Up Review:	Status (Implemented, Partially Implemented, Not Implemented)	Planned Completion Date	Signature of Responsible Staff	Signature of Auditor
	Implemented	10-1-08	 Debra Dowds, Exec. Director	 Kim B. Mills

Executive Office of the Governor, Office of the Chief Inspector General
6-Month Follow-up of Chief Inspector General Report Number 2008-6
Audit of Selected Administrative and Operational Activities
Of the Florida Developmental Disabilities Council
Audit Report Dated June 23, 2008

Finding No. 3: Potential Conflict of Interest

We found potential conflicts of interest in contracting. We also found a provision of the Council's by-laws that appears to be contrary to Federal regulation and permits transactions which may give the appearance of a conflict of interest.

Recommendation:

We recommended the Council revise its by-laws to be in agreement with Federal regulations pertaining to conflicts of interest and implement procedures to ensure compliance with those regulations.

Management's Initial Response dated June 16, 2008:

We concur that, while not the intent of the Council, an interpretation could be made that sanctions the Council overriding a federal law related to conflict of interest. The Council will amend its by-laws at our September quarterly Council meeting to clarify that federal regulations pertaining to conflict of interest and other aspects of the procurement process related to conflict of interest cannot be superseded by Council action. In addition, the Council is negotiating a contract with the University of Miami, Ethics Program, to develop a conflict of interest guide which will provide guidance to the Council relative to the potential conflict of interest situations it encounters and will provide recommendations as to how the Council should strengthen its conflict of interest procedures.

Description of all corrective action implemented, partially implemented, and scheduled but not implemented:

December 31, 2008 Status: The Council's by-laws were revised to include the following statement in the section relating to conflicts of interest: "Nothing in this provision shall be seen as authorizing an override that would be in contravention to federal laws or regulations relate to conflicts of interest." The revised by-laws were approved by the Council at the September 2008 quarterly meeting. Currently, none of the Council members are directly involved in contracts awarded to their employers by the Council. The contract with the University of Miami was executed on August 26, 2008. University staff provided training to Council members at the September and December quarterly meetings. A Conflict of Interest policy and guidelines are being developed. The project is expected to be completed by April 2009.

Results of Follow Up Review:	Status (Implemented, Partially Implemented, Not Implemented)	Planned Completion Date	Signature of Responsible Staff	Signature of Auditor
	Implemented	10-1-08	N/A	N/A

Inspector General Complaint

June 8, 2009 letter to Dr. Susan Gold: refer to Pages 4, 5 and 10

June 24, 2009 letter to Dr. Gold refer to Page 5

OIG Complaint

OIG Memorandum of Interview, Exhibit Page 3 - Conflict of Interest.

June 8, 2009

Dr. Susan Gold, Chair – FL Developmental Disabilities Center, Inc.
Center for Excellence for Mailman Center
1601 NW 12th Ave., D-820
Miami, Florida 33136

Dear Dr. Gold:

I am calling and writing you to request your assistance in addressing personnel issues that need the Council's attention. I understand this puts you in a very awkward position. I do not believe it is appropriate for a staff member to directly contact a Council member, especially the Chair to voice concerns, however I have followed the chain of command to verbalize my concerns. These actions have resulted in disastrous personal results. It absolutely breaks my heart to approach you in this manner as I have never gone over a Director's head to voice concerns, however the situation within our office has become so tainted I feel there is no other recourse. If the Council is to retain any type of credibility and independent functioning, it must address issues of managerial misbehavior and lack of processes that enables a failing leadership to disregard expectations for ethical conduct. My position at FDDC is more than a job for me – my son has autism. I have worked in private, non-profit, and government agencies – within the mandates established by state and federal guidelines at all times for almost thirty years. Until recently, I have never been asked to commit acts that I believed to be unethical and directed to purposely mislead anyone. And now, at FDDC I have been instructed to do just that – mislead contractors, task force members, and Council members. I have been told to purposely issue proposals, RFPs, and contracts – knowing that the timing will lead to unsustainable funding – fully aware of the fact these actions are 100% preventable and are being undertaken to cover up lack of managerial ability to understand budgeting processes. Because I have been unwilling to take action I feel is unethical, I have been subjected to hostile and intimidating actions by management.

The Ethics Resource Center (ERC)'s 2007 National Business Ethics Survey indicates that only 10% of the US workforce feels pressure to compromise their ethical standards, but the percentage of employees who feel pressured to commit violations rose to 91% when they observed actual violations within their organizations. I apologize for the length of this memo. It is actually just one of several documents that point to problems that are becoming more than stumbling blocks for employees. These are serious concerns and serious accusations that require serious explanation and dialog between Council leadership and FDDC line staff. I request that after reviewing this document, you will pursue further investigation and actions that align behaviors, practices, policies and procedures with an ethical culture that promotes a healthy work environment and a free-standing organization that works tirelessly on behalf of Floridians with Developmental Disabilities.

Background:

- I joined the staff of FDDC in October 2006. During the last 31 months, 12 staff members have quit or been terminated (out of a staff of 16), with two program manager positions turning over twice (CDED and Employment). The host of temporary and contract employees have been so numerous, I can't even attempt to guess the number. Two employees have had disability claims from stress-related illness. I have spoken with most of the employees during their tenure as well as after they left the Council; I have yet to hear anyone say they left because of the pay or benefits. Nor has anyone said they were looking for another job because of pay or benefits. Yet I hear at many Council meetings suggestions for benefits that have been proposed to the Council to reduce staff turnover. The Council may do well to explore a well-quoted expression used in about every article written on reducing employee turnover and increasing productivity, "People don't quit working for companies, they quit working for their bosses."
- Problems within the Council began before my arrival to FDDC. Representative Eleanor Sobel expressed legislative concern over FDDC misconduct and filed a complaint to Governor Bush in July 2006. The complaint alleged the Council was not acting in good faith to represent the interest of all Floridians with developmental disabilities. The correspondence requested the Governor intervene and revisit the makeup of the Council. This is a clear signal that the agency has/had problems and should signal some degree of internal reflection to better understand what actions/inactions would cause such a complaint and what processes could be implemented to improve communication – both internally and externally.
- A Whistleblower complaint was made around June 2007 (fyi - I had no part in this). The Chief Inspector General's Office was appointed to investigate by the Florida Governor (OIG). The "whistleblower" did receive "whistleblower" status but did not pursue a lawsuit for fear of retaliation by the Executive Director toward other staff. The "whistleblower" is still willing to discuss what led to such dire action. Again, what problems would an employee encounter that they would feel the need to take such drastic measures? Where was the communication?
- The findings from the Inspector General's Office (OIG) were issued as an "audit report" rather than an "investigative report." – a true stroke of luck for the Council. The distinction is made because an audit report recommends corrective actions that will improve an agency's performance and efficiency. This may have resulted due to the need to commence the investigation after postponements resulting from the initial confusion as to whether FDDC would fall under state or federal regulations and which agency should investigate. Within the findings of the OIG, a lack of data elements (time of travel on FDDC travel reimbursement forms) provided relief. Without documentation of time traveled, absolute proof of fraud rather than oversight could not be established. The forms have been

corrected, however the Chief Inspector's Office has included funds in their budget for this year to continue providing follow-up investigative visits to FDDC.

- The initial findings by the OIG included: (1) 17 meetings that did not meet Sunshine requirements; (2) 41 instances in which Council members billed FDDC for personal care attendants on the same day they billed other agencies (including periods of time that exceeded 24 hours in a day). Had the auditor spoken with several employees who left the agency prior to the investigation, the auditor would have learned that the employees had been instructed by the E.D. to sign the travel reimbursements – even when the employee told her that personal care attendants had not even been utilized. Other findings by the Chief Inspector General included excessive and unreasonable charges for Council member travel with no approval or justification given in accordance with federal regulations; and (3) The Council had adopted bylaws that were used to override established federal requirements that would prevent conflicts of interest and encourage open and free competition in procurement/contracting activities.
- Following the initial OIG investigation, a document was circulated during a staff meeting that would lead staff to believe it was the “official findings.” That document made it appear as though the agency needed to modify (tweak) a couple of policies and provide some additional training. Neither the staff meeting discussion or the document that was circulated represented the extent or seriousness of the findings that a reasonable person would conclude when reviewing the official findings provided to the E.D. and the Council Chair by the OIG and is now available for all to see on the internet.
- The report was gracious in not pursuing the question of intent but clearly pointed to problems reflected in an agency plagued by a lack of oversight and ethical managerial behaviors. The investigation led to quick scheduling for training for the Council and a flurry of new policies. By “reacting” and creating a series of actions to respond only to a report, the agency missed the opportunity to analyze the processes and decision points that resulted in behaviors and events leading to questions of intent, the ethical climate and the transparency of the entire agency.
- By utilizing the usual “quick fix” rather than hearing the wake-up call from the embarrassing OIG investigation, the FDDC's management continues to maintain a system devoid of meaningful data analysis, planning, and evaluation. While management refuses to implement, or even discuss, how the agency would benefit from quality assurance, quality improvement, and quality management processes, discussions directed to Council members limit “QA” discussions to only contract providers. Staff members are asked for suggestions; however, attempts to discuss problems or suggest solutions (e.g. implementing an internal quality improvement process) are quickly cut off. Any conversations that identify areas that could be improved are seen as “complaints.” Executive decisions indicate a lack of knowledge of any managerial processes that could identify and remediate

systemic problems such as lapsed funding, employee turnover, and poor communication both internal and external to the Council.

- Staff is not allowed to generate or share data that would provide Council members with information that would utilize best practices to track agency performance.
- Most importantly, there is no process to report managerial misbehavior and unethical conduct.
- There is a Florida website for Government in the Sunshine,” complete with an online manual. The Florida Commission on Ethics provides a website with extensive information and training on all aspects and specific standards of conduct required of state employees (federal regulations specify DD Councils use the same standard) as well as commissions appointed by the Governor. The FDDC “quick fix” that resulted from the OIG investigation consisted of the FDDC attorney providing a pre-Council meeting workshop on “Sunshine” requirements and the quick generation of a contract to engage an ethicist in leading discussions and putting recommendations together so Council members would recognize Conflicts of Interest. Clearly, it appears that “reaction” and “quick action” supersede using any type of planning strategy (including quality improvement) that would responsibly identify problems, causes, and ways to fix problems – in this case, incorporating an “ethical culture” may have been the focus rather than quick action that can be reported to the OIG. With free resources available (with mandatory standards for the DD Council), it seems difficult to justify the expenditures incurred in the “quick fix.”

- By ignoring the “rogue” behavior of a minority of Council members who falsified travel reimbursements, allowing contracting contrary to procurement guidelines, and not following “Sunshine” procedures, what appears to be managerial misbehavior is reducing the credibility to the Council. An OIG investigation is serious business and not undertaken without cause and concern of government officials, specifically the Governor’s Office in the case of FDDC. Sadly, the Council’s new “quick-fix” guidelines address how Council members should behave but fall short of addressing staff or managerial misbehavior through either acts of omission or acts of commission. And worst of all, there are still no connections that align policy and procedures with development and expectations of an ethical culture.

Since the “rogue” Council members are long gone, are there still concerns today? Did the “quick fix” help?

- During the time of the investigation, Enrique Escallon, Chair of the FDDC Council received a \$100 advertising donation from FDDC for Parent to Parent of Miami, Inc., where he serves as a Board member.

- On 2/13/09, Lisa Taylor, CFO, uses her signature and verification as a CPA to complete a tax extension request for the Dade County Council PTA/PTSA, where Enrique Escallon serves as the Treasurer.
- Both Enrique Escallon and Steve Howells serve on FDDC's Finance Committee, where Lisa Taylor, CFO, is the staff representative. Steve is the Chair and the Treasurer for FDDC. Both Lisa and Enrique serve on the Finance Committee for FFAST where Steve Howells is the Executive Director. Again, was the training inadequate? Is the climate too tainted? Or, are the CFO and Executive Director unable to recognize when they are making poor judgments that should embarrass them if revealed to the Inspector General's Office or the general public (or for that matter – their own employees or the rest of the Council).
- Are these conflicts of interest? From my perspective, I find both Enrique and Steve to be very quick to keep the conversation rolling and ensure Lisa's agenda items are quickly passed during FDDC's Finance Committee meetings. I also find that the fiscal policies developed and presented to the Council over the last few months are either the most ignorant actions I've encountered in my working career or have been intentional "smokescreens" that are resulting in financial chaos for FDDC. I, for one, am very uncomfortable with the "fox guarding the henhouse." I am very disappointed in the total disregard for personal integrity, ethical decisions, and lack of transparency within the agency. The wake-up call came when the first report was made to the OIG; unfortunately the call was not properly answered.

A Step into the Middle of a Big Mess:

In December 2008 I spoke up at the Finance Committee meeting about problems with the schedule for task forces to encumber funds and the follow-up policy that was being voted on to take funds away from task forces if they did not "comply" with that schedule. There was no data to support why either policy had been proposed. It appeared to me that the Council members were led to believe it was the only way for FDDC to avoid lapsing federal funding.

- Since the time I have worked at FDDC, I have seen fund shifts from funding/de-funding projects mandated by a Council member, redistributed, and then benchmarked without regard to consequences. The financial "data" highlighting task force encumbrances presented at the Council meetings can easily lead a reasonable person to infer misleading cause and effect relationships and generate false assumptions. Reports prepared for the Council, by the nature of their design, will deflect attention from a gross lack of internal controls that still do not solve operational (budget) problems nor identify managerial misconduct in development of contracting policies/procedure that are at least unethical, if not in violation of federal regulations.

When the schedule to encumber funds was changed in March 2008, the target dates for encumbering task force budgets changed from 3 times per year to 2 times (this was for 2008 and subsequent fiscal years). This was presented as "the" action necessary to keep the Council from lapsing federal funds (half of the Board was new at the time so this argument probably sounded very logical). What was not discussed was this "realignment" for encumbering task force funds reduced the window of time to encumber from 18 months (for 2008 funds – which by any reasonable planning schedule would be a miscalculated benchmark – too long) to 4-5 months for 2010 and subsequent years (again, a bad benchmark – too short).

There was no information presented to the Council to demonstrate the possible impacts/difficulties or even if the goal was attainable. The information was presented by the CFO and supported by the Director of Programs and the Executive Director. It sounded logical and was passed by a vote of the Council. Management was able to eliminate questions about the absence of planning and lack of budget analysis. In looking at the TAGGS (Tracking Accountability in Government Grants System) information, it appears to me that Florida has come in as #2 of all DD Councils in highest five-year average for lapsing federal funds. If one considers the lapsed funds are actually 3 years old - meaning the mistakes began long before it became apparent – the problem is even worse.

As I planned my projects last winter, I voiced concern to all members of the management team that I would need greater flexibility to obligate the funds, otherwise I would over-commit. My supervisor suggested I did not understand multi-year budgeting. I was directed to keep developing new projects that would be financed by spreading the contract budgets over several years. With this, I reviewed all of the financial reports available to me since being hired and charted time spans and relationships between project development, approval processes, the procurement cycle, and contract development/execution.

Thinking the management team had perhaps just not thought it through (honest error), I tried again to voice my concern while utilizing a visual aid to assist them in identifying the timing glitches. By charting my program, I identified:

- Benchmarks for the timeline for '08 funds would require encumbering 3 fiscal years of funds into contracts executed within 15 months...result:
- All programs generated during this period will be over-committed; projects that have been competitively procured with wording to indicate possible funding continuation for up to two years would be executed in contracts that would not have sustainable funding;
- By following the revised schedule into 2010, all funds will be encumbered by the date of each June Council meeting. There will be no funds available for contracting for a 3-4 month period (June meeting – Oct.1) so projects that end

during this time period would lapse (we have now created lapsed projects rather than fixing lapsed funding).

The Director of Programs and the CEO spent 3 ½ hours meeting with me to “help me” understand the problem (through intimidation, humiliation, and just plain ugly behavior). They indicated the lack of alignment between projects and funding was of my own making, and told me I shouldn’t expect the Council to do business differently because I don’t like something or don’t plan well enough to meet the targets. I repeatedly stated I would like to do what they wanted me to do if they could help me understand the budget – and kept asking for their assistance in showing me how to align money with contracts. After 3 ½ hours they finally acknowledged that the revised schedule was flawed, but stated any changes would be something the CFO would need to do at a later time and should not hinder me working as quickly as possible to issue RFPs and contracts without addressing consideration for sustainability. Neither Allison nor Debra would tell me when this flaw would be fixed, but I certainly understood the implication that it would not be addressed before the June ’09 Council meeting, if ever. By that time, the damage would be done! I was told that while our schedule may not be perfect, it is what we have to work with; I must do what is necessary for meeting the schedule that will be reviewed at the June 2009 Council meeting.

My problems is that I thought the goal was to identify the problems and suggest a way to proceed without over-committing funds, angering contractors, and shutting down projects prematurely due to lack of funding. The real goal was to maintain the revised funding schedule at all cost to staff, providers, the agency, and ultimately Floridians with developmental disabilities.

➤ The Director of Programs and CEO proposed the following solutions to maintaining the flawed schedule and complying with the deadlines (which must be done by the June 2009 Council meeting):

- Cut the amounts of funds in RFPs (Request for Proposals – a competitive procurement process) after task forces and Council members have approved larger amounts reflecting alignment with the scope of work and processes that would achieve strategic goals.
- Cut funding for each subsequent year by up to half (each year). This was justified by reminding me that the initial contract was for only one year and that the boiler-plate language clearly states contracts are subject to the availability of funding. In my opinion this equates to using the small print to justify bad planning on the Council’s part.
- Stretch time periods and write 6-month contracts to try to cover the months of the year where there is no longer funding available for contracting.

The management team is barely past the embarrassment of an investigation by the National Association for DD Councils (I’m not even addressing that) and the OIG. A number of Council members have been removed from the Board; half are relatively new.

Everyone has been provided with hours of training on Ethics, Conflict of Interest and the process for reviewing proposals and executing contracts. Staff and management have been trained!

What is acceptable for employee performance according to management: (1) Staff ask task forces to approve projects; (2) After staff have task force approval, we ask the Council to approve; (3) After the Council approves staff publishes the RFP; (4) After receiving the RFP staff issues a contract. And staff does all of this without disclosing unsustainable funding for the proposal, RFP, and in the contract. Staff then goes to the Council meetings and does not reveal that the problems as well as the potential solutions were made available to management, ignored, and purposely not disclosed.

Management now presents the Council with selective data that ignores most of the agency's budget. They focus on a small part that is justified as the key to preventing funding lapses (it doesn't appear to work though). This data places total focus on line program staff (as individual performance) rather than looking at budgeting as a process and analyzing and aligning processes and funding cycles. Program managers have repeatedly asked for discussions to address this alignment and are told that any such discussions would be counter-productive and be nothing more than blame sessions.

To add insult to injury, the management team proposed and had the Council pass a follow-up policy requiring the task force manager step up in the Finance Committee meetings, explain their delays in meeting the flawed schedule, and request extensions. In addition, the Treasurer/Chair of the Finance Committee has asked for the CFO to do an analysis to see which task forces have a pattern of asking for extensions. Again, a total lack of leadership in establishing processes that identify and rectify problems – we are only trying to cover them up so the Council is not aware of the bad benchmarks and flawed encumbrance schedule.

The selective information provided to the Council:

- Has only supplied visual data supporting a cause-effect relationship where tracking task force budgets rather than use of total agency funds;
- Has resulted in the Council being asked to and approving a "follow-up policy" that would further delay the execution of funds by re-distributing them. This policy allows funds to be taken back even when a contract is out for signature with the provider. Until the date of the final signature by the CEO, the contract is not executed and therefore "not encumbered." This policy that is so ill-conceived that it could not be defended using any type of statistical or accounting principles, or reflect any methodologies used in even the most basic budget planning practices.

Problems with the format of the task force budget/financial data shared with the Council include:

- The “data” itself (being only a dollar amount and % of task force encumbrances) received by the Council does not reflect any valid statistical methodology or any recognized procedure/ practice used in accounting or auditing; in fact it may be very problematic for a CPA to defend creation of this type of report to a professional licensing board;
- Accounting reports reflect quarterly budget cycles. The “numbers” the CFO provides for tracking compliance is calculated according to the day a spreadsheet is printed by the CFO prior to the Council meeting. Again, not a recognized method for accounting/auditing practice or utilized to generate meaningful statistical data and would be difficult to defend to a licensing board.
- The CFO may shift fiscal year funds between projects/programs (which program managers do not control or usually know about) at any time. The timing of fund shifting is not reflected on the report. Program managers receive the “status report” only days before Council or task force meetings.
- Visual presentation does not separate initial task force budget from funds that have been later added (such as redistributed funds from Administration, Committees, line items or unmet needs). Those budget dollars may already be a year or more old. This implies the task force has not been able to get “old funds” into contracts. It deflects attention from which area of the budget generated the funds or why it took over a year to move the funds.
- The task force budget report, being the center of attention, does not reflect any other areas under management control that contribute to financial failures such as: failure to identify Administration or Committee budget funds needing revised projections, not controlling lack of access to line item or unmet needs funding-allowing hundreds of thousands of dollars to be contracted without following federal regulations. It also does not provide any method to determine accountability for funds that have been set-aside for the CEO or the Director of Programs to get into contracts. When either party is unable to execute in a timely manner, they can simply terminate the initiative without discussion with staff or any task force that initially funded the project idea as a means to meeting a state plan goal or shift the money elsewhere. Tracking of funds under the control of either party has not been included in the cause-effect visual presentation presented at each Council meeting.
- There is no information provided to alert the Council to management error(s) or problems such as miscalculating the timing of benchmarks that may be totally unobtainable or have unplanned negative consequences. Excessive staff turnover, lengthy delays in filling positions, or the time that is needed for a new employee to understand the budget process and plan accordingly are not discussed in relationship to the budget. The funding needed to hire consultants and temps to cover vacant positions or handle strategic planning and evaluation tasks undertaken by most administrators is not identified. This is usually the first place

companies analyze to look at cost savings (rather than delay retirement contributions or postponing eligibility for employee health care).

- Staff is unable to communicate unethical or other managerial misbehavior. The former Chair, Enrique Escallon, came to interview staff and asked for input about what staff liked and what they felt was problematic in working at FDDC during the OIG investigation. It appeared to staff that Mr. Escallon reported staff concerns (along with the employee's name) about management problems to the Executive Director. It did not appear to most line staff that their concerns were viewed as constructive criticism as an opportunity for management's reflection and growth. The Executive Director is evaluated by staff and Council members prior to receiving her official performance evaluation each year. The only problem with this 360° evaluation is that each staff member is e-mailed and verbally requested to complete and sign (repeatedly - until they comply) – and turn in to Lisa Taylor. Anyone wanting a bonus will definitely report in a manner that preserve's one's financial interest. Recently Debra asked for staff to sign up to meet with her to tell her what they liked and what needed improvement since she had not done this recently (since the OIG investigation and day with Enrique). There were many discussions between staff members on should they sign up and what would be safe to say – that indicated they liked everything and identifying some insignificant problem that would not sound like criticism of anything that had been an output of management. I believe about a third of the staff signed up.

Now, good sense would normally dictate that if an employee identified a problem and provided a solution, the problem should be relatively easy to correct. I worked through the budget, analyzed the timing glitches, and found a way to encumber funds, avoid lapse, align projects and State plan goals, and proceed ethically using responsible timing processes. I was instructed to:

- Maintain the revised schedule and plan accordingly - even though we are aware that the schedule is flawed and will cause lapses in funding and force changes that the task forces and Council do not know about! In order to do this, I have been told to:
 - (1) Change dollar amounts of the RFPs (after approval by the task force and Council – without their knowledge and not in alignment with the scope of work);
 - (2) Change the amount of time the proposer has to respond so we can do a “mini-solicitation” if no one bids (this is a new term – not in any of our manuals & I've been a managing contracts for more than 20 yrs without this word in my vocabulary).
 - (3) Write a contract and turn it in for review before the posting has expired without speaking to the provider to negotiate the terms of the agreement. This instruction was for the sole purpose of making me comply with the flawed schedule so it could be reported “in compliance” at the June Council meeting.

After making my concerns known, management generated a set of solutions that does not require changing the flawed encumbrance schedule entitled, "Options for Shortening Contract Processes and Other Internal Obligation Processes." My guess is that this will be shared with the Council for use in any discussions about shortening the contracting processes so the program managers can better meet the encumbrance schedule and thereby not lapse funds.

- Implemented a timeframe for developing and issuing RFPs and developing and executing contracts to comply with the internal obligation deadline. (This is backwards from any acceptable management practice and in violation of the Code of Conduct for CPAs – the finances should align to support the strategic plan, not visa-versa).
- Explore expanding the use of a quote process for certain services such as development of a white paper. (This reflects a total lack of contracting knowledge – quotes are for things like buying bulk quantities, printing, toilet paper, etc. – totally violates the intent of federal funding regulations for competitive procurement).
- Exploring using a purchase order type of document with boiler-plate terms and conditions attached for certain initiatives. (Again, boiler-plate is the standard contract language – the work actually performed should always be on a case-by-case basis with terms that reflect good negotiations and fair terms of agreement).
- Examine shortening the time period between issuing and submission of proposals for RFP. (It was explained to me by Allison that this is the provision that will ensure time for "mini-procurement" when no one submits a proposal – which I believe will most likely violate federal intent for competitive procurement practices).
- Explore using a Request for Applications (RFA) process instead of an RFP process for certain initiatives. (These are really two separate types of solicitations).
- Explore structuring RFP and RFA proposal responses to match more closely the contract sections to reduce the time required to translate the proposal into contract services and deliverable. (This is yet another proposed "quick fix" that does not look at any of the timing problems, procurement process problems, or even procurement methodologies that are allowable within the DD Act. As the current encumbrance schedule demonstrates, just generating documents quickly without regard to evaluating process/problems/potential solutions may have unintended consequences).

A Big Problem for Me:

- I have verbalized my concerns about flawed “benchmarks” that are now agency policy. I have explained my concerns to management that in order for me to comply with the schedule, I would have to do things I consider unethical.
- I Began working at FDDC in 10/06. From 10/06-12/08 I received only positive feedback. There were no communications indicating problems with job performance, attitude, ability to do the job, etc. My performance evaluations have been quite favorable and included performance bonuses both years. I have worked under several different HCTF Chairs including: Bob Frank, Linda Thabes, David Wood, and Phyllis Sloyer. All have been complimentary of my work.
- In trying to engage the Director of Programs and the Executive Director in ethically fixing the problem, I have become a target of managerial harassment and abusive behavior. I have been screamed at; told I did not do what I was told to do (prepare budgets by slashing funds, changing procurement amounts, and executing unsustainable contracts). I have been told to write contracts that must be turned in for review before the procurement protest period has expired. Initially, I was told I must meet with the Executive Director and Director of Programs so they could “help me” and see what work other staff members could do to assist me following my father’s death in January and surgery in February. This was actually just a way to get me to turn over contracts that someone else could generate without looking at planning or sustainability. When I kept saying the “help” I needed was in understanding the budget so I could do what they wanted while aligning the budget to the initiatives, things became very ugly. In one exchange, the Executive Director even admitted the reason for a meeting “to help me” was not to “help me.” That meeting lasted over 3 ½ hours.
- From the time I verbalized concern over the encumbrance policies at the December 2008 Council meeting, I became a “problem” for management. My concerns are now received as complaints and totally ignored or I am subjected to hostility that appears to be intended to force me to engage in unethical contracting procedures and assist management in covering up problems from the Council.
- In January 2009 I brought forth a concern to Allison, Lisa, and Debra that our insurance benefits did not align with the insurance companies benefit year. I clarified deductible amounts/timing with Lisa, and then found out from BCBS and AFLAC that the information I had obtained from my employer was faulty. I ended up paying over \$600 of unexpected deductibles for Jan & Feb when I was changing to the HMO on March 1. My change of insurance followed being denied payment for a physical last year which was another \$300 of unexpected costs (also bad information from management). I did not bring up the matter to whine – I brought it up because it is important for individuals to know what is covered and when deductible periods begin so they can budget their paychecks.

The response from management was no change in aligning our benefit year to the insurance company, no notice to other employees to make them aware of possible problems, and a rather nasty e-mail from the Executive Director saying that there is no reason we have to do things any differently. While my budget took the hit, another employee (a secretary making considerably less money) was billed \$700 for her physical that wasn't paid last year and was subsequently turned over to a collection agency). When employees are treated as "complainers" rather than reporters of processes that need improved or fixed, the work environment becomes toxic. These are the situations that lead employees to quitting working for their bosses. It is not because the agency does not offer benefits – it is because the bosses don't have the leadership skills to know what is important to their employees and allow change/improvement within the organization and view it as positive rather than negative.

- The month of March brought the budgeting situation to a head. I was called in for meetings that could only be described as hostile and frightening. I did send an e-mail to the E.D. asking her to not stand over me screaming, as I have a history of PTSD after being kidnapped and almost murdered. I informed her that I am not able to process information under those conditions. Long ago, I shared with the Director of Programs that I have been diagnosed with bi-polar and ADHD. I have been med-stable for more than 10 years and have consistently received feedback and positive performance appraisals which indicate my mental health has not been a problem. I have not asked for, or needed, special accommodations.
- Throughout March I went to work not knowing if I would have a job at the end of the day. Any day was open for abusive meetings, unethical assignments (which changed from day to day/hour to hour), and displays of hostility that were unbelievably frightening. These occurrences weigh heavily for me after: (1) having watched other employees leave (after they told me they had been asked to do things that were unethical and illegal); (2) receiving a deceptive e-mail (sent to all staff) from the Executive Director about a former employee "going on to other things" after she had actually fired him; and, (3) listening to the Executive Director tell the entire Council about another staff member leaving to go to film school after we had been gathered a couple of weeks earlier and informed she had been fired; (4) viewing what we were told was the "report" from the OIG and listening to the E.D.'s account as compared to the official OIG report which can be found on the internet. Deception of staff and the Council alike appears to be the Standard Operating Procedure that defines the climate (or lack of ethical managerial standards) of the agency.
- After two years of being a model employee, I became the target of abusive and hostile meetings. Compromising ethical business behavior and appearing incompetent and unable to manage a budget is not what I was hired to do. After weeks of harassing behavior I requested a leave of absence. This leave is to recover from physical and emotional conditions that have been exacerbated by

stress from managerial behavior that should never be allowed to occur in a workplace.

- Governor Christ is heavily invested in government operations reflecting high standards of personal integrity, ethical business practices, and transparency within organizations. With few exceptions, FDDC has Council and staff members that reflect these high standards. However, having just undergone an OIG investigation, management failed to personally recognize their second chances; they did not accept the wake-up call. Instead of fixing the problems they created, they have resorted to covering up their mistakes at all cost. And because I identified the situation, I have been targeted for abuse and/or elimination through what I perceive as harassing, and most likely illegal, behaviors.

Because of the work I've been able to do at FDDC and having a son with autism, I want the Council to remain a self-standing agency and have the flexibility to do the incredible things it is funded to do. Based upon the intolerable work environment that now persists, I am requesting Council action to investigate managerial misconduct and ensure the agency incorporate a quality improvement process that will assist the Council in receiving reliable and valid data that identifies problems, explores and tests solutions, and is used to develop policies. A good quality improvement process should establish an ethical culture defined by how staff, management, and Council members conduct business, continually seeks improvement, and provides for reporting/protection of reporters of ethical breaches.

I appreciate you taking the time to explore my concerns. I think you will find these concerns are shared by a number of employee, both past and present, who prefer to be part of the solution rather than being viewed as part of the problem.

Sincerely yours,

Debbie Richards
Program Manager
(850) 251-9013 (cell)

June 24, 2009

Dr. Susan Gold, Chair – FL Developmental Disabilities Center, Inc.
Center for Excellence for Mailman Center
1601 NW 12th Ave., D-820
Miami, Florida 33136

Dear Dr. Gold,

Thank you for your quick response to my call and letter. You requested I provide you with some follow-up materials. I am attaching electronic documents with the information I have on hand for your review.

The first attachment is the timeline of my discussions with Debra and Allison related to contracting dates and my concern about over-committing task force funds if forced to follow the encumbrance schedule. The timeline identifies my concerns about over-commitment (it is not financially possible to encumber funds that total 3 fiscal years in a period of 15 months without cutting projects or their funds in subsequent years), Debra and Allison's agreement that the schedule is flawed, and their insistence on continuing the course regardless of the fallout.

The second attachment is the spreadsheet in which I demonstrated how all of our projects (HCTF) could be rolled out (in a time frame that would not lapse funds) and allow for sustainability. I even figured out how to finance our share of the PIT project funds for each year. Please note the following on the spreadsheet:

- Contracts can not be executed without having 100% of the federal funds available – the dark border around dollar amounts utilizing 2 fiscal years shows how timing releases makes 100% of the funding needed available to execute in a contract. After execution, funds can be shifted if providers are ahead or behind schedule. However, it takes several years to reflect a trend toward getting as much money encumbered as possible as soon as it is released by the feds. The last chart on page 2 shows how 2009 can look like little is being encumbered that would be in compliance – then 2010 shows disparity between the March and June deadlines (99% compliance – then 49%), and by 2011, the program is ahead of the targets for compliance. The bottom line is you can't fix lapsing funds by changing the target every year – you have to time your roll-outs over several years in a manner that sustains funding, allows for disasters (e.g. – canceling a contract), etc. This can be done without lapsing funds!
- Both Allison and Debra were made aware of the fact that all of the contracts would be sustainable and the Fetal Alcohol proposal could remain at the original funding level approved by the task force and Council if proper timing was allowed. It was also discussed that the first two high scores from the Wellness

proposal could be sustained, but if the third-high score was funded, cuts would have to be made. Wording was discussed with Phyllis on how to notice this in posting the results and approved by the FDDC attorney. I understand that the third proposal has now been funded.

- Allison and Debra acknowledged the encumbrance schedule was flawed, and rather than openly reveal the benchmark may have been erroneous to staff or Council members, they chose to push all task forces forward to over-encumbering and telling everyone “hard choices will have to be made.” In my mind, this is totally unethical and unacceptable professional behavior. If the Council wants “branding” and name recognition, the management must act in an ethical business manner and contract in a way that does not require cuts and dropping projects when it is totally unnecessary. Otherwise name recognition will be in the form of, “Stay clear of FDDC.”
- The budget I prepared for Debra and Allison did fulfill the requirements I was given: use the same funding amounts of the present year, plan on continuation for current projects that were approved as multi-year initiatives, and look at how to do it for the next few years. The schedule reflects quarterly budget cycles, which are the cycles used in state, federal, and private business planning, for budget projections and reporting. I developed a visual tool/chart that shows where the timing glitches occur in the present encumbrance schedule. I demonstrated how program managers could achieve what they want (getting funds into contracts as quickly as possible after federal release) – but that it takes several years to do it. The Council isn’t starting with a fresh slate when management changes the encumbrance schedule – we already have existing contracts, projects, etc. – each with their own timing constraints. Major changes in budget planning must be viewed using trends, data analysis, and planning to actually achieve goals.

The third attachment’s title is, “Moving Targets.” There is a lot of information contained that ties funding and timing together.

- The first part shows where funds from other parts of the budget are given to task forces. While this is always appreciated, there is no division of old and new money. Therefore, you can encumber 100% of your funds, get money from another part of the budget, and your % of funds encumbered (which is what is given to the Council) then drops. A lower % could also occur from good program management such as a program manager shutting down a bad project – then funds go back into the “unencumbered” column – and it appears as though the task force and program manager are not doing a good job because their % is now lower.
- There is no information presented to the Council on why it takes 3, 6, 9, 12 and even more months (from federal release) for funds to be shifted to task force budgets. Adding old money throughout the year, yet again, makes it appear as though the task force manager is incompetent and unable to manage a simple budget.

- The time schedule for program managers to encumber 100% of a year's funds from the federal fiscal release date has changed since my arrival in Oct. 2006 from 14 months, to 11 months, to 18 months, to 12 months, to 9 months. I understand the schedule was changed yet again at the June '09 Council meeting back to 12 months. I have been with the Council less than 3 years – June '09's change makes it the sixth change for a budget year in less than three years. These kinds of changes, without staff input as to effects, lack of data and analysis, is nothing more than a smokescreen that will always make program managers look incompetent. Where is the data? Where is the analysis? What will this fix? Can it have unintended consequences? Is it possible to retain staff when their performance is based on moving targets? Though I have repeatedly voiced the benefits of a quality improvement process, any management strategy used (other than flying by the seat of your pants) will point out that changes are made in accordance with data, planning, and input about cause/effect from those affected. Employees are not quitting because of poor benefits...but because the playing field is not level and there is no opportunity to participate in a process to make it level. I understand the reason for the June 2009 schedule change for encumbering funds was explained as the Council is now "caught up – a position we've never been in before." This is not true. When I started, there was a big push to encumber. Fortunately, David Wood asked the question, "How will the Psy. Meds project and Dental project be continued?" I reminded both Debra and Allison of this in one of our March meetings. For whatever reason, neither could remember the dilemma nor the HCTF being over-committed. That situation was thankfully rectified by not continuing the dental project and the Psy. Meds project being shut down due to problems. Do the frequent changes in schedule (moving targets) keep funds from lapsing? It appears not, since FL appears to be #2 in the nation in lapsed DD Council funds.
- The other problems with continually changing "due" dates and "punishment policies" (as I call them) to take away a task force's funds and redistribute, is that no one on the management team has figured out they are mixing recurring and non-recurring funds. This will make the task force that receives these funds (Employment for 2008) encumber more projects that will be unsustainable. Any state or federal agency (or private business) understands the difference in planning for recurring and non-recurring funds and keeping the numbers separated to avoid cutting programs/clients in subsequent years and not confusing one-time service(s) and multi-year initiative(s).
- The next chart on that page points out that the % of time FDDC uses for the 100% encumbrance target compared to the feds ranges from 38% to 75%. Again, how can program managers meet targets based on no data analysis, or input, which has changed 6 times in less than 3 years?
- The box marked, "Statistics 101" is a perfect example of the data being fed to the Council members. The same formula and same numbers are used in two scenarios. The same thing is being measured: the % of change. Why are the two

answers so different? It depends on how you ask the question – which year you put first in the question. As Einstein pointed out, “Not everything that can be counted counts, and not everything that counts can be counted.”

- Last on that page is information that points out one of the biggest problems of information prepared for the Council focusing only on the ever-changing targets of the task force budgets.....the amount of funding used by the task forces is only 36% of the total Council budget. When other areas are not addressed, fund shifting, employee turnover, and other budget expenses are never looked at in terms of evaluating how the Council is operating and what factors need to improve.

The fourth attachment is the information from TAGGS – the federal government’s website data reporting system in which funds can be tracked. FL appears to be number 2 in the nation for lapsing DD Council funds (for the last five-year average – the information that was available when I began looking at the numbers).

I believe if you re-read the original document and compare the concerns with these attachments, you will be able to more clearly identify my concerns. In your letter you requested I be more specific about what information was being withheld and when I was asked to do things that were unethical.

- It is my belief that the first unethical request was to develop and receive approval from task forces and Council members – and then change the dollar amounts (that were established to align with the scope of work) in the RFP. This was done in the Reducing Fetal Alcohol proposal.
- The second thing I consider to be unethical is to publish the RFP without disclosing the money to the project would have to be cut or the program cut altogether because it is unsustainable. I was asked to do this in the Reducing Fetal Alcohol proposal so that it could be released right away. I was told 2 times to get it out right away – and 1 time to put it on hold for a couple of months or even a year because there was no money for it (that’s just bad management – not an ethics problem). The ethics problem comes into play when management knows there is no money to sustain the project if rolled out right away – yet gives the command to do just that – which they did.
- The third concern I have about unethical behavior is that Debra and Allison were shown how the goals could be met by timing roll-outs of projects to align with budget availability, shown that it can be done without lapsing funds, and then insisted on issuing contracts that would be unsustainable. This was done in the case of the Improving Wellness – Miami-Dade Public School contract – and the Reducing FAS proposal.
- My fourth concern about ethical misconduct is that the task forces and Council members are not being told that all of the rush, and then “out of money” scenarios

were totally preventable. It was all done to look like everyone was "in compliance" at the June '09 Council meeting and no Council members would question why the last change of schedule was requested (which was impossible) nor why the June '09 request to change the schedule was being made.

- My fifth concern is that the original project proposals approved by the task force and Council, the RFPs, and the contracts were all being moved forward without any indications of impending discontinuation or funding cuts (by as much as half in each subsequent year according to Debra and Allison's budget solutions). When the proposal, RFP, and contract indicate a project may seek funding for up to two more years if the project is going well, this means level funding. If reductions are anticipated, it should be clearly planned from the time of project conception – through procurement – and included in contract language. Otherwise, this is a deceptive business practice, and I believe totally unethical. The "hard choices" each program now has to make were totally preventable.

In your letter you stated that you disagreed that the Council tried to institute a "Quick Fix." after the OIG investigation. This is not what I meant to imply. I believe it was the intention of Debra Dowds to quickly take action. That does not necessarily align with developing a planning process that guides management, staff, and Council members in a strategy that identifies problems, gains information, proposes solutions, and evaluates both process and outcomes. In a separate e-mail I will send you some attachments that may prove helpful in identifying ways to look at planning and evaluation for FDDC. These will be for the sole purpose of providing information you may/may not find helpful. I am not trying to imply the Council must be run by any particular management strategy.

You also indicated in your letter that you were not aware of any policies that set forth a conflict of interest because members serve on more than one council (such as FFAST). I totally agree with you on that. Both Susan Redmon and Jackie Needleman serve on both boards. I do not wish to imply that is a problem – clearly it is not. The problem comes in when members serving as officers, directors, etc. become so comfortable with each other they may not even be aware that they do not ask questions of each other. For example Enrique was the Chair of FDDC during the OIG investigation. Lisa and Debra were the only employees that really interacted with the OIG investigators. Has Enrique asked Lisa to write a check or file a tax extension for another organization because this is the business of FDDC? Lisa is now a fellow Finance Committee member for FFAST. Steve is the Executive Director of FFAST and the Treasurer for FDDC. I do not believe any of these individuals are conspiring – but the appearance of impropriety is there when fiscal decisions are being made by a bunch of "friends and colleagues" who may not be scrutinizing information or asking for data that supports their positions. Has there ever been any data provided to the Council to show that changing the schedule for six fiscal years in less than 3 years will remedy anything? Has anyone even asked the question – why are you recommending this? What is broken and how will this fix it? How do you know this will work? Has there been any evaluation or discussions with others to see if

there are unintended consequences? Those are the types of questions that just do not get asked when the boundaries get blurred.

It is my personal belief that because the Executive Director and Director of Programs do not clearly understand how to develop a budget or align money with agency goals and programs, that moving targets and failing financial policies are being developed. Lisa is being put in the position of having to fix the problem of ensuring funds are not lapsed. As a CPA, her credentials and background have prepared her to ensure funds are spent in accordance with guidelines and laws, budgets are balanced, and bills are paid in a timely fashion.

The fifth attachment is a California's SCDD Strategic Plan. The chart on p.10 shows how budget planning is factored down from a total agency planning process, and is enclosed only for information purposes. The budget aligns with the work/goals of the Council rather than being the driver of the planning process. This appears to be the process that is missing at FDDC. We are driving the agency by the budget rather than aligning the funds with the work of the agency.

I will send a separate e-mail with some documents that you may find helpful regarding planning and evaluation processes. I am not implying any specific technique or strategy must be used – only that there is lots of information available that can help any agency do what they do better.

I would like to return to work next week. I have an appointment with my doctor on Monday morning. I would like to speak with you on the phone or in person (I'm willing to come to Miami at my own expense) prior to my return. I will do everything in my power to work hard for the Council but feel the need to discuss how I am to proceed if asked to produce work I believe to be unethical.

Thank you for reviewing the information I am providing. I look forward to hearing from you soon. You may reach me on my cell phone at (850) 251-9013.

Sincerely yours,

Debbie Richards

Attachment 1

Timeline concerning unethical/abusive managerial requests

Council meeting December 5 & 6th (2008) – Approximately 5 minutes before the Finance Committee meeting Lisa informs me that the Committee would be looking at the task forces that did not achieve their targets and I should be prepared to discuss this with them. I had not brought my tracking list for projects/contracts so did not have any data to give them on what contracts/procurements had been completed. I asked Lisa if she had the list of contracts/budget spread for me to look at. She said she did not have that any more. When I started there we would periodically get a packet of budget information that showed the split for what fiscal years funds were being used to fund a contract. At that meeting Lisa proposed the new policy that would allow the Finance Committee to take back any task force funds that had not been encumbered as targeted in her revised schedule. I spoke up in the meeting when that policy was presented and stated I did not think it took into account many things including contract terminations, staff turnover and learning curve, etc. Steve Howells cut me off and asked for a vote which was approved for what I would call the “punishment policy.”

Week of Dec 22 – I have scheduled to be off for the holidays.

Week of 12/29 – one of the secretaries doesn't show or call all week. My secretary is having to pick up the slack which is a problem as I and another task force manager have task force meetings in early January (big workload).

Jan 1 – Holiday, I return on 1/2/09 (Friday) – and am there 1/5 and part of 1/6. On 1/6 I began feeling very sick and went home – as soon as I got home I received a call from my mom. I rush to the house and call an ambulance – Dad has had a stroke. We take shifts – Dad died on 1/9.

Week of 1/12 – I take the week off to attend to family matters

1/19 – Holiday – I return on 1/20 and am in that day and the next – my secretary works with me to be ready for the HCTF meeting in Orlando on 1/23 (I go to Orlando on 1/22).

Week of 2/16 – I am being notified by doctors that my visits are not being paid – the information given to me by the CFO was the new deductible did not start until 3/1. I now have \$600 of deductible visits (for my son and I for visits beginning 1/1) and the surgery center is wanting \$500 up front. I notify Allison, Lisa, and Debra of the situation. I get a rude response that there is no reason that our premium and calendar year must be aligned. Apparently if it is a problem for me or anyone else, that is too bad. To add insult to injury, when I check with AFLAC for our medical saving's plan rules – any bills that occur between 1/1 and 3/1 can not be submitted for reimbursement.

2/20 – Knee surgery on Friday; I am out the next week (2/23-2/27). I work part-time from home on Monday, Wed, Thu – and go in for a brief period on that Fri, 2/27.

Before I left for surgery I had completed all of the paperwork, but had only 2 task force members agree to be on the selection committee for a RFP that had been released (Wellness). My secretary Carolyn was still trying to get a third selection committee member for me (both of us had e-mailed and she had tried calls as well). I told her when I left on 2/19, I'd call her on 2/23, and based on who was on the committee I'd tell her the easiest way to get a date they'd all be available and then we'd post the delay with the new dates. I did call Carolyn on 2/23 – she said she had not been able to get a third person. I told her we'd need to ask Debra (common procedure) to get her involved and send out a memo to the full Council to recruit a volunteer. Lisa called me to ask about the posting – I filled her in. Carolyn stated Debra had already come to her about the posting and took all of the RFP materials and acted like we were too incompetent to have done anything – she did not give her a chance to tell her what we had done.

2/23 – I receive an e-mail that I must have my paperwork in to change insurance plans by 2/24 (while I was out on leave following surgery). I was in the entire week before my surgery and there was no one available (Lisa or Misty) to assist in making changes.

3/2 (Monday), Debra comes in my office and closes the door. She says she is very angry, that she does not like surprises. She was upset that I had needed an extension on posting results for the RFP originally scheduled for 2/23. I told her what actions Carolyn and I had done, what the obstacles were, and thanked her for sending out the e-mail to find more selection committee members. I also acknowledged my responsibility for not being able to get a selection committee together – I had been playing catch-up and was doing the best I could. She spoke in a very hostile manner and said that she, and Allison, and I would be getting together to discuss where I was at with every project I was working on. I started weeping and said I was doing the best I could, I did not think I could make their new budget schedule work, I had tried and tried, but could not figure it out; at that point, she did a 180% change in affect and said she thought I brought a lot to the Council, and was confident I could do the job. She said Allison's strength was in looking at all the pieces and figuring out what needed to happen – and Allison could help me look at my workload and see if there were any projects that someone else could do. She went on to say that is how we did things around here, one person has a problem, everyone else helps out, etc. I thanked her for her support – she seemed happy and left. At this point I could not figure out why she would be so bent out of shape over an unavoidable delay in posting and how this turned into a perception of I was trying to “surprise” her. I was still blown away that I had written so many funding requests, competitive procurement documents, and contracts, that I could not fathom why we were working in “emergency mode” when projects were taking off right and left.

3/4 (Wednesday) Allison tells me that the (FAS) RFP will need to go to Lisa for review so the FAW notice can give a release date of next Friday. I ask for clarification on changes in deadlines she had marked when she had reviewed it. I also told her I had a doctor's appointment that had been scheduled 5 weeks ago and would not be able to make the changes she wanted in that amount of time. She appeared unhappy and left.

3/4 (same day-Wednesday) around 2 p.m. Allison told me that Lisa informed her we did not have the funds to release the RFP that she had wanted released that morning. It would have to be postponed for a couple of months – maybe longer – even up to a year based on the amounts of funding we were going to ask the Council for at the next meeting.

3/4 (Wednesday), I meet with Debra and Allison. I have been told this meeting is to see what I'm working on so that someone else who was not so busy could pitch in and help me with. I took in my list of existing projects and show them what will need amendments, follow-up, etc. Then I state that my biggest worry is not being able to understand the budget in a way that allows me to plan, procure, and execute contracts according to the encumbrance schedule. No matter how I work it, it will over-commit my task force funds. I gave them a spreadsheet that showed them where I would not have money. Unfortunately for me, I also pointed out that "old funds" were not reflected separately when calculating our benchmarks as well as the process of using a single dollar amount and % as the measure of success didn't always reflect circumstances arising from good contract management (like terminating bad contracts - actually it works against you). Debra became extremely angry and stood up over me and yelled something to the effect of how dare I question how we did business – if my task force didn't want additional funds; that was fine, she'd be happy to give them to someone else. Then she said something to the effect of not even being able to stand having this conversation and walked out of the meeting. Allison sat quietly looking at her lap and never looked up. I sat there in silence for about two minutes with tears streaming down my face and then got up and left. I sent an e-mail that evening asking for Debra to never stand and scream at me again – it did not help me to understand what she was wanting or do my job better as well as triggering PTSD symptoms resulting from having been kidnapped and almost murdered.

3/9 - Selection call for (Wellness) RFP – large group and too many proposals to finish the call – 5 out of 7 proposals reviewed; group is unable to reconvene until 3/16.

3/12-3/13 – Council meeting in Tampa. I have not met targets; I have 3 contracts out with providers for signatures. I have an RFP that is still in the selection process (several contracts are expected to be funded from this proposal. It will take funding \$30-40K out of '08 funds and the rest from '09 funds to meet the target for '08 funds @ 100% encumbered. By this point I have gone for weeks having insomnia, sleeping only a couple of hours at a time. I overslept and missed the Finance Committee meeting (which probably kept me from being fired for opening my mouth at the meeting and verbalizing concerns that the projects we are rolling out so quickly will not be sustainable – since this information is not being revealed to the Council). The Committee gives me until 3/30 to get the contracts executed which are out for signature (Debra Dowds has been working with Nova University – they have had the contract since December 9th and are having the legal departments haggle over boilerplate language). The other contracts are with University of FL. I am told I must have the contracts for the RFP that has not yet been completed executed by 4/30 or the task force will lose the '08 funds that would be included in their funding.

3/16 - Selection call finished for Wellness proposals – Carolyn has volunteered to get the faxed scoring sheets and will send one of our members an overnight envelope since he stated he is no longer able to fax from work. All sheets must be in, notes completed, everything reviewed by CFO prior to posting. I tell Lisa about the call as well as my concerns again in over-committing the budget – by funding more than the first 2 proposals, we will have even bigger problems. Lisa's comments lead me to believe she would like 3 contracts funded.

3/18 – I called the task force Chair and advised her of the results of the RFP selection call, the problems with sustainability in our schedule for roll-out, and apparently not having been clear on what our directions for committing/obligating funds had been for the last task force meeting. Her understanding had been the same as mine. She asked for Debra and Lisa to call her tomorrow after 1 p.m. when she returned from Washington, D.C. I e-mailed Debra & Lisa to let them know of my call and Phyllis' request to speak with them.

3/19 - I have been asked to meet with Debra and Allison again today. Allison came in first. I asked if I was in trouble – she said no, not at all. Then Debra entered; as soon as everyone was seated, I asked if for clarification as to why we were meeting. I was told it was to see how they could help me with my workload and discuss what information was needed to speak with Phyllis. They pulled out the chart Debra had provided to Phyllis prior to the January HCTF meeting and the notes from the last Council's Finance Committee meeting. They called Phyllis as well as establishing a conference line with Lisa, who was not in the office. Phyllis asked if she had anything to be worried about (loss of funding). Debra assured her that the Council had not really intended on taking the funds away, they just didn't want task forces sitting on money. Phyllis kept asking the same question and Debra kept dancing around by saying it wouldn't be any problem to meet the deadlines, so she really shouldn't be worried. I spoke up and said that while the contracts that were out for signature may/may not come in –we could hope so, I said I had concerns that the Miami-Dade contract was due 4/30, the procurement was not complete, and having never contracted with Miami-Dade, I did not know if they had a fast/slow review process. Phyllis said we needed to change our process so that if a contract was out for signature or going to be continued, the funding should be outlined in yr 1 and already set aside. After that call concluded, the meeting went on for another 2 ½ hours (about 3 ½ hrs total). During this time, they kept trying to make me commit to execution dates; I kept repeating I needed help to figure the dates out – that I must be missing something in trying to understand the budget – and kept asking them to show me how to do it. I brought my spreadsheets with me that gave a visual picture of the over-encumbrances that would occur if I did not juggle the dates so high-costs projects could utilize multiple year funding. Several times Debra got very angry at which point she'd pull out my project list and try to change the conversation. At one point when she sounded very angry, I asked if this meeting was supposed to be helping me – she said, "no." After 3 ½ hours they acknowledged the budget schedule was not do-able, but said Lisa would have to work on it later. Allison also acknowledged she had tried to work it out for another task force CD/ED (brand new employee covers that task force) – and she

too found project funding would not be sustainable using the schedule I had been unable to make work. She and Debra said the task forces would have some hard choices to make, and would have to decide on which projects they'd want to continue; we also needed to look at how to reduce funding for continuation contracts. I said that I thought I could juggle it where I wouldn't have to cut funding. I let them know that I felt it would be unethical to change project amounts after the task force or Council had approved a project as well as advertising projects may be continued and people making proposals based on sustained effort/funding. They pointed out that funds are reduced all the time and that's how we should be doing business as well, and the boiler-plate language of the contract stated the amounts were based on the availability of funding. I stated that poor planning on my part (as representative for FDDC) should not be represented as lack of available funding. That clause is used in all government contracts and is referencing the appropriation being made by the federal government – not the same as poor planning by FDDC. We left with the understanding that we would both see what kind of alternatives we could come up with for the task force to look at. After I got back to my office, I felt unclear about what I was asked to do and went back to Debra to clarify the boundaries: use the same funding we currently have - so use \$300K + travel, show projects for current and next couple of years. Debra and I would both come up with scenarios and meet again the next day, Friday. When I left the room, I felt lucky to still have a job – it seemed touch and go throughout the entire 3 ½ hr encounter (which was beyond a bullying session – this was the most hostile meeting I've ever been subjected to @ 3 ½ hours 2 against 1 - with constant insistence on my need to "comply" - which I perceive as deception of the task force and Council members by changing dollar amounts after their approval and without their knowledge. I also consider it deceptive to have released RFPs that indicate the availability of continuation funds for up to two more years when funds will not be available. The proposers have taken the time to respond based on financial considerations that align with the scope of work in the proposal (including multi-year funding possibilities). By not disclosing funding cuts, the proposer is not able to develop a proposal that accurately reflects the scope of work, subsequent steps, staffing, etc. It is a sure way to give the Council (and me) a bad name for conducting business in an unethical manner. I have stated this repeatedly to Allison and Debra and it apparently is of no concern to anyone other than me.

3/20 – I showed Debra what I was putting together to align the budget and project roll-outs but said I'd need at least a couple of more hours to finish (I had other assignments due earlier in the day. I told her I thought I could juggle the projects so we didn't have to cut funds – I thought I had figured out how to do it but hadn't been able to figure out a visual way to show it where it would make sense to others looking at how I proposed to do it. She just looked puzzled but gave no indication that I should be proceeding by slashing funds. I asked if I could work on it over the weekend and then regroup on Monday. She said that would be fine.

3/23 - Debra requested I meet with she and Allison to look at when we should release the FAS RFP and how to proceed with the Wellness proposals. I e-mailed my spreadsheet/analysis to Debra and Allison so they'd have it before the meeting. Allison

came by my office and said Brooke was putting Debra's suggested plan into a chart so we could look at both plans (Debra's and mine).

When I arrived Debra came in with the e-mail I had sent but no charts. She appeared very angry and said I did not follow her instructions. The first thing she pointed out was that my chart/analysis took too much time – she was absolutely fuming at this point. I said that I had tried and clarified what I thought the instructions had been: lay out how we could lay out the projects that may be continued (which she and I had identified as FAS, transition, Wellness, and Dental Education) and keep the funding level at \$300,000 + travel (use what we were currently budgeted). Debra stated that was not at all what she had told me to do: I was supposed to lay it out and within the financial guidelines by using the current obligation schedule (which both she and Allison had acknowledged was flawed) and identify what scenarios could be done only through cutting funding to programs as well as changing the funding for the FAS RFP (the RFP that had been scheduled for release, then cancelled due to lack of funding). I said I was sorry if I misunderstood her instruction, but I didn't understand why we would be trying to plan according to a schedule that they had already said would not work and would have negative consequences that were totally avoidable – especially if it meant changing the amounts of projects so they no longer aligned with the scope of work and were not what had been approved by the task force and Council. I said if we were going to roll out projects in a way that did those things, we should take them back to the task forces and Council to see if they (task force and Council) even wanted to continue with the project(s). Debra said she was sick of me trying to make everyone else change the way they did things just because it didn't fit into my little box, and she drew a little box on the table with her hands." She was so angry she could not stay in the room and left (saying she was so angry she couldn't even be in the room). Allison finished the meeting. I took notes to hopefully have a clear understanding of whatever they are now wanting done.

This summarizes the actions that are to occur:

1. Debra is reviewing the scoring sheets for the FAS project and has found some missing initials where reviewers changed scores. Debra will work with Carolyn to correct these problems.
2. I will get Debra to sign whatever has come in from University of Florida and we can ask her if she can sign the second copies when they are received in the same manner we do when something is faxed.
3. I am to prepare a delay of posting notice that will use this Friday (3/27) as the new posting date. This will take the protest period to next Wednesday, (4/1).
4. Cindy will write one contract (which I suggested to Allison as the Gulfstream Goodwill proposal) and I will write the other (Miami-Dade Public Schools). I will provide Cindy with the proposal and RFP.
5. I will write the other contract and give it to Allison on 4/1. I am not to call the providers and work out any details from the proposal since the protest period will not have expired until COB on 4/1 – I am therefore writing a contract without negotiating any terms. I am also not revealing that FDDC will be cutting the funding in half each year for the next two years if their projects are continued.

6. I am to make changes to the current FAS RFP that change the amount from "up to \$148,000" to "a range between \$80,000-\$148,000." \$148,000 would be needed to align with the scope of work – however that appears irrelevant. The task force and Council will not be aware of the change in the amount and the fact it does not align with the scope of work for the contract or the multi-year initiative.

7. I am to modify the dates given in the FAS RFP to indicate the contract could start as early as 8/1 but no later than 10/30.

8. I will shorten the beginning of the timeline of the FAS RFP so that if no proposals come in, we have time to do a mini-solicitation (I was not familiar with that term or process and Allison clarified a "mini-solicitation" was almost like a bidding process); in this way we may still be able to meet the initial RFP timeline goal even if we don't get responses to the RFP). This appears to me to be a way to circumvent competitive procurement.

9. I apparently was not clear that any problems with the encumbrance schedule could only be addressed at an unspecified time in the future and should not be considered in the timing of initiating the contracts and RFPs that are now being prepared. Allison pointed out that the spreadsheet I created reflected too many projects in single fiscal years rather than spreading them out to minimize risk the way Lisa does it. I did not even get into the Federal guidelines that require total funding be available to execute a contract – and one would assume the budget person would be moving/shifting throughout the year to align with amendments, terminations, etc. A contract manager should also be able to judge by the second year of a contract which providers may be slow or need funds juggled to ensure there is no lapse in funding (and able to work closely with the fiscal dept- Lisa).

10. I was told that because I did not do what Debra wanted and by identifying how to utilize funding cuts to meet the goal (which I now understand was not a program planning goal but a (%) compliance goal that we enumerate at the next Council meeting (June 2009), Allison and Lisa will get together to review the charts both Debra and I did and then provide the necessary recommendations on how we will proceed by cutting funds to providers should any project exceed one year. I am not invited to be part of this discussion but will be notified of their "recommendations," which I assume will be in the form of directives. I clarified that I was being told that I am not to "waste" time on the budget and aligning funds/projects - Allison told me that I should not spend anymore time working on the budget. Lisa and Allison would work it out, and I can go from there.

3/24 – Allison informs me the FAS RFP that was scheduled and postponed is now back on and must be released immediately (This is the same one Allison was mad that I could not have ready for release on Mar 4 - then postponed for a couple of months to a year because we did not have funds according to Lisa). Lisa needs the information today so it can go to FAW since no one will be in tomorrow who can send the message to FAW. She has instructed the amount of funds must be revised from \$148K to \$80-\$148K. I reminded Allison that the \$148K was aligned with the scope of work. She also wanted the timeline changed so the proposer has less time to work on the proposal – then if no one puts in a proposal, we can proceed with the "mini-solicitation" process. In my mind,

this is totally deceptive and unethical. I also believe that if I do not comply, I will be fired.

Allison e-mails me reminding me that the Miami-Dade Public Schools contract is due to her on 4/1. She also points out the Goodwill contract Cindy is working on for me is also due 4/1 and wants to know if I'm keeping tabs on how that one is coming – she suggests I should see if I can hurry the process up if needed because of the 4/1 due date. I e-mailed her back and said that I was not Cindy's supervisor and asked that she make that request – I'd be uncomfortable asking a coworker to finish a contract prior to the end of the procurement process date (protest date- which is COB 4/1) when Cindy would be able to speak with anyone to negotiate the contract.

3/24 – I e-mail Allison and ask for assistance in writing the Miami-Dade contract. The proposal does not lend itself to developing deliverables (or even determining if it should be a fixed price or cost reimbursement), and I can not talk to the prospective vendor until after the protest period has ended which is COB 4/1. The contract is due to Allison for review on 4/1 – with mail-out date of 4/6. I have now been asked to write a contract without negotiating any terms or having a meeting of the minds. The total focus is apparently to get things released in time to appear 100% compliant with the encumbrance schedule which both Allison and Debra have acknowledged is flawed (for the June Council meeting).

3/24 – Allison comes by my office and gives me a budgeting chart (Word doc) that she has prepared for CD/ED and wants me to do one like it for HC as she and Lisa will need to sit down and discuss the budget. I asked if she could use what I had already given her. She said no, they must all be in the same format (I've never seen budgeting done in Word rather than Excel). It was a 1-dimensional chart that just puts project names under fiscal years and no one can see timing/sustainability problems. I completed her chart using my numbers and e-mailed it back to her. I am mindful that yesterday, I have been told by Allison that I am not supposed to look at the budget (this is considered wasting my time and not my job).

3/25, 3/26, 3/27 – Call in sick/see M.D. on 3/27 – Dr. Hogan will support my request for medical leave

3/30 – Call in sick – Allison reminds me that even though I may not feel well, the Miami-Dade contract is due 4/1. She asks if I know if the posting has occurred; I said I did not know, I had not checked the website, but assumed that it had. I also indicated that means the protest period would not expire until COB 4/1 which means they should not be contacted until 4/2, the day after the deadline she has given me to write the contract. She provides no indication that her due date should/would be modified.

3/30 – Sent e-mail requesting Leave of Absence due to an exacerbation of physical and emotional conditions related to stress.

Flexibility Needed to Overlay Funding Years For Large Contracts or Continuation Contracts

Indicates timing problems that will reflect being out of compliance - this is using calendar/fiscal year quarters

Calendar Year	2009	2010	2011
2009			
Jan-Mar		5,150	
Apr-Jun		25,000	
Jul-Sep		55,500	
Oct-Dec		128,834	
2010			
Jan-Mar			40,000
Apr-Jun			59,555
Jul-Sep			37,000
Oct-Dec			292,390
2011			
Jan-Mar			30,000
Apr-Jun			32,390
Jul-Sep			30,000
Oct-Dec			22,390
Total			30,000
Travel			22,390
Grand Total			32,390

FDIC Current Schedule For Obligations Compared to % of Compliance Possible when planned classes until over...

Goal	3/09	9/09	3/10	9/10	3/11	9/11
Goal	161,125	3,1390	16,195	222,800	222,800	222,800
Travel	30,000		30,000			
Incumb	51,507	650	12,934	128,834		307,577
Total	251,352	1,01,607	156,934	356,634	243,000	337,577
% Comp	51%	33%	19%	49%		100%
FDIC Target Dates for 2009 Fund				FDIC 2010 Targets		
100% of 2009 oblig by 4/1/0						
90% of 2010 funds obligated by 9/10 except PIT						

100% of 2009 oblig by 4/1/0

90% of 2010 funds obligated by 9/10 except PIT

FDIC 2010 Targets

100% of 2009 oblig by 4/1/0

90% of 2010 funds obligated by 9/10 except PIT

Attachment 3 Council Meeting Packet Month	Misc. Information Included in Finance Narrative/Not Reflected in Data or Used in Calculations	Total Budget per Fiscal Year - HCTF - Moving Target	Federal Fiscal Year Funds	Moving Targets Dates Change / % Encumbered Changes as Funds are Added (see columns on L side)		
				33%	66%	100%
12/06		277,566	2006	5/06	8/06	11/06
		264,392	2007	2/07	5/07	8/07
		322,283	2006	5/06	8/06	11/06
3/07	\$44,417 of '06 funds added to TF budgets	264,392	2007	2/07	5/07	8/07
		322,283	2006	5/06	8/06	11/06
6/07	\$60,000 of '07 funds added to TF budgets	324,392	2007	2/07	5/07	8/07
		322,283	2006	5/06	8/06	11/06
12/07		322,283	2006	5/06	8/06	11/06
		324,392	2007	2/07	5/07	8/07
3/08	Schedule changed to reflect 2 target dates per year instead of 3 (50/50 instead of 33/33/34)					
6/08	Status sheet from 2/08; schedule states it has not been updated to reflect additional funds distributed at 12/07 mtg	322,283	2006	5/06	8/06	11/06
		324,392	2007	2/07	5/07	8/07
9/08	Denotes \$232,814 + \$61,250 from 12/07 meeting - again additional funds are added late	294,770	2006			100%
		351,902	2007			11/06
		*324,063	2008	12/08		3/09
		322,390	2009	6/09		9/09
3/09	**Reflects the additional \$61,250 plus fund shift from 2008 to 2009	296,936	2007			100%
		**379,029	2008	12/08		8/07
		322,390	2009	6/09		3/09
			2010	3/10		9/09

9/09 2009 Program Reserve funds will be awarded to the TF(s) who has/have obligated 75% of their 2009 budget - again added funds that appear to reflect deficient planning by staff or task force

FDDC Target Scheduling for 100% of Funds to be Encumbered for Federal Fiscal Year					
Fiscal Year	2006	2007	2008	2009	2010
Time for 100% of Funds to be Encumbered	11 mos	11 mos	7 mos	10 mos	9 mos
					Calculated from Federal Release to end of quarter

Targets established for the Council's use in establishing targets/benchmarks...to they provide information needed to determine cause and effect, propose solutions, or develop action?

Dec '06 - \$178,600 of Administration & Committee Budget transferred to unmet needs (18 months from Fed. Release - will then need to be reallocated, and encumbered within 9 months; task forces must then develop project, obtain approvals from task forces and Council compellingly procure and execute contract - TF goal = 100% by 11/07

\$213,607 out of \$317,681 (67%) out of 2007 line item budget unobligated by 11/07 - TF goal = 100% by 11/07

12/07 - eliminate line items for 2008 budget - add \$61,250 to unmet task force budget

Federal Budget Yr	% time FDDC uses for legal compliance, P. 6	FDDC # mos to encumber funds	# mos Fed's goal to encumber	Statistics 101
2006	58%	14	24	What is the % change between 38% used in 2010 and 75% used in 2008?
2007	46%	11	24	Answer: 57.37% change
2008	75%	18	24	formula: $((y2 - y1) / y1) * 100 = % \text{ change}$
2009	60%	12	24	What is the % change between 75% used in 2006 and 36% used in 2010?
2010	36%	8	24	Answer: -49.33% change
				formula: $((y2 - y1) / y1) * 100 = % \text{ change}$

100% of budgeted task force funds for 3 fiscal years must be encumbered within 15 months rather than 36 months....

You have just created lapsed programs (unsustainable) in an attempt to reduce lapsed funds

The 2008 Budget data that no one talks about ...		Only information on 36% of the Council's Budget is presented or discussed at Council meeting	
Committee Budgets	399,600	Task Force Budgets	\$243,263
Line Items	505,000		
Unmet Needs	\$255,813		
Administration Budget	\$1,474,919		
Total allocated	2,815,537		



TAGGS Advanced Search

Fiscal Year	OPDIV	Grantee Name	State	Award Title	Sum of Actions
1	ACF	UNIVERSITY OF ALABAMA	AL	A.D.D. PROTECTION & A	(7,415)
J5	ACF	UNIVERSITY OF ALABAMA	AL	2003 ADD/P&A	(3,360)
2005	ACF	UNIVERSITY OF ALABAMA	AL	2002 ADD/P&A	(69)
2006	ACF	UNIVERSITY OF ALABAMA	AL	2004 ADD/P & A	(47)
					(10,891)
2004	ACF	AR ST HEALTH SERVICES AGENCY	AR	A.D.D. DEVELOPMENTS	(111,788)
2005	ACF	AR ST HEALTH SERVICES AGENCY	AR	2002 ADDDC (ADBS)	(90,946)
2002	ACF	AR ST HEALTH SERVICES AGENCY	AR		(19,655)
2002	ACF	AR ST HEALTH SERVICES AGENCY	AR	A.D.D. DEVELOPMENTS	(17,143)
2000	ACF	AR ST HEALTH SERVICES AGENCY	AR	A.D.D. DEVELOPMENTS	(2,706)
2001	ACF	AR ST HEALTH SERVICES AGENCY	AR	A.D.D. DEVELOPMENTS	(1,148)
2007	ACF	AR ST HEALTH SERVICES AGENCY	AR	2004 ADDDC (ADBS)	(255)
					(243,641)
2007	ACF	CO DEPARTMENT OF HUMAN SERVICES	CO	2005 ADDDC (ADBS)	(97,879)
2003	ACF	CO ST DEPARTMENT OF INSTITUTIONS, FT LOGAN	CO	A.D.D. DEVELOPMENTS	(1,382)
					(99,261)
2002	ACF	UNIVERSITY LEGAL SERVICES	DC	A.D.D. PROTECTION & A	(6,939)
2004	ACF	UNIVERSITY LEGAL SERVICES	DC	A.D.D. PROTECTION & A	(71)
					(7,010)
2005	ACF	DE ST DEPARTMENT OF ADMIN SERVICES-DD PROGRAM	DE	2002 ADDDC (ADBS)	(6,364)
2002	ACF	DE ST DEPARTMENT OF ADMIN SERVICES-DD PROGRAM	DE	A.D.D. DEVELOPMENTS	(4,044)
2006	ACF	DE ST DEPARTMENT OF ADMIN SERVICES-DD PROGRAM	DE	2003 ADDDC(ADBS)	(3,062)
2003	ACF	DE ST DEPARTMENT OF ADMIN SERVICES-DD PROGRAM	DE	A.D.D. DEVELOPMENTS	(1,071)
					(14,541)
2005	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	2002 ADDDC (ADBS)	(257,134)
2005	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	2001 ADDDC (ADBS)	(109,836)
2006	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	2003 ADDDC(ADBS)	(66,742)
2007	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	2004 ADDDC (ADBS)	(66,533)
2004	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	2000 ADDDC (ADBS)	(38,987)
2004	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	A.D.D. DEVELOPMENTS	(38,420)
2002	ACF	FL DISABILITIES DEVELOPMENTAL COUNCIL, INC.	FL	A.D.D. DEVELOPMENTS	(3,119)
					(580,771)
2004	ACF	GU DIVISION OF VOCATIONAL REHABILITATION	GU	2000 ADDDC (ADBS)	(26,523)
2004	ACF	GU DIVISION OF VOCATIONAL REHABILITATION	GU	A.D.D. DEVELOPMENTS	(9,922)
2006	ACF	GU DIVISION OF VOCATIONAL REHABILITATION	GU	2004 ADDDC (ADBS)	(7,131)
2007	ACF	GU DIVISION OF VOCATIONAL REHABILITATION	GU	2005 ADDDC (ADBS)	(2,990)
2007	ACF	GUAM LEGAL SERVICES CORPORATION	GU	2004 ADD/P & A	(2,027)
2006	ACF	GU DIVISION OF VOCATIONAL REHABILITATION	GU	2003 ADDDC(ADBS)	(718)
					(49,311)
2004	ACF	IA ST DEPARTMENT OF SOCIAL SERVICES/HUMAN SERVICES	IA	A.D.D. DEVELOPMENTS	(47,807)
2004	ACF	IL ST COUNCIL ON DEV DISABILITIES	IL	2000 ADDDC (ADBS)	(44)
					(47,851)
2002	ACF	KS ST DIVISION OF INSTITUTIONAL MANAGEMENT	KS	A.D.D. DEVELOPMENTS	(1,804)
2003	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	A.D.D. DEVELOPMENTS	(166,739)
2005	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	2002 ADDDC (ADBS)	(139,378)
2004	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY		(91,834)
2004	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	2000 ADDDC (ADBS)	(46,055)
2002	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY		(41,819)
2007	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	2004 ADDDC (ADBS)	(33,324)
2002	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	A.D.D. DEVELOPMENTS	(12,496)
2006	ACF	KY ST CABINET FOR HEALTH AND FAMILY SERVICES	KY	2003 ADDDC(ADBS)	(3,118)
					(536,567)
2006	ACF	LA ST DEPT OF HEALTH & HOSPITALS, OFFICE OF MGMT & FIN	LA	2003 ADDDC(ADBS)	(170,967)
2001	ACF	LA ST DEPT OF HEALTH & HOSPITALS, OFFICE OF MGMT & FIN	LA	A.D.D. DEVELOPMENTS	(60,537)
2004	ACF	LA ST DEPT OF HEALTH & HOSPITALS, OFFICE OF MGMT & FIN	LA	2000 ADDDC (ADBS)	(33,483)
					(254,987)
2002	ACF	MD ST GOVERNOR'S OFFICE FOR HANDICAPPED INDIVIDUALS	MD	A.D.D. DEVELOPMENTS	(2,465)
					(2,465)
2004	ACF	DISABILITY RIGHTS CENTER OF MAINE	ME		(3,332)
2003	ACF	ME DEPT OF BEHAVIORAL & DEVELOPMENTAL SERVICES	ME	A.D.D. DEVELOPMENTS	(1,561)
04	ACF	ME DEPT OF BEHAVIORAL & DEVELOPMENTAL SERVICES	ME	A.D.D. DEVELOPMENTS	(541)
					(5,434)
2002	ACF	MI ST DEPARTMENT OF MENTAL HEALTH	MI	A.D.D. DEVELOPMENTS	(107,185)
2004	ACF	MI ST DEPARTMENT OF MENTAL HEALTH	MI	2000 ADDDC (ADBS)	(56,499)
2004	ACF	MI ST DEPARTMENT OF MENTAL HEALTH	MI		(32,145)
2005	ACF	MI ST DEPARTMENT OF MENTAL HEALTH	MI	2002 ADDDC (ADBS)	(4,400)
					(200,229)

TAGGS Advanced Search

Fiscal Year	OPDIV	Grantee Name	State	Award Title	Sum of Actions
6	ACF	MN ST DEPARTMENT OF ADMINISTRATION	MN	2004 ADDDC (ADBS)	(71)
2002	ACF	MN ST DEPARTMENT OF ADMINISTRATION	MN	A.D.D. DEVELOPMENTS	(18)
					(89)
2003	ACF	MO ST DEPARTMENT OF MENTAL HEALTH	MO	A.D.D. DEVELOPMENTS	(3,847)
2002	ACF	MO ST DEPARTMENT OF MENTAL HEALTH	MO	A.D.D. DEVELOPMENTS	(48)
					(3,895)
2005	ACF	CM DEPARTMENT OF FINANCE, OFFICE OF THE GOVERNOR	MP	2004 ADDDC (ADBS)	(31,917)
2005	ACF	CM DEPARTMENT OF FINANCE, OFFICE OF THE GOVERNOR	MP	2002 ADDDC (ADBS)	(16,280)
2007	ACF	CM DEPARTMENT OF FINANCE, OFFICE OF THE GOVERNOR	MP	2005 ADDDC (ADBS)	(3,747)
2007	ACF	CM DEPARTMENT OF FINANCE, OFFICE OF THE GOVERNOR	MP	2004 ADDDC (ADBS)	(606)
					(52,550)
2004	ACF	MS ST DEPARTMENT OF MENTAL HEALTH	MS		(49,736)
2004	ACF	MS P&A SYSTEM FOR THE DEVELOPMENTALLY DISABLED, INC	MS	2001 ADD/P&A	(41,592)
2002	ACF	MS ST DEPARTMENT OF MENTAL HEALTH	MS	A.D.D. DEVELOPMENTS	(28,626)
2005	ACF	MS P&A SYSTEM FOR THE DEVELOPMENTALLY DISABLED, INC	MS	2002 ADD/P&A	(21,766)
2006	ACF	MS P&A SYSTEM FOR THE DEVELOPMENTALLY DISABLED, INC	MS	2004 ADD/P & A	(18,499)
2004	ACF	MS ST DEPARTMENT OF MENTAL HEALTH	MS	A.D.D. DEVELOPMENTS	(13,624)
					(173,845)
2000	ACF	ND ST DEPT OF HUMAN SVCS	ND	A.D.D. DEVELOPMENTS	(8,098)
					(8,098)
2004	ACF	NE ST DEPARTMENT OF HEALTH	NE	A.D.D. DEVELOPMENTS	(1,021)
					(1,021)
2002	ACF	NEW JERSEY STATE DEPT OF HEALTH & SR SVCS	NJ	A.D.D. DEVELOPMENTS	(2,511)
2004	ACF	NEW JERSEY STATE DEPT OF HEALTH & SR SVCS	NJ	2000 ADDDC (ADBS)	(1,070)
					(3,581)
2002	ACF	NEW MEXICO DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	NM	A.D.D. DEVELOPMENTS	(193,992)
2001	ACF	NEW MEXICO DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	NM	A.D.D. DEVELOPMENTS	(48,856)
2005	ACF	NEW MEXICO DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	NM	2002 ADDDC (ADBS)	(5,781)
2006	ACF	NEW MEXICO DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	NM	2003 ADDDC(ADBS)	(3,290)
					(251,919)
2004	ACF	OH ST DEPARTMENT OF MNTR RETARD & DEVPMT'L DISABILITIES	OH	2000 ADDDC (ADBS)	(10,074)
					(10,074)
4	ACF	OK DISABILITY LAW CENTER	OK	2000 ADD/PA	(58,918)
2001	ACF	OK ST DEPARTMENT OF HUMAN SERVICES	OK	A.D.D. DEVELOPMENTS	(29,175)
					(88,093)
2002	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA		(212,405)
2002	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	A.D.D. DEVELOPMENTS	(96,565)
2003	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA		(19,430)
2005	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	2003 ADDDC(ADBS)	(18,988)
2005	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	2002 ADDDC (ADBS)	(16,881)
2007	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	2004 ADDDC (ADBS)	(16,483)
2000	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	A.D.D. DEVELOPMENTS	(14,178)
2004	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA		(7,902)
2004	ACF	PA ST OFFICE FOR HUMAN RESOURCES	PA	2002 ADDDC (ADBS)	(5,250)
					(408,082)
2002	ACF	PR DEPARTMENT OF HEALTH, ADMIN OF FACILITIES/HLTH SVCS	PR	A.D.D. DEVELOPMENTS	(8,493)
					(8,493)
2007	ACF	RI ST EXEC DEPT, DEV DISAB COUNCIL	RI	2004 ADDDC (ADBS)	(504)
2007	ACF	RI ST EXEC DEPT, DEV DISAB COUNCIL	RI	2003 ADDDC(ADBS)	(200)
2003	ACF	RI ST EXEC DEPT, DEV DISAB COUNCIL	RI	A.D.D. DEVELOPMENTS	(98)
2005	ACF	RI ST EXEC DEPT, DEV DISAB COUNCIL	RI	2002 ADDDC (ADBS)	(92)
					(894)
2003	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN		(267,958)
2002	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	A.D.D. DEVELOPMENTS	(166,233)
2005	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	2002 ADDDC (ADBS)	(134,220)
2004	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN		(129,924)
2003	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	A.D.D. DEVELOPMENTS	(98,549)
2006	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	2003 ADDDC(ADBS)	(40,239)
2007	ACF	TN St Division of Mental Retardation Services	TN	2005 ADDDC (ADBS)	(27,546)
2007	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	2004 ADDDC (ADBS)	(26,356)
2002	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN		(24,194)
2006	ACF	TN ST DEPT OF MNTR HLTH/DEVELOPMENTAL DISABILITIES	TN	2004 ADDDC (ADBS)	(1,259)
					(916,478)
		The #1 state - may be more than DDC though			
	ACF	TX ST REHABILITATION COMMISSION	TX	2002 ADDDC (ADBS)	(66,633)
2003	ACF	TX ST REHABILITATION COMMISSION	TX		(63,049)
2002	ACF	TX ST REHABILITATION COMMISSION	TX		(25,063)
2004	ACF	TX ST REHABILITATION COMMISSION	TX		(23,604)
2006	ACF	TX ST REHABILITATION COMMISSION	TX	2003 ADDDC(ADBS)	(1,943)
2002	ACF	TX ST REHABILITATION COMMISSION	TX	A.D.D. DEVELOPMENTS	(20)

TAGGS Advanced Search

Fiscal Year	OPDIV	Grantee Name	State	Award Title	Sum of Actions
					(180,312)
2004	ACF	VA BOARD FOR PEOPLE WITH DISABILITIES	VA		(97,794)
2002	ACF	VA BOARD FOR PEOPLE WITH DISABILITIES	VA	A.D.D. DEVELOPMENTS	(970)
1998	ACF	VA ST DEPARTMENT OF MENTAL HEALTH & MENTAL RETARDATION	VA	A.D.D. DEVELOPMENTS	(785)
2007	ACF	VA BOARD FOR PEOPLE WITH DISABILITIES	VA	2003 ADDDC(ADBS)	(341)
2003	ACF	VA BOARD FOR PEOPLE WITH DISABILITIES	VA		(57)
					(99,947)
2000	ACF	WA ST DEPT OF COMM, TRADE, AND ECONOMIC DEVELOPMENT	WA	A.D.D. DEVELOPMENTS	(30,383)
2006	ACF	WA ST DEPT OF COMM, TRADE, AND ECONOMIC DEVELOPMENT	WA	2003 ADDDC(ADBS)	(11,491)
					(41,874)
2002	ACF	WV ST DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	WV		(103,480)
2004	ACF	WV ST DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	WV	2002 ADDDC (ADBS)	(3,021)
2002	ACF	WV ST DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	WV	A.D.D. DEVELOPMENTS	(1,878)
2007	ACF	WV ST DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	WV	2004 ADDDC (ADBS)	(614)
2005	ACF	WV ST DEVELOPMENTAL DISABILITIES PLANNING COUNCIL	WV	2002 ADDDC (ADBS)	(99)
					(109,092)
2002	ACF	WY ST PLANNING COORDINATOR'S OFFICE	WY		(420,477)
					(420,477)

Debbie Richards
1848 Celtic Rd.,
Tallahassee, FL 32317

September 22, 2009

Ms. Melinda M. Miguel, Chief Inspector General
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

RECEIVED

SEP 22 2009

Governor's Office
Chief Inspector General

Dear Chief Inspector Miguel:

As an employee of Florida Developmental Disabilities Council, Inc. (FDDC), and a parent of a child with autism, I am writing to ask for your assistance in once again investigating the negligent and what I perceive as corrupt management practices that are occurring at FDDC. I am in total support of Gov. Charlie Christ's positions on agency transparency and ethical business management practices. I am embarrassed by how my own agency, whose members are appointed by Gov. Crist, is conducting business, and I believe he would be equally embarrassed by the current actions/policies being enforced.


Having been employed at FDDC during the time of the last OIG investigation, I felt a sense of relief when someone else filed a complaint that resulted in the outside scrutiny of the multitude of poor leadership decisions that were resulting in questionable practices and misalignment of federal funds. I was quite disappointed that our management team chose to go through the motions of "cleaning up its act" while looking for other ways to continue business as usual.

Having close to twenty years experience in contract management for non-profits and state agencies utilizing state general revenue, as well as federal funds, I am grossly uncomfortable with the day to day struggle employees are faced with in order to keep their jobs at FDDC. There is no questioning allowed, there is no transparency, and the main objective is focused on the need to get contracts signed even if it means there is no room for contract negotiations or alignment of FDDC goals to the priorities of state agencies and collaborative stakeholders - the very people and entities we must work with to meet our federal mandates. In a time when every dollar counts, this behavior and ignorance is an absolute waste of millions of dollars. The sad part is that with the flexibility of our funding source and liberal schedule to shift funds, there is no need to lapse any federal dollars. To me, it appears as though FDDC is second in the nation for lapsing federal funds. Our Chief Financial Officer (CFO) appears more concerned with trying to cover it up rather than with using data or gather facts to fix the problem.

The misaligned finances are even more of an issue since the CFO is the individual in charge of information and technology, as well as human resources. Employees are not given the tools to identify how their program budgets are being shifted nor even track their own financial interests. Payroll deductions, leave time, and even distributions to retirement are solely under the "information control" of our CFO. Personal information has not been adequately secured, and the lack of oversight is in direct disregard of federal rules and regulations.

Having raised questions and issues about FDDC's budgeting practices, I have gone from being a model employee with terrific evaluations and performance bonuses to being #1 on the "hit list." I respectfully request an appointment with you or your staff to review my concerns. I am seeking "Whistleblower" protection.

Thank you,


Debbie Richards, M.S.W.
(850) 251-9013

10/5/2009

OFFICE OF THE CHIEF INSPECTOR GENERAL
CIG CASE # 200909220002
Memorandum of Interview

On September 29, 2009, Debbie Richards met with Investigations Manager Heidi Huelskoetter and Audit Manager Laure Boyd to provide additional information regarding her complaint.

Ms. Richards advised that she has worked at the Florida Developmental Disabilities Council (FDDC) for 3 years. She is the Program Manager for the Health Care Task Force. She has concerns about procurement and personnel actions. According to Ms. Richards, one person (CFO Lisa Taylor) controls Human Resources, Information Technology, and FDDC money. Ms. Richards provided a written document outlining her concerns.

Budget issues

Ms. Richards alleged that she has experienced harassment since December 2008 after voicing her concerns about budgeting to the director, Debra Dowds. Ms. Richards explained that within the agency's four task forces there are time frames for contracting which should align with the agency's five year plan. However, the budget contracting time frames keep changing. Her concern is that contracts are being written when the budget cannot sustain them over time. She stated that there is a four month period when there is no money. She is being told to write three years of federal money into contracts for 15 months, in order to encumber the funds. She has also been told to write a one year contract for multi-year procurements, however there will be no money for the later contracts.

FDDC receives federal money and is the only agency in the country where the money goes directly to FDDC rather than through the state. 5% of budget sits in "unmet needs" for one year and then is re-allocated. Last week, \$200,000 was released. Contracts are required to be signed before council meetings, so it looks like they are on track. Any discrepancies must be explained at committee meetings. For example, \$150,000 was given to her Health Care task force, 1/3 was 2008 cancelled contract money (which looks like a contracting delay in the budget), and 1/3 was money that Lisa said would be transferred but was not yet in the task force budget. The contract is to be given to the provider for signature, but the FDDC executive director will not sign the contract so it is not an executed document. This becomes a problem for Ms. Richards because the contract may need to be re-executed and/or does not appear ethical. Ms. Richards provided two contract examples: Community Campaign to

OFFICE OF THE CHIEF INSPECTOR GENERAL
CIG CASE # 200909220002
Memorandum of Interview

reduce Fetal Alcohol Syndrome (9/30/09) and Improving Wellness Initiatives. FDDC wanted to fund two proposals (\$150,000) in the latter initiative and a third (HRSI) which put it over budget by \$60,000. Ms. Richards opined that Debra Dowds likes HRSI, a Massachusetts company, and questioned whether another HRSI contract was correctly procured: a project to do framework for the 5 year plan.

The CDED task force has experienced similar issues; however it is in better shape because there are older and smaller projects. The committee meeting was September 24 and 25.

Complainant stated that money has lapsed. Her information about Florida's lapsed money [her initial complaint] comes from the federal TAGGS reporting system which is available online to the public.

Human Resources issue

In March 2009, Ms. Richards went on a three month leave of absence. Prior to going on leave, management advised her that Unum would pay a certain part of her salary and that FDDC would also pay a certain part of her salary. However, since her return, she has received emails from FDDC that she has been overpaid about \$2000. She has filed a grievance over this matter as she has received no resolution. There was an HR committee meeting last week. She stated that her calculations indicate that FDDC did not consider her leave. However, she has taken the information to two accountants who agreed within about \$50 with FDDC's calculations. She alleges harassment over this issue. Ms. Richards stated that the typed document summarizes her concerns on this issue.

Ms. Richards stated that FDDC employees do not receive pay stubs (regarding payroll taxes, etc.), leave reports, leave bank reports or retirement contributions reports. Because of this, she questions whether someone may be "skimming" money, especially considering her circumstances regarding the overpayment.

IT issue

Prior to going on leave, Ms. Richards copied many files from the FDDC computer shared drive onto a thumb drive, including scanned documents that indicate to her that

OFFICE OF THE CHIEF INSPECTOR GENERAL
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the agency is getting rid of her. In addition, she found documents with staff's social security numbers, and personal loan, credit card, and medical information. Ms. Richards provided a copy of the thumb drive to this office containing the documents. She questioned whether she could be in trouble for possessing the documents on the thumb drive? Investigations Manager Huelskoetter advised Ms. Richards that she could not advise her on this matter and recommended consulting with an attorney regarding her legal questions.

Conflict of Interest

Ms. Richards also expressed concerns that Lisa Taylor is licensed as a "CPA" under the name of Lisa Smith and that she actually lives in Georgia, but uses a Florida post office box so that she can be on the board of FFAST [Florida Alliance for Assistive Services and Technology]. FFAST receives federal money. Steve Howells was the FDDC treasurer until 9/24/09 and is the president of FFAST. Now Lisa Taylor is his treasurer. Enrique Escallon was the president of FDDC and is now the new treasurer. Ms. Richards alleged that when they are all "friends", no one asks questions and she believes this is a conflict of interest.

Ms. Richards advised that all of her concerns were presented in writing to FDDC Board Chair Susan Gold in two letters that are included on the thumb drive provided to this office. She further advised that the two letters document all of her concerns and provide supporting information.

Author's Signature: Heidi Huelskoetter Date: 10/15/09

Reviewer's Signature: _____ Date: _____

rec'd 9/29/09 HLB

Issue # 1 - Discrepancy in Amount of Overpayment from the Donated Leave Bank to the Employee

- o FDDC Calculation does not account for:
- o Amount of hours worked and use of the employee's leave during the first pay period
- o Does not include 6/29/09 in calculation of leave of absence
- o Does not reflect overpayment of SS and Medicare by Unum and FDDC of \$189.18, though FDDC has agreed this amount has been overpaid and FDDC has agreed to file a FICA adjustment
- o Application for Unum benefits contains 3 sections for submission - (1) employer's claim; (2) employees claim; (3) statement from doctor. Section 2 (completed by the employee) included a question which was left blank by the employee asking if Unum should deduct withholding taxes. I assumed (incorrectly) that information on deductions would also have been completed by the employer. I did not know how the FDDC checks/deductions would be handled since FDDC would be making tax/FICA/insurance deductions in the checks they offered to supplement Unum's 60% with an additional 40% that would make up the difference between disability and regular pay. This has resulted in uncollected federal withholding tax included in Unum's gross payments. If the standard deductions were made by Unum or adjusted by FDDC to reflect the same deductions that would have occurred if the employee had not taken a LOA, the gross payment from Unum would be \$738.00 less. Seven hundred thirty-eight dollars (\$738.00) is the amount of federal withholding that would have been collected if the employee had not taken a LOA.

UNUM Pay Calculated - Begins 4/3/09 - Last Day is 6/29/09

	# Hours that should Have Been Paid by Unum (utilizing FDDC pay periods)	Actual Check Dates from Unum	Paid by Unum Gross	Unum - Deductions: SS & Medicare (FICA)	federal withholding tax deducted	Paid by Unum Net
Unum begins 4/3/09: FDDC pay period ending dates	60% of gross					
4/3-4/5	14.4 (60% of 24)					
4/19/09	48 (60% of 80)					
5/3/09	48 (60% of 80)					
5/17/09	48 (60% of 80)					
5/31/09	48 (60% of 80)	6/9/2009	5925.71	453.31	0	5472.4
6/14/09	48 (60% of 80)	6/16/2009	610	46.67	0	563.33
6/28/09	48 (60% of 80)	6/23/2009	261.43	20	0	241.43
6/29/09	4.8 (60% of 8)	7/7/2009	871.43	66.67	0	804.76
	307.2 Total hours				0	
	x 23.97 hr rate				0	
	\$7,363.58		7668.57	586.65	0	7081.92

FDDC Payment(s) - regular deductions per pay period with no LOA

FDDC Dates - Pay Period Ending	Without Leave - Regular Gross Pay	Deductions Federal Withholding Tax	Deductions Social Security	Deductions Medicare	Deductions Insurance/AFLAC	Regular Net Pay
4/5/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
4/19/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
5/3/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
5/17/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
5/31/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
6/14/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
6/28/09	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
6/29/09	\$191.78	\$24.60	\$10.74	\$2.51	\$18.59	\$135.34
Total Amounts	\$13,616.24	\$1,746.60	\$762.40	\$178.28	\$204.45	\$9,609.42

FDDC Hours included in time periods of discrepancy (55 hours)

Employee's Leave Hours Used and Charged to FDDC Leave Bank for PP Ending 4/5/09	Employee's Hours Worked and Charged to FDDC Leave Bank for PP Ending 4/5/09	Total Number of Hours Included in Discrepancy Claim	Without Leave - Regular Gross Pay	Deductions Federal Withholding Tax	Deductions Social Security	Deductions Medicare	Deductions Insurance/AFLAC	Regular Net Pay
29 (not 25.5)	18	47 Hours	\$1,917.78	\$246.00	\$107.38	\$25.11	\$185.86	\$1,353.44
6/29/09 Hours not included in LOA figures for FDDC as should have been and ALSO Deducted from Personal Leave								
8	0	8 Hours						
Total Hours (not LOA)		55 Hours	X \$23.97 hr	X .6875	X .6875	X .6875	X .6875	X .6875
			\$1,318.35	1318.47	169.13	73.82	17.26	127.78
								930.49

55 hours is (.6875) - percentage of 80 hour pay period - Difference between gross and net for 55 hours based on employee's usual deductions

Should have been paid - utilizing employees hours worked, employees leave, Unum and FDDC leave bank		Actual Gross Payment to Employee
Employee Work Hrs	\$431.46	\$431.46
Employee Leave Hrs	\$886.89	\$886.89
Unum - Calculated Benefit	\$7,363.58	\$7,668.57 (Unum)
FDDC Calculated Leave Bank	\$5,124.80*	\$6,543.81** (FDDC)
Gross Total	\$13,806.73	\$15,530.73
Less gross already owed to employee (gross wages + leave - not LOA)	\$1,318.35	\$1,318.35
Grand Total	\$12,488.38	\$14,212.38
Difference		\$1,724.00
Less	Amount already paid by employee	\$925.31
Social Security and Medicare Overpayment	Less amount to be adjusted by employer for Social Security and Medicare	\$189.18
Subtotal	Amount Owed to Employer	\$609.51
Plus Amount for Insurance Paid by Employer and not Collected from Employee	Amount Owed to Employer	\$557.58
Subtotal - Owed to Employer		\$1,167.09
Federal Withholding Not Deducted (normal rate for pay if employee had not been on LOA)	Less - Requested adjustment by employee- withholding taxes were not collected by UNUM and will be owed by employee to feds	\$738.00 Unum did not collect federal income tax - this is the difference in the amt collected and what would have been collected without the LOA
Amount Owed to FDDC by Employee if Employer Makes/ Collects Adjustments to FICA and FED Income Tax Withholdings	This should include FDDC taking full responsibility with Unum for any calculated overpayment of insurance benefits to the employee since the difference would be returned to FDDC rather than Unum (\$304.99)	\$429.09

*Calculated as 213.8 hours donated leave bank x \$23.97 hrly rate

**Calculated using 33 leave bank hours for 1st pay period (remainder was already owed to employee from hours worked + employee's leave hours) + next 3 pay checks (all at 100%) - Unum had not yet paid any benefits

Assumptions Needed for Reconciliation Agreement

(1) Employer is making an adjustment to Social Security and Medicare (FICA) for overpayment by employee and can easily deduct this from what the employee owes without waiting for notification of readjustment to FICA and then returning this money to the employee (\$189.18).

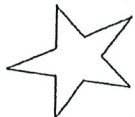
(2) Gross wages received by the employee from Unum without deductions for withholding taxes will result in the employee owing additional federal taxes for 2009. If the intent was to assist the employee by making up the difference between Unum and the regular pay that would have been received and available to the employee (which would have received as a net amount after deductions), Unum's net amount should have been less - there would be no taxes due from the employee to the feds. The employee still owes federal taxes on \$7668.57 - estimated at \$738.00 if all regular deductions had been followed (the amount of withholding the employee would have paid if she had not been on a LOA).

(3) The employer has not shown any adjustment for overpayment of Social Security and Medicare (189.18) and unpaid taxes on \$7,668.57 (estimated at \$738.00 according to regular tax deductions); the employer will need to show gross adjustments to gross wages for the amount already repaid to FDDC (\$925.31) and any other amount repaid. The employer has already agreed to file an adjustment for overpayment of Social Security and Medicare (\$189.18) and return this money to the employee when FDDC is "repaid" by Social Security and Medicare. There is no reason for FDDC to not adjust the amount owed for \$189.18 rather than making the employee pay this amount only to return it to the employee after the adjustment is made with FICA by the employer. Simply put - \$189 in the employee's budget is more substantial than \$189 is in the FDDC agency budget - there is nothing to be gained by the agency making the employee pay \$189 for which they intend to reimburse her.

(4) If FDDC is repaid the difference between UNUM's calculated benefit and gross payment to the employee, the reconciliation should document that any overpayment by Unum to the employee is the sole responsibility of FDDC since any differences (in calculated benefits and paid benefits) are being returned to the employer rather than UNUM.

(5) Hours taken from the donated leave pool should not also be reflected as hours 'paid' by deducting the same hours as employee's work time or personal leave (double billing hours).

(6) Employer is within their rights to not make adjustment for withholding taxes not collected by Unum. If FDDC will not reduce the amount owed to them (with the employee paying the uncollected 2009 income taxes - the extra amount of repayment should be adjusted and deducted from gross wages.



Common Employer Standards for Fair Treatment of Employees

Every employee should be provided with or have immediate access to:

- Up to Date information about salary, deductions, and adjustments
- Amount of leave available to them
- Accurate information about terms and conditions of insurance coverage
- Accurate terms and conditions of deposits/adjustments made to retirement accounts

Issue #2 - Arbitrary and Hostile Treatment

(1) Time Line : Kill the Messenger

- Great evaluations for 2 years, then asked questions about task force budgets
- Identified miscalculated benchmarks on new encumbrance schedule CFO had FDDC Council pass in Dec. '08 meeting
- Asked to encumber 3 years of federal fiscal funds within a 15-month timeline on large-scale and renewable projects
- When I did the proposals, obtained approvals, etc. – demonstrated how the schedule to roll things out would need modification to not over-commit the task force budget
- Was told to roll things out regardless of the consequences and follow the “flawed” schedule approved by the Council
- I told everyone on the management team I thought it was unethical to execute contracts after they had been approved by task forces and the FDDC Council, the scope of work aligned with the funding – they had been bid on with wording indicating possible continuations – and then executed in a time frame that would ensure the projects would have to be discontinued or reduced by up to 50% each renewal period
- Management demanded I do so – I became ill – took a LOA
- When FDDC learned on my return date – they decided they “overpaid me” and demanded money
- I asked and asked for clarification as to how they came up with figures – finally obtained legal advice as well as consultation with two CPAs – had to repeatedly question and seek clarification to be told FDDC would “repay” my overpayment to FICA and adjust gross wages for returned funds (tax implications)
- Asked to have the matter heard by the Human Resources Committee of the FDDC Council
- Suddenly they decided they overpaid my retirement benefit and notified me they'd be taking funds out of that account
- Still unable to resolve budgeting issues – last demand was to complete a contract that would utilize funds that had not yet been put into my task force budget so the contract would be done before the Council meeting (they said I could give it to the provider for signature – then get the money approved at the Council meeting – then get the final signature from Debra Dowds – if the Council did not approve the funds – then I would go back to the provider and change the contract. This contract also involves collaborative efforts with DOH and DCF so everyone would be aware of agreements, then changes.

(2) A Recipe for Disaster

"Cleverness is not wisdom." --Euripides

"The first rule of any technology used in a business is that automation applied to an efficient operation will magnify the efficiency. The second is that automation applied to an inefficient operation will magnify the inefficiency." --Bill Gates

- Broken printers, servers down, can't review deliverables (DVD) without checking out a laptop and having one particular staff member (with the touch) open and close it with a paper clip, etc.
- Information not secure – confidential information including social security numbers, driver's license numbers, payroll, retirement distributions, loan applications, and medical information including a letter from a psychiatrist all available by clicking on scan files (open to all employees including temporary employees) for years.
- Human Resources – (under Lisa Taylor)

"Honesty is the first chapter in the book of wisdom." --Thomas Jefferson

- Information about insurance coverage has been inaccurate – and misalignment has cost employee(s) refused claims, payment of unnecessary deductibles, inability to obtain reimbursement through medical savings accounts, and management will not address the problem of the insurance year (Jan-Dec) not aligning with the FDDC insurance year (Mar – Feb).
- CFO does not use the same name for CPA licensure as she uses to sign documents (licensed under a maiden name?) – signs documents as Lisa Taylor, CPA, and has for years – Lisa Taylor is not licensed in FL or GA. Lisa Smith is licensed (maiden name?).
- Ongoing problems with secretarial staff. Apparently the structure of supervision can not be changed because the two staff who report to Lisa Taylor are "untouchable." Check with staff who work 40-hour weeks – there is no way anyone has the leave to be out as much as either Lisa or her two staff members.
- Financial Chaos (under Lisa Taylor)

"Cleverness is not wisdom." --Euripides

- No transparency for employees to find out about availability of leave, hours calculated from pay-donated leave bank-or personal leave, no information about retirement contributions and formulas for distribution of forfeited leave. Employees quickly learn that "you do not ask questions." If Lisa says that's how it is, that's how it is.
- The FFAST (Florida Alliance for Assistive Services and Technology) is also a statewide Council established through federal mandate). The FDDC CFO, Lisa Taylor, used a FL post office box address in her applications for board membership for FFAST (she is the treasurer). Lisa Taylor lives in Climax, GA and is a GA resident.
- The CEO of FFAST has been the FDDC Treasurer for the last year (Steve Howells). Enrique Escallon is the President of FFAST, new treasurer for FDDC, and was the last Board President during the last OIG investigation. Lisa Taylor has filed for a tax extension for Enrique (for an organization in Miami in which he was president). The

relationships are so friendly that no one asks hard questions such as why a recommendation is being made for a policy, what information or data was used to come to the conclusion that their policy would fix a problem, or if any information was gathered to see if something was even possible or could result in more problems if implemented.

- CEO is still avoiding competitive bidding – check out HSRI and latest “find” by CEO to use them for development of the 5-year plan
- Notifications for meeting for Human Resource Committee continuation on Thursday, 9/24 posted after the fact

(3) The truth about Whistleblowers

"Far and away the best prize that life has to offer is the chance to work hard at work hard at work worth doing." - Theodore Roosevelt

- I am not trying to get Debra Dowds, Lisa Taylor, or Allison Cruz-Mitchell's jobs – I am in my dream job. I am working on the most exciting issue being debated in our country – health care and access to care.
- This is very relevant to my life since my son has autism and is uninsurable unless he stays “disabled” and eligible for Medicaid for his entire life
- I care about contracts, projects, goals, and initiatives being done in a way that creates system change and not wasting millions of dollars to cover up inability to fiscally plan in a way to create sustainability

(4) Request for Relief

"Just because everything is different doesn't mean anything has changed." --Irene Peter

- Keep changing fiscal schedules and policies – but nothing changes – FL still lapses funds, no one looks at turnover, or outcomes of anything – transparency is verbalized – but don't ask any questions
- DD Act instructs Council's to follow state guidelines for management of employees as well as contracting within state guidelines.

October 7, 2009

Debbie Richards
1848 Celtic Road
Tallahassee, Florida 32317



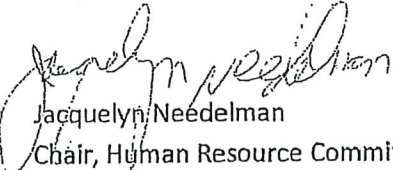
Re: Your grievance that was considered by the Human Resource Committee

Dear Debbie,

The Human Resource Committee of the Florida Developmental Disability Council met at the Council's September 24-25, 2009 meeting and on its September 30, 2009 conference call to discuss your grievances. As to the amount of money required to be repaid by you to the Council as an over payment, the Committee voted and determined that the amount is \$1355.02. We are requesting that Debra advise you of the approximate amount that you will be reimbursed for the over payment of social security and deduct this amount from the amount of your payment. If the amount of the social security reimbursement is later determined to be a different amount, an adjustment will be made. Debra will contact you regarding payment arrangements for the overpayment.

The Human Resource Committee also voted not to reimburse you for amounts you paid to the accountants that you met with. Further, the committee voted to approve the letter written to you by Susan Gold, Chair of the Council, finding no managerial misconduct or ethical issues requiring an investigation or further action and the Human Resource Committee voted to support the actions of its Executive Director and Chief Financial Officer. There were issues presented that are for the Executive Director to determine. The Committee hopes that any disagreements can be worked out.

Very truly yours,


Jacquelyn Needelman
Chair, Human Resource Committee

Cc: Debra Dowds



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
(850) 488-7146
(850) 487-0801 fax

November 9, 2009

Dr. Susan Gold
Chairperson, Florida Developmental Disabilities Council
c/o Mailman Center, Center for Excellence
1601 NW 12th Avenue, D-820
Miami, FL 33136

RE: Chief Inspector General Case # 200909220002

Dear Dr. Gold:

The Office of the Chief Inspector General received the enclosed complaint information from Debbie Richards, an employee of the Florida Developmental Disabilities Council, concerning various alleged discrepancies with the management of the Council.

Based on the nature of the allegations, we are referring this matter to you for review and handling as deemed appropriate. We would appreciate a courtesy response regarding your review findings and any actions taken by the Council.

Thank you for your attention to this matter. We look forward to your response. If I can be of further assistance, please feel free to contact me at (850) 922-4637.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn E. Case".

Dawn E. Case
Deputy Inspector General
Office of the Chief Inspector General

DEC:hh

Enclosures



Florida
Developmental
Disabilities
Council

Susan Gold, Ed.D., Chair
Debra Dowds, Executive Director

December 15, 2009

Ms. Dawn E. Case
Deputy Inspector General
Office of the Chief Inspector General
The Capitol
Room 2103
Tallahassee, Florida 32399-0001

Re: Chief Inspector General Case #200909220002

Dear Ms. Case,

Thank you for sending me the complaint information that Debbie Richards submitted to the Office of the Chief Inspector General dated November 9, 2009 concerning her various alleged discrepancies with the management of the Council. The issues raised by Ms. Richards have been vetted by the Council at three levels.

First, when Ms. Richard's letter was originally received in June 8, 2009; the information was carefully reviewed by me, the Chair of the Human Resource Committee, and the Council attorney. We asked Ms. Richards for more specific information and she sent a second letter dated June 24, 2009. All of us concluded that Ms. Richard's complaints were based on her disagreement with the way management chooses to proceed and evidence was not provided of either unethical behavior or mismanagement such as to warrant further investigation. I sent Ms. Richards a letter dated July 7, 2009, notifying her of my conclusion. The Executive Committee of the Council was briefed on the complaints at our July 13, 2009 Interim Executive Committee conference call and concurred with the conclusion that we had reached.

Second, the Human Resource Committee of the Council received and reviewed thoroughly the documents provided in her grievance package, including the referenced letters. Debbie Richards presented her allegations to the Committee at its September 24th meeting. The members of the Committee and I listened carefully and considered objectively all the information during the four (4) hour meeting. The conclusion of the Committee was again that there was not evidence of unethical behavior or mismanagement. The Chair of the Human Resource Committee relayed this information to her.

124 Marriott Drive, Suite 203, Tallahassee, Florida 32301-2981
Phone: (850) 488-4180 | (800) 580-7801 · Fax: (850) 922-6702
TDD: (850) 488-0956 | (888) 488-8633 · www.fddc.org

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Third, information on the complaint submitted to the Chief Inspector General was provided to the Executive Committee of the Council for discussion at our December 10, 2009 meeting. The Executive Committee discussed the allegations presented in your memorandum of interview and continued to support all of the actions taken by the Council. We found no evidence to support her allegations.

I would also like for you to know that the integrity and fidelity of the work of the Council is of utmost importance to the members and the staff. We have and will continue to conduct ourselves and the business of the Council in a manner that reflects the high ethical standards expected by the Governor and the citizens of this state. I and/or Debra Dowds, our Executive Director, are available to meet with you to answer any questions or provide any further information.

Sincerely,



Susan Gold, Ed.D.
Council Chair