



May 17, 2021

The Hon. Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington D.C. 20004

The Hon. Robert White, Chairman
Committee on Government Operations and Facilities
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington D.C. 20004

Dear Chairman Mendelson and Councilmember White:

I write to share a concern and to recommend that your respective committees consider an oversight hearing on challenges facing government accountability offices with regard to public policies and expenditures related to COVID-19.

Last week you received a letter from Inspector General Daniel Lucas to Chief Procurement Officer George Schutter notifying Mr. Schutter that the Office of the Inspector General was unable to complete an audit of procurements during the COVID-19 public health emergency that the Mayor initially declared March 11, 2020 – procurements conducted under the emergency authority the Council has continued to provide to the Executive.

The letter states that OCP requested two postponements of the OIG audit “until the COVID-19 pandemic ends.” It states that after the audit was initiated on January 11, 2021, OCP denied the OIG access to “the entirety of information OCP maintained in the BarCloud and Smartsheet systems.” The latter, according to the OIG, “tracks and monitors outstanding orders from suppliers.” The letter cites the OIG’s statutory authority to access “all books, accounts, records, reports, findings, and all other papers, items, or property belonging to or in use by all departments, agencies, instrumentalities, and employees of the District government.”

I am concerned with OCP’s failure to respect the statutory authority of the OIG which mirrors the authority of the Office of the D.C. Auditor.

I have testified that ODCA determined that in order to complete the recently published education data audit ([Measuring What Matters: More and Better Data Needed to Improve D.C. Public Schools](#)) we would forego further efforts to obtain the final year of public education data after repeated refusals by the Office of the State Superintendent of Education and the Deputy Mayor for Education to comply. We noted in performance material provided in February 2020: “In recent weeks we have experienced a

District government agency under audit using its own regulatory status in a manner that has hindered the ongoing audit [and] In the interest of completing the audit this spring we have chosen to forego use of ODCA's subpoena authority to secure the information and will report the refusal to respond to a legitimate data request as a finding in the audit." We included the refusal as a finding in the audit.

Last week a Washington Post [article](#) described court filings by the Bowser Administration in a case concerning the Department of Corrections: "The D.C. government has asked an appeals court to end a federal judge's oversight of its pandemic response and resisted turning over documents in the lawsuit....The city has argued that continuing the litigation would divert resources from its response to the pandemic." According to the attorneys for the District: "the harm of diverting staff from their usual duties to participate in discovery could not be more acute."

As you know, both ODCA and OIG frequently face concerns expressed by auditees who contend that responding to requests for information interfere with their ongoing operations. That statement demonstrates a failure to understand that responding to accountability agencies like ODCA is a core responsibility of Executive Branch officials; it isn't an add-on or ancillary. It is fundamental. The Home Rule Charter provision giving ODCA its independence and broad authority also has this language requiring the Mayor to respond to ODCA recommendations: "The Mayor shall state in writing to the Council, within an appropriate time, what action [she] has taken to effectuate the recommendations made by the District of Columbia Auditor in [her] reports."

A majority of the Executive Branch agencies we work with are cooperative and many see my office clearly as a partner with a shared responsibility for improving the operations of government. I hope the Executive actions noted here are not indicative of a trend away from that partnership. Please let me know if you would like any additional information on these concerns.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathleen Patterson". The signature is written in a cursive, flowing style.

Kathleen Patterson
District of Columbia Auditor

cc: Councilmembers
Daniel Lucas, Inspector General, OIG