

STATE OF CONNECTICUT



*AUDITORS' REPORT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
FISCAL YEARS ENDED JUNE 30, 2020 AND 2021*

AUDITORS OF PUBLIC ACCOUNTS
JOHN C. GERAGOSIAN ❖ CLARK J. CHAPIN

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November 3, 2022

EXECUTIVE SUMMARY

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes, we have audited certain operations of the Office of Governmental Accountability for the fiscal years ended June 30, 2020 and 2021. Our audit identified internal control deficiencies; instances of noncompliance with laws, regulations, and policies; and a need for improvement in practices and procedures that warrant the attention of management.

The significant findings and recommendations are presented below:

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Our review revealed delays between appellant hearing requests and the scheduling of hearings. As of April 14, 2022, the backlog was 1260 cases (735 revocations and 525 denials). In addition, the Board of Firearms Permit Examiners (BFPE) does not retain historical copies of the appeal log. Therefore, we were unable to determine how much of the backlog occurred during the audited period. The Department of Emergency Services and Public Protection (DESPP) failed to promptly notify the Board of Firearms Permit Examiners when revocations were resolved, or appellants withdrew their appeal prior to their scheduled hearing. In some instances, DESPP failed to notify BFPE of cases resolved or withdrawn several months before their scheduled hearing. BFPE should reduce its hearing backlog to ensure compliance with Section 29-32b of the General Statutes. The board should retain copies of its appeal logs to measure its progress in reducing the backlog. DESPP should promptly notify BFPE when it resolves revocations or appellants withdraw their appeal prior to their hearing date to enable the board to schedule other cases. (Recommendation 1)

STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

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November 3, 2022

AUDITORS' REPORT OFFICE OF GOVERNMENTAL ACCOUNTABILITY FISCAL YEARS ENDED JUNE 30, 2020 AND 2021

We have audited certain operations of the Office of Governmental Accountability in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the fiscal years ended June 30, 2020 and 2021. The objectives of our audit were to evaluate the:

1. Office's internal controls over significant management and financial functions;
2. Office's compliance with policies and procedures internal to the office or promulgated by other state agencies, as well as certain legal provisions; and
3. Effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, minutes of meetings, and other pertinent documents; interviewing various personnel of the office; and testing selected transactions. Our testing was not designed to project to a population unless specifically stated. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The accompanying Résumé of Operations is presented for informational purposes. This information was obtained from various available sources including, but not limited to, the office's management and the state's information systems, and was not subjected to the procedures applied in our audit of the office. For the areas audited, we identified:

1. Deficiencies in internal controls;
2. Apparent non-compliance with laws, regulations, contracts and grant agreements, policies, and procedures; and
3. A need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations section of this report presents findings arising from our audit of the Office of Governmental Accountability.

COMMENTS

FOREWORD

The Office of Governmental Accountability (OGA) operates under the provisions of Chapter 15a of the General Statutes, sections [1-300 to 1-301](#) and includes the Judicial Review Council (JRC), Judicial Selection Commission (JSC), Board of Firearms Permit Examiners (BFPE), Office of the Child Advocate (OCA), Office of the Victim Advocate (OVA), and State Contracting Standards Board (SCSB).

Significant Legislation

No significant legislation was passed during the audited period.

Governmental Accountability Commission

[Section 1-301\(a\)\(1\)](#) created the Governmental Accountability Commission (GAC) within the Office of Governmental Accountability consisting of one member from each council, commission, examining board or advocate. [Section 1-301\(b\)\(1\)](#) requires the Governor to appoint an OGA executive administrator from a list developed by the commission. The executive administrator position has been vacant since April 1, 2016. [Public Act 16-2](#) of the May Special Session, did not fund OGA. As a result, the Office of the Executive Administrator's functions transferred to the Department of Administrative Services' Small Agency Resource Team (SmART).

Judicial Review Council

[Sections 51-51k through 51-51t](#) of the General Statutes provide for a Judicial Review Council (JRC) to hear complaints and investigate the conduct of judges, family support magistrates, and workers' compensation commissioners. The council can also censure or suspend judges. The

Judicial Review Council consists of 12 members and 13 alternates appointed by the Governor with the approval of the General Assembly. Members receive no compensation for their services. JRC members serve four-year terms while alternates serve three-year terms.

Judicial Selection Commission

The Judicial Selection Commission (JSC) was established under the authority of Article XXV of the Amendments to the Constitution of the State of Connecticut. [Section 51-44a](#) of the General Statutes requires the commission to seek, evaluate, and recommend qualified judicial candidates to the Governor. It also requires the commission to evaluate current judges seeking reappointment-nomination or nomination to a different court. Except for elected probate judges, the Governor nominates all state court judges from the commission's approved list.

Per [Section 51-44a](#) of the General Statutes, JSC consists of 12 members, six of which are appointed by the Governor and six by legislative leaders. The commission members serve for three-year terms and until their successors are appointed and have qualified or 90 days after the completion of their terms, whichever is earlier.

Board of Firearms Permit Examiners

The Board of Firearms Permit Examiners (BFPE) operates under Title 29, Chapter 529, [Section 29-32b](#) of the General Statutes. BFPE hears appeals of any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of [Section 29-28](#) (local chief of police, warden of the borough, or first selectman) or [29-36f](#) (commissioner of emergency services and public protection); or by any limitation or revocation of such permit or certificate; or by refusal to provide an application for such permit or certificate. On such appeal, the board is required to inquire into and determine the facts and, unless it determines that such refusal, limitation, or revocation would be for just cause, it shall order such permit or certificate to be issued, renewed, or restored or the limitation modified or rescinded.

Under the provisions of [Section 29-32b\(a\)](#) of the General Statutes, the board's nine members are appointed by and serve terms concurrently with the Governor until their successors are appointed and qualify. Members of the board are not compensated for their services, but are reimbursed for reasonable expenses incurred in performing their duties.

Office of the Child Advocate

The Office of the Child Advocate (OCA) operates primarily under the provisions of [Title 46a, Chapter 813a](#) of the General Statutes, Sections [46a-13k to 46a-13s](#). The purpose of OCA is to safeguard the legal and civil rights of children who reside in the state. This includes evaluating the procedures for and delivery of services to children by state agencies and those entities that receive state funds, investigating complaints about services for children, and various other activities specified in the statutes.

The child advocate is appointed by the Governor, based on the advice of the office's advisory committee, and is also a classified employee subject to civil service rules. Sarah Healy Eagan,

Esq., became the child advocate on September 9, 2013 and served in that capacity throughout the audited period.

[Section 46a-13r](#) of the General Statutes established an OCA advisory committee. The advisory committee prepares and submits a list of child advocate candidates to the Governor for appointment. The advisory committee consists of seven appointed members that convene only when there is a child advocate vacancy. The committee was inactive during the audited period.

[Section 46a-13\(b\)](#), of the General Statutes established a Child Fatality Review Panel in accordance with [Section 46a-13\(b\)](#), of the General Statutes. The panel is charged with reviewing unexplained or unexpected circumstances of the death of any child under the age of 18 who has received services from a state department or agency addressing child welfare, social or human services or juvenile justice. The panel consists of 13 permanent members.

Office of the Victim Advocate

[Section 46a-13b](#) of the General Statutes established the Office of Victim Advocate (OVA) to ensure the statutory and state constitutional rights of crime victims. Natasha M. Pierre, Esq., has served as the state's victim advocate since December 26, 2014, and remained in that position throughout the audited period.

[Section 46a-13h](#) of the General Statutes established an advisory committee to create a list of victim advocate candidates and submit it to the Governor for consideration. The advisory committee convenes when there is a victim advocate vacancy. The committee was inactive during the audited period.

State Contracting Standards Board

The State Contracting Standards Board (SCSB) operates under [Chapter 62](#) of the General Statutes. [Section 4e-2](#) of the General Statutes established SCSB to consist of 14 members, eight of which are appointed by the governor and six by legislative leaders. Members are coterminous with their appointing authority. [Section 4e-2\(f\)](#) of the General Statutes requires the Governor to appoint the board's executive director. David Guay served as executive director from February 6, 2014, until his June 30, 2022, retirement. As of October of 2022, the Governor has not appointed a new executive director.

[Section 4e-2\(g\)](#) of the General Statutes requires SCSB to appoint a chief procurement officer for a term not to exceed six years. The last chief procurement officer, Julia K. L. Marquis, resigned on March 16, 2017, and the board has not appointed a replacement.

RÉSUMÉ OF OPERATIONS

General Fund Receipts

General Fund receipts during the fiscal years ended June 30, 2019, 2020 and 2021 are presented below:

	Fiscal Year		
	2018 – 2019	2019 – 2020	2020 – 2021
Late Fee – Elections/Financial Disclosure	\$1,400	\$1,000	\$1,177
Sale of Property	1,974	-	412
Refunds of Expenditures Prior Years	<u>11</u>	<u>-</u>	<u>-</u>
Total General Fund Receipts	<u>\$3,385</u>	<u>\$1,000</u>	<u>\$1,589</u>

The removal of the Office of State Ethics, State Elections Enforcement Commission and Freedom of Information Commission from the Office of Governmental Accountability caused numerous asset management issues during fiscal year 2017-2018. In fiscal years 2018-2019 and 2020-2021 the sale of property increased due to the realization of assets that were subsequently reclassified to the appropriate state agency.

General Fund Expenditures

General Fund expenditures during the fiscal years ended June 30, 2019, 2020 and 2021 are presented below:

	Fiscal Year		
	2018 – 2019	2019 – 2020	2020 – 2021
Personal Services	\$1,401,038	\$1,470,163	\$1,508,920
Purchased and Contracted Services	<u>129,042</u>	<u>89,220</u>	<u>130,707</u>
Total General Fund Expenditures	<u>\$1,530,080</u>	<u>\$1,559,383</u>	<u>\$1,639,627</u>

Expenditures for personal services increased during the 2019-2020 and 2020-2021 fiscal years as a result of cost-of-living increases for employees. Purchased and contracted services decreased by \$39,822 during the 2019-2020 fiscal year due to a reduction in office supplies because of employees working remotely during the COVID-19 pandemic. In fiscal year 2020-2021 purchased and contracted services expenditures increased by \$41,487 due to the purchase of new laptop computers and information technology services.

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our examination of the records of Office of Governmental Accountability disclosed the following recommendation, which has been repeated from the previous audit:

Board of Firearms Permit Examiners' Hearing Backlog

Background: Section 29-28(b) of the General Statutes states that individuals may apply for a state permit to carry a pistol or revolver through their local authorities who may deny or issue a temporary 60-day permit, pending further review by the Department of Emergency Services and Public Protection (DESPP). Decisions to deny a permit at either the local or the state level may be appealed to the Board of Firearms Permit Examiners (BFPE).

Criteria: Section 29-32b, subsections (b), (c), and (d) of the General Statutes require the Board of Firearms Permit Examiners to schedule a hearing within ten days of receiving an appeal. It also requires the board to hold hearings at least every 90 days. While an appeal is pending, the board may request additional information it deems necessary from the appellant and the issuing authority to conduct a fair and impartial hearing.

The statute also states that when a temporary permit revocation under Section 46b-15 or 46b-16a of the General Statutes expires, the revoked permit holder may notify the Department of Emergency Services and Public Protection that the revocation order has expired. Upon verification of the expired revocation, and provided such person is not otherwise disqualified from holding such permit pursuant to subsection (b) of Section 29-28 of the General Statutes, the department shall reinstate such permit.

Condition: Our review found delays between appellant hearing requests and the scheduling of hearings. As of April 14, 2022, the backlog was 1260 cases (735 revocations and 525 denials). In addition, BFPE does not retain historical copies of the appeal log. Therefore, we were unable to determine how much of the backlog occurred during the audited period.

The Department of Emergency Services and Public Protection failed to promptly notify the Board of Firearms Permit Examiners when revocations were resolved, or appellants withdrew their appeal prior to their scheduled hearing. In some instances, DESPP failed to notify BFPE of cases resolved or withdrawn several months before their scheduled hearing.

Context: Based on the reported backlog and typical case scheduling, it would take approximately 46 meetings, or until about June 6, 2024, to resolve the backlog. Prior to the COVID-19 pandemic, BFPE typically scheduled 11 denials and 14 revocations per bimonthly board meeting. At the beginning of the pandemic, the number decreased to six total cases. BFPE met in person from July 2020 to December 2020. The board moved to remote meetings in January of 2021, adding more cases (12 denials and 16 revocations) to its schedule.

Effect: The considerable delay between the receipt of appeal requests and the related hearing or negotiated DESPP settlement may deny appellants their right to a timely hearing. Without prompt DESPP notification, the Board of Firearms Permit Examiners did not take resolved revocation cases off its backlog which would have allowed it to schedule other cases instead.

Cause: The Department of Emergency Services and Public Protection does not promptly communicate resolved or withdrawn cases to the Board of Firearms Permit Examiners. DESPP relied on appellants to notify BFPE that the revocation was resolved.

Prior Audit Finding: This finding has been previously reported in the last seven audit reports covering the fiscal years ended June 30, 2001, to 2019.

Recommendation: The Board of Firearms Permit Examiners should reduce its hearing backlog to ensure compliance with Section 29-32b of the General Statutes. The board should retain copies of its appeal logs to measure its progress in reducing the backlog.

The Department of Emergency Services and Public Protection should promptly notify the Board of Firearms Permit Examiners when it resolves revocations, or appellants withdraw their appeal prior to their hearing date to enable the board to schedule other cases. (See Recommendation 1.)

Board of Firearms Permit Examiners Response:

“BFPE agrees to the recommendations and is working diligently with both the towns and DESPP to resolve some of these cases in a timely manner. We are looking forward to DESPP’s new background-check system feature being implemented.”

Department of Emergency Services and Public Protection Response:

“DESPP agrees in part and disagrees in part with this finding. Because DESPP does not know, until about a month before a scheduled hearing, whether a person has filed an appeal or not, DESPP’s only option has

been to notify appellants upon reinstatement of a permit that they need to inform the BFPE directly if they have filed an appeal and cancel their hearing. In creating its new weapon-tracking and background-check system, DESPP added a feature which allows for an electronic interface between DESPP and BFPE. Once fully implemented, it will allow for hearing dates to be updated electronically at various intervals throughout the year. This will also send electronic notice to the BFPE when a permit that was the subject of a hearing has been reinstated. This will allow for more accurate records between DESPP and BFPE.”

RECOMMENDATIONS

Status of Prior Audit Recommendations:

Our prior audit report on the Office of Governmental Accountability contained two recommendations. One has been implemented or otherwise resolved and one has been repeated or restated with modifications during the current audit.

- The Board of Firearms Permit Examiners should continue its efforts to reduce its hearing backlog to ensure compliance with Section 29-32b of the General Statutes. The board should retain copies of its appeal logs to measure its progress in reducing the backlog.

The Department of Emergency Services and Public Protection should promptly notify the Board of Firearms Permit Examiners when revocations were resolved, or appellants withdrew their appeal prior to their scheduled hearing date. **This recommendation is being repeated. (See Recommendation 1.)**

- The Board of Firearms Permit Examiners, Judicial Review Council, and Office of the Child Advocate should submit all reports required by the General Statutes in a timely manner. **This recommendation has been resolved.**

Current Audit Recommendations:

- 1. The Board of Firearms Permit Examiners should reduce its hearing backlog to ensure compliance with Section 29-32b of the General Statutes. The board should retain copies of its appeal logs to measure its progress in reducing the backlog.**

The Department of Emergency Services and Public Protection should promptly notify the Board of Firearms Permit Examiners when it resolves revocations, or appellants withdraw their appeal prior to their scheduled hearing date to enable the board to schedule other cases.

Comment:

Our review revealed delays between appellant hearing requests and the scheduling of hearing. As of April 14, 2022, the backlog was 1260 cases (735 revocations and 525 denials). In addition, BFPE does not retain historical copies of the appeal log. Therefore, we were unable to determine how much of the backlog occurred during the audited period.

The Department of Emergency Services and Public Protection failed to promptly notify the Board of Firearms Permit Examiners when revocations were resolved, or appellants withdrew their appeal prior to their scheduled hearing. In some instances, DESPP failed to notify BFPE of cases resolved or withdrawn several months before their scheduled hearing.

ACKNOWLEDGMENTS

The Auditors of Public Accounts wish to express our appreciation for the courtesies and cooperation extended to our representatives by the personnel of the Office of Governmental Accountability during the course of our examination.

The Auditors of Public Accounts also would like to acknowledge the auditors who contributed to this report:

Shirley Huang
Edyta Lachut
Edna Maldonado
Nikolaos Perdikakis

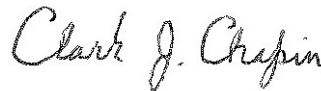


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Approved:



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