

**BOARD OF REVIEW FOR ANTI-DEFICIENCY VIOLATIONS  
BOARD MEETING**



**Thursday, February 9, 2017  
11:00 am-12:30 pm**

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**AGENDA**

1. Call to Order-Angell Jacobs
2. Meeting Minutes Approval (October 27, 2016)
3. Referrals
  - a. Follow-up: OCTO Vendor Payment Issue
  - b. Follow-up: DC Auditor: DHS Contract w/Community Partnership for the Prevention of Homelessness
    - o Determination of whether funds referenced in the DC Auditor's report are still being escrowed.
    - o Clarification of \$861,515 Referenced in Response to BRADV
  - c. Review draft language Re: Interpretation of 5% Rule with Respect to Capital Projects
4. Quarterly Reports
  - a. Operating- Tayloria Stroman/Lettie Stephenson
  - b. Capital – Dave Clark
5. Adjourn-Angell Jacobs

**Fuller, Traci (OCFO)**

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**From:** Gracyalny, Patricia (OCFO)  
**Sent:** Tuesday, February 14, 2017 8:39 AM  
**To:** Jacobs, Angell (OCFO); Kreiswirth, Barry (EOM); Barry, Timothy (OCFO); Dutton, Thurman (OIG); 'Budoff, Jennifer (Council)'  
**Cc:** Ensworth, Laurie (OAG); Fuller, Traci (OCFO); Clark, David (OCFO/OBP); Stroman, Tayloria (OCFO); Stephenson, Leticia (OCFO)  
**Subject:** DHS Response to Board Review of Homeless Continuum of Care Contract  
**Attachments:** DHS Response to Board of Review for Anti-Deficiency Violations 10.28.16.docx.pdf

The attached letter from DHS contains the clarification of the \$861,515 referenced in the audit of The Community Partnership's contract.

Patricia Gracyalny  
Assistant General Counsel  
Office of the General Counsel  
Office of the Chief Financial Officer  
202.727.0871  
202.724.4217 fax

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**From:** Driscoll, Kandis (DHS)  
**Sent:** Friday, October 28, 2016 2:48 PM  
**To:** OCFO, BRADV (OCFO)  
**Cc:** Kershbaum, Sharon (DHS); Zeilinger, Laura (DHS); Jacobs, Angell (OCFO); Ensworth, Laurie (OAG); Gracyalny, Patricia (OCFO); Fuller, Traci (OCFO)  
**Subject:** DHS Response to Board Review of Homeless Continuum of Care Contract

Good Afternoon,

Attached you will find DHS's response to the Board's review of the Homeless Continuum of Care Contract between the District and The Community Partnership.

If you need additional information, please contact Laura Zeilinger at [Laura.Zeilinger@dc.gov](mailto:Laura.Zeilinger@dc.gov) or 202-671-4331 or Sharon Kershbaum, Chief Operating Officer at [Sharon.kershbaum@dc.gov](mailto:Sharon.kershbaum@dc.gov) or 202-671-4332.

Thank you,

Kandis Driscoll  
Special Assistant | Department of Human Services  
Government of the District of Columbia  
64 New York Ave NE- 6<sup>th</sup> Floor  
[kandis.driscoll3@dc.gov](mailto:kandis.driscoll3@dc.gov) | 202-299-5546



DC | DEPARTMENT of  
HUMAN SERVICES

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October 28, 2016

Angell Jacobs, Chairperson  
Board of Review for Anti-Deficiency Violations  
Government of the District of Columbia

RE: Examination of Non-governmental Organizations Receiving Local District Funds to Provide Homeless Services in FY 2014

Dear Ms. Jacobs:

This letter is in response to your correspondence dated October 17, 2016 regarding the Homeless Continuum of Care contract between the District of Columbia (District) Department of Human Services (DHS) and The Community Partnership for the Prevention of Homelessness (TCP). Specifically, you requested information on how TCP spent \$861,515 of the Fiscal Year (FY) 2014 funds in FY 2015, and a detailed list of the investments TCP made using surplus funds received as part of their firm fixed price contract with the District.

Per your request, below is a breakdown by year of TCP's investments:

<b>TCP FY14 Investments</b>	<b>Provider</b>	<b>Amount</b>
FRSP/RRH rental subsidies	TCP	\$ 471,727
Training/Consultation sessions for DC General	National Center for Children and Families	\$ 29,560
Radios - non-hypothermia hotline transportation	United Planning Organization	\$ 25,121
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	Open Door Shelter - New Hope Ministries	\$ 30,403
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	KIA III - Echelon Community Services	\$ 20,964
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	John Young Shelter - New Hope Ministries	\$ 19,859
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	Emery Shelter - Coalition for the Homeless	\$ 17,958
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	Blair Shelter - Coalition for the Homeless	\$ 15,325

Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	Valley Place - Coalition for the Homeless	\$ 10,545
Payments to become compliant with increased personnel costs resulting from Living Wage Act increases	La Casa TRP - Coalition for the Homeless	\$ 10,114
DC General Waste Removal	DC General - TCP	\$ 12,532
Supplies	TCP	\$ 1,400
		\$ 665,508

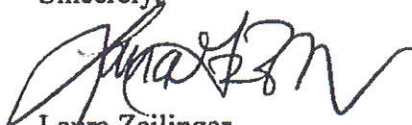
<b>TCP FY15 Investments</b>	<b>Provider</b>	<b>Amount</b>
Maintenance/repairs of bathrooms at Adams Place and 801 East Shelters (MJM Contracting)	Catholic Charities	\$ 264,007
Furniture purchase for Irving Street Permanent Supportive Housing site (Butler Woodcrafters)	Friendship Place	\$ 102,357
Rental subsidies for Rapid Rehousing Program	TCP	\$ 321,445
Supplies and equipment	TCP	\$ 660
Veteran supportive services including rental assistance, security deposit and case management due to a loss of Federal funding (Federal funding ended 12/2014)		\$ 173,045
		\$ 861,514

TCP is a non-profit organization established in 1989 that provides services to reduce and ultimately prevent homelessness in the District, and is a recognized leader among homeless service providers nationwide. These investments were made as a part of TCP's general business practice as a homeless services non-profit organization, and were made on their own volition with no expectation of receiving anything in return from the District.

DHS does have the authority to accept donations and in the future, will confer with the Office of Partnerships and Grant Services to determine whether any of TCP's investments should be considered donations and handled accordingly.

If you need additional information, please contact me at [Laura.Zeilinger@dc.gov](mailto:Laura.Zeilinger@dc.gov) or 202-671-4331 or Sharon Kershbaum, Chief Operating Officer at [Sharon.kershbaum@dc.gov](mailto:Sharon.kershbaum@dc.gov) or 202-671-4332. Thank you.

Sincerely,



Laura Zeilinger  
Director

## Fuller, Traci (OCFO)

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**From:** Gracyalny, Patricia (OCFO)  
**Sent:** Wednesday, February 08, 2017 1:37 PM  
**To:** Fuller, Traci (OCFO); Ensworth, Laurie (OAG)  
**Subject:** FW: BRADV - OCTO Vendor HIT2  
**Attachments:** Fund Cert (CW35199) HealthIT IDIQ\_7-6-15.pdf; 20 - FY16 Fund Cert - Health IT 2 Solutions (Op Yr 1)\_\$466,600\_2-26-16.pdf

For circulation

Patricia Gracyalny  
Assistant General Counsel  
Office of the General Counsel  
Office of the Chief Financial Officer  
202.727.0871  
202.724.4217 fax

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**From:** Peng, Phil (OCTO)  
**Sent:** Wednesday, February 08, 2017 1:22 PM  
**To:** Gracyalny, Patricia (OCFO)  
**Cc:** Fuller, Traci (OCFO); Stephenson, Leticia (OCFO); Bolden, Michael (OFRM); Mohamed, Mohamed (OFRM)  
**Subject:** RE: BRADV - OCTO Vendor HIT2

Pat, per our conversation, please see attached fund cert. Let me know if there are questions. Thanks.

*Phil*

Phil Peng | Agency Fiscal Officer | Office of the Chief Financial Officer | Office of the Chief Technology Officer  
200 I Street, SE, 5<sup>th</sup> Floor, Room 5418 | Washington DC 20003  
Office: 202-727-8472 | Mobile: 202-538-0230 | Email: [phil.peng@dc.gov](mailto:phil.peng@dc.gov)

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**From:** Gracyalny, Patricia (OCFO) [<mailto:patricia.gracyalny@dc.gov>]  
**Sent:** Wednesday, February 08, 2017 12:48 PM  
**To:** Peng, Phil (OCTO) <[phil.peng@dc.gov](mailto:phil.peng@dc.gov)>  
**Cc:** Fuller, Traci (OCFO) <[traci.fuller@dc.gov](mailto:traci.fuller@dc.gov)>; Stephenson, Leticia (OCFO) <[leticia.stephenson@dc.gov](mailto:leticia.stephenson@dc.gov)>  
**Subject:** RE: BRADV - OCTO Vendor HIT2

Phil,

Can you supply the Purchase Orders?

The Board meeting is tomorrow at 11am.

Thanks, Patricia

Patricia Gracyalny  
Assistant General Counsel  
Office of the General Counsel  
Office of the Chief Financial Officer  
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**From:** Peng, Phil (OCTO)  
**Sent:** Friday, January 13, 2017 12:53 PM  
**To:** Gracyalny, Patricia (OCFO)  
**Cc:** Fuller, Traci (OCFO); Stephenson, Leticia (OCFO)  
**Subject:** Re: BRADV - OCTO Vendor HIT2

Hi Patricia, it was nice to see you this morning. I will follow up when I get back to office. Thanks.

Sent from my iPhone

On Jan 13, 2017, at 10:59 AM, Gracyalny, Patricia (OCFO) <[patricia.gracyalny@dc.gov](mailto:patricia.gracyalny@dc.gov)> wrote:

Phil,

I'm so glad that you were in our break room.

Please take a look at Leti's message – the next BRADV meeting is Jan 23 and I'd like the P.O.'s by then.

Please let me know if you have any questions.

Best, Patricia

Patricia Gracyalny  
Assistant General Counsel  
Office of the General Counsel  
Office of the Chief Financial Officer  
202.727.0871  
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**From:** Stephenson, Leticia (OCFO)  
**Sent:** Friday, October 28, 2016 12:19 PM  
**To:** Gracyalny, Patricia (OCFO)  
**Cc:** Fuller, Traci (OCFO); Jacobs, Angell (OCFO)  
**Subject:** RE: BRADV - OCTO Vendor HIT2

The OCTO (TOO) sheet on the attached file only shows the encumbrances, pre-encumbrances, and expenditures for **OCTO** related to the [Health IT 2 Business Solutions](#) vendor. The selected invoice numbers are highlighted in yellow and the related requisitions are highlighted in orange. Also included is a column for **Service Date**. If the agency provides copies of the voucher documents listed below, the hard copies of the supporting invoices may provide better information regarding the service period.  
<image001.png>

Leti  
727-1036

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**From:** Stephenson, Leticia (OCFO)  
**Sent:** Thursday, October 27, 2016 5:06 PM  
**To:** Gracyalny, Patricia (OCFO)  
**Cc:** Fuller, Traci (OCFO); Jacobs, Angell (OCFO)  
**Subject:** RE: BRADV - OCTO Vendor HIT2

Please see [Detail FY16 to FY17 2016Oct27](#) sheet on the attached extract from SOAR. The invoice numbers highlighted in yellow tie to the invoice numbers in Emmash Sudusinghe's email.

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**From:** Gracyalny, Patricia (OCFO)  
**Sent:** Thursday, October 27, 2016 2:07 PM  
**To:** Stephenson, Leticia (OCFO)  
**Cc:** Fuller, Traci (OCFO); Jacobs, Angell (OCFO)  
**Subject:** BRADV - OCTO Vendor HIT2

Leti,

Please pull the purchase order for HIT2 from PASS.

Thank you, Patricia

Vendor	Health IT 2 Business Solutions, LLC
Dates	January 2016 to present
Agency	OCTO

Patricia Gracyalny  
Assistant General Counsel  
Office of the General Counsel  
Office of the Chief Financial Officer  
202.727.0871  
202.724.4217 fax

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PUBLIC SAFETY SURVEY: Let us know about your experiences and opinions regarding public safety in Washington, DC. Take the 10-minute survey [Here](#). #SaferStrongerDC

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
GOVERNMENT OPERATIONS CLUSTER



MEMORANDUM

**TO:** Derrick White  
Contracting Officer  
Office of Contracting and Procurement

**FROM:** Phil Peng  
Agency Fiscal Officer  
Office of the Chief Technology Officer (OCTO) *7/6/15*

**DATE:** July 6, 2015

**SUBJECT:** **Funding Certification:** Request to Increase Contract Ceiling  
**Contract #:** CW35199  
**Period of Performance:** 03/02/2015 - 03/01/2016 (Base Year)

By this memorandum, the Office of the Chief Financial Officer (OCFO) certifies that the Office of the Chief Technology Officer (OCTO) has at least \$650,000.00 Intra-District funds (1372) in the approved FY15 and the proposed FY16 Operating Budget to fund the above contract, provided that FY16 funding is contingent upon Congressional approval of the District's budget.

OCTO has a standing MOU with DCPS to provide temporary resources to assist them with the FY15 school opening activities.

CSG	FUND	PROGRAM	AMOUNT
0041	Intra-District (1372)	6010 – IT SERVUS	\$650,000.00

The ceiling for contract CW35199 had been set at \$1,883,000.00. YTD the program has already encumbered \$1,136,180.00 on PO516284. This fund cert is for the increase of an additional \$650,000.00 to bring the total overall contract ceiling to \$2,533,000.00. The agency is not obligated to spend the full amount of the contract, and in addition, funding for the referenced contract cost will be obligated prior to all future orders.

If you have any questions concerning this funding certification, please contact Phil Peng, agency Fiscal Officer (AFO) at 202-727-8472

cc: Mohamed Mohamed, ACFO, GOC  
Michael Bolden, Director of Financial Operations, GOC  
Rhonda Woods, Chief Management Operations Officer, GOC  
Abdi Yusuf, Budget Director, OCTO  
Tegene Baharu, Interim CTO

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
GOVERNMENT OPERATIONS CLUSTER



MEMORANDUM

**TO:** **Derrick White**  
Contracting Officer  
Office of Contracting and Procurement

**FROM:** **Phil Peng**  
Agency Fiscal Officer  
Office of the Chief Technology Officer (OCTO)

**DATE:** February 26, 2016

**SUBJECT:** Option Year 1 - Contract Task Order # CW35199  
PoP: 3/2/2016 – 3/1/2017  
Temporary Personnel – Tier 1 Technicians

*AP* 2/26/16

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By this memorandum, the Office of the Chief Financial Officer (OCFO) certifies that the Office of the Chief Technology Officer (OCTO) has \$466,600 in the FY16 approved Operating Funds for the subject contract. The dollar amount and funding attributes are shown in the chart below.

FUND	PROGRAM	COMP SOURCE GROUP	FY 2016 BUDGET
INTRA-DISTRICT FUND (1372)	6010 - IT SERVUS	0041 - CONTRACTUAL SERVICES	\$466,600

If you have any questions concerning this funding certification, please contact Abdi Yusuf at 202-741-8867

cc: Mohamed Mohamed, ACFO, GOC  
Michael Bolden, Director of Financial Operations, GOC  
Rhonda Woods, Chief Management Operations Officer, GOC  
Carol Washington, Acting Chief of Staff, OCTO  
Tehsin Faruk, Director of Strategic Investment Services, OCTO  
Abdi Yusuf, Budget Director, OCTO  
Mekete Seleshi, Financial Manager, OCTO

**“Anti-Deficiency Act Clarification Act of 2017”**

**§ 47-355.02. Limitations on expenditures and obligating amounts.**

A District agency head, deputy agency head, agency fiscal officer, agency budget director, agency controller, manager, or other employee may not:

- (1) Make or authorize an expenditure or obligation exceeding an amount available in an appropriation for an agency, fund, or capital project;
- (2) Obligate the District for the payment of money before an appropriation is made or before a certification of the availability of funds is made, unless authorized by law; provided, that this paragraph shall not prohibit the acceptance of voluntary services or employment of personal services exceeding that authorized by law during emergencies involving the safety of human life or the protection of property;
- (3) Approve a disbursement without appropriate authorization;
- (4) Defer recording a transaction incurred in the current fiscal year to a future fiscal year;
- (5) Allow an expenditure or obligation to exceed apportioned amounts;
- (6) Fail to submit a required plan or projection in a timely manner;
- (7) Knowingly report incorrectly on spending to date or on projected total annual spending;
- (8) Fail to adhere to a spending plan through overspending that is greater than 5% of the agency’s budget, or \$1 million, regardless of percentage, *or 5% of the project’s budget or \$1 million for any capital project*; or
- (9) Make or authorize an expenditure or obligation for one capital project from another capital project.

**§ 47-355.04. Reporting requirements of agency heads and chief financial officers.**

(a) By October 1 of each year, an agency head and agency fiscal officer shall jointly submit to the Chief Financial Officer a monthly spending plan and a Schedule A, each by source of funds, based on the budget submitted to Congress. If an agency's budget is changed after Congressional submission, a revised spending plan and a revised Schedule A, each by source of funds, must be submitted to the Chief Financial Officer within one month of final approval of the budget.

*(b); By October 20th of each year, an agency head and agency fiscal officer shall jointly submit to the Chief Financial Officer a monthly spending plan for each capital project based on the budget submitted to Congress. If a project’s budget is changed after Congressional submission, a revised project spending plan must be submitted to the Chief Financial Officer within one month of final approval of the budget.*

~~(b)~~ (c) Any revision to an agency's approved operating budget, *or any capital project budget* during a fiscal year shall be reflected in a revised spending plan submitted to the Chief Financial Officer within one month of the approval of the revised budget.

**§ 47-355.05. Reporting requirements of the Chief Financial Officer and Agency Fiscal Officers.**

(a) The Chief Financial Officer shall submit reports to the Council and the Mayor on a quarterly basis indicating each agency's actual *operating* expenditures, obligations, and commitments, each by source of funds; *and the expenditures, for each capital project*, compared to their approved spending plan. This report shall be accompanied by the CFO's observations regarding spending patterns and steps being taken to assure spending remains within the approved budget.

(a-1) Each Agency Financial Officer ("AGO") shall submit quarterly reports to the Chairperson of the Council committee that has purview over the AGO's agency. Each report shall include the agency's actual expenditures, obligations, and commitments, organized by source of funds, and compared to their approved spending plan. The report shall be accompanied by the AGO's analysis of spending patterns and of the steps taken to assure that spending remains within the approved budget.

(b) The Chief Financial Officer shall be required to develop the quarterly apportionment of funds, by source of funds, for each agency based on the spending plans submitted by agency heads and agency fiscal officers. The apportionment shall be binding on agencies unless otherwise modified by the Chief Financial Officer.

(c) The Chief Financial Officer shall determine when each agency will transition to the quarterly apportionment of funds, so long as all agencies transition to quarterly apportionment within 3 years of [April 4, 2003].

(d) Nothing in this section is intended to interfere with the exclusive authority and discretion of the District of Columbia Retirement Board to manage and control retirement funds pursuant to [Chapter 7 of Title 1].

(e)(1) The Chief Financial Officer shall submit a quarterly summary to the Council and the Mayor on all:

- (A) Reprogrammings;
- (B) Intra-District transfers; and
- (C) Other budget modifications that involve a change in the purpose of the use of the funds that are not included in the annual budget and are more than \$50,000 and less than \$500,000.

(2)(A) The summary shall set forth clearly and concisely each budget category affected by the reprogramming, intra-District transfer, or other budget modification, as described in paragraph (1) of this subsection, showing the original and new amounts, as follows:

- (i) For the operating budget, by:
  - (I) Agency;
  - (II) Object category; and
  - (III) Object class; and
- (ii) For capital projects, by:
  - ~~(I) Program;~~
  - ~~(II) (I) Agency; and~~
  - ~~(III) Object category; and~~
  - ~~(IV) (II) Project and subproject.~~

(B) For capital projects, the summary shall also describe any consequences of the shift, such as personnel shifts or equipment transfers.

## **BOARD OF REVIEW FOR ANTI-DEFICIENCY VIOLATIONS**

The Board of Review for Anti-Deficiency Violations (BRADV) meeting was held on Thursday, February 9 at 11:00 am.

### **BOARD MEMBERS PRESENT**

Timothy Barry (OCFO)  
Jennifer Budoff (Council)  
Thurman Dutton (OIG)  
Angell Jacobs (OCFO)  
Barry Kreiswirth (EOM)

### **NON-BOARD MEMBERS PRESENT**

David Clark (OCFO/OBP)  
Laurie Ensworth (OAG)  
Traci Fuller (OCFO)  
Patricia Gracyalny (OCFO)  
Tayloria Stroman (OCFO/OBP)

#### **I. WELCOME**

Angell Jacobs, Board Chairperson, called the meeting to order at 11:04 am.

#### **II. BOARD MINUTES**

The minutes, dated October 27, 2016 were reviewed and approved by all of the board members in attendance.

#### **III. REFERRALS**

##### **a. Follow-up: OCTO Vendor Payment Issue**

The issue in this matter appeared to be that the vendor performed work without a proper purchase order in place. Additionally, the vendor may have been billing the agency for items not performed/approved.

The Board previously asked Leticia Stephenson and Patricia Gracyalny to work together to obtain a record of the vendor's purchase order to determine if any work was done prior to the issuance of a purchase order. Patricia, Leticia, Tayloria Stroman, and another OBP staff member determined that the purchase orders were not needed, but instead the certification of funding was reviewed. Based on Ms. Gracyalny's research and review, it was found that a certification of funding was approved and in place prior to the disbursement of funds. Thus, it was found that no inappropriate action was taken by the agency. The Board did note that a purchase order was required and that the agency may have bypassed the procurement

process, but they did not obligate the District inappropriately. Thus, the Board determined that the agency did not violate the Anti-Deficiency Act. The Board will send an email to referrer advising that the Board found no violation in this matter.

**b. Follow: up: DC Auditor Referral: DC Auditor: DHS Contract w/Community Partnership for the Prevention of Homelessness**

Based on follow-up information previously received from the DC Auditor, the Board determined that there did not appear to be any evidence of collusion in the DHS matter. However, they requested a follow-up on the following items prior to closing the investigation:

- Determination of whether funds referenced in the DC Auditor's report are still being escrowed.
- Clarification of \$861,515 referenced in response to BRADV

Patricia Gracyalny researched these items on behalf of the Board and found that the contract between DHS and TCP was a firm-fixed price contract and once TCP was paid for its services, the payment became the contractor's to use in furtherance of its mission. Additionally, it was found that the funds were escrowed by TCP and not by the District. Furthermore, the information regarding the \$861,515 will be circulated to the Board for their records.

Laurie Ensworth brought up additional concerns regarding augmentation of funds. The Board had an in-depth discussion on the matter, and again agreed that an issue with augmentation was not prevalent in this matter.

Based on the information presented by Patricia and past reviews by the Board, the Board did not find a violation of the Anti-Deficiency Act and considers this matter to be closed. The Board will send a letter to the DHS director advising the agency that they should follow the rules of the Office of Partnerships and Grants and a letter to the DC Auditor notifying her that this matter is closed.

**c. Review draft language Re: Interpretation of 5% Rule with Respect to Capital Projects**

The Board previously determined that the current language that references overspending that is greater than 5% or \$1 million of an agency's budget is not clear and does not adequately reflect capital projects. The Board recommended that the current language be revised to include capital projects.

Dave Clark presented language that he is working to be included in the Budget Support Act (BSA) that would properly reflect capital project violations. The Board reviewed the potential updated language and Laurie agreed to assist Dave with finalizing the language.

Additionally, § 47-355.05, (2) (A), (i) includes outdated accounting attribute terminology. Tayloria Stroman volunteered to obtain input from her OBP colleagues on this matter.

#### **IV. Quarterly Reports**

- a. Operating- Leticia Stephenson

All agencies are compliant.

- b. Capital – Dave Clark

There was one agency that OBP continues to monitor.

#### **V. ACTION ITEMS**

- Patricia will draft an email to Betsy Cavendish (referrer) letting her know that there was no violation in the OCTO vendor payment issue.
- Patricia will draft a letter to the DHS director and the DC Auditor closing the DHS-TCP contract matter.
- Laurie will work with Dave Clark on finalizing the capital violation language to be include in the BSA
- Laurie Ensworth will draft a matrix for the Board’s table of penalties (From 10/27/2016 meeting)

#### **VI. CLOSING**

The meeting adjourned at 11:33 am

#### **VIII. NEXT MEETING**

Meeting attendees will be notified of the next scheduled meeting via e-mail.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
OFFICE OF THE CHIEF FINANCIAL OFFICER



**Board of Review for Anti-Deficiency Violations**

**February 20, 2018**

The Honorable Jack Evans, Chairman  
Committee on Finance and Revenue  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 106  
Washington, D.C. 20004

**Subject: Board of Review for Anti-Deficiency Violations Oversight Questions**

Dear Chairman Evans:

In response to your questions concerning the fiscal year 2017 and fiscal year 2018 performance of the Board of Review for Anti-Deficiency Violations (Board), I have provided the following answers.

1. Who are the current members of the Board? Please identify/indicate terms (start and finish), board officers, and type of appointee (mayoral, council, agency, etc.). Please also comment or note status of reappointment or replacement of members whose terms expired in 2017 or expire in 2018.
  - Timothy Barry– appointed by the Chief Financial Officer from January 1, 2015 to January 1, 2021. Mr. Barry was reappointed for a second term on January 1, 2018;
  - Jennifer Budoff – appointed by the Chairman from March 20, 2015 to March 20, 2021. Ms. Budoff was reappointed for a second term on January 22, 2018;
  - Angell Jacobs (Chairperson) – appointed by the Chief Financial Officer from January 1, 2016 to January 1, 2019;
  - Barry Kreiswirth – appointed by the Mayor from June 3, 2015 to June 3, 2018; the Board will inform the Committee when a reappointment or new appointment is made; and
  - Burnette Williams – appointed by the Inspector General from September 29, 2017 to September 29, 2020.
  
2. Please describe any of the Board’s activities in fiscal year 2017 and fiscal year 2018 to date.

During fiscal year 2017, the Board met on October 27, 2016 and February 9, 2017.

The Chairperson must call a meeting within 30 days of learning of an alleged violation of the Anti-Deficiency Act and that requirement was met. Please see D.C. Official Code § 47-355.07(b)(2).

3. Please provide copies of agendas and briefing materials for all meetings held within the past two calendar years.

The agenda and briefing materials for the February 9, 2017 meeting are attached.

4. How many notices were sent in fiscal year 2017 and fiscal year 2018 to date? Please provide copies of such notices and any responses received by the Board.

The Board did not need to send any notices in fiscal year 2017 or fiscal year 2018.

5. Have any changes been made in fiscal year 2017 and fiscal year 2018 to the personnel that provide administrative and legal support to the Board?

No changes have been made. David Clark, Laurie Ensworth, Traci Fuller, Patricia Gracyalny, Leticia Stephenson, and Tayloria Stroman continue to support the Board. While the OCFO is required to staff support to the Board, the Board is grateful for the services of Ms. Ensworth, who is a member of the Office of the Attorney General's Legal Counsel Division. Please see D.C. Official Code § 47-355.07(h).

6. Please describe any changes to the policies and procedures of the Board that took place in fiscal year 2017 and fiscal year 2018 to date. Please provide a copy of your policies and procedures. Additionally, please discuss any anticipated or planned changes to regulations, policies, or procedures over the next calendar year.

The Board has authority to establish its own rules of procedure. While the Board is working on its procedures, it relies on its statute and past practice for guidance. Once the procedures are approved, the Board will share a copy with the Committee. Please see D.C. Official Code § 47-355.07(g).

7. What matters, if any, is the Board currently reviewing? Please also comment on any matters reviewed and closed all within the past 12 months not already discussed.

The Board is not currently reviewing any matters. Matters reviewed and closed with calendar year 2017 include:

Office of Chief Technology Officer

A District government employee made a referral to the Board, suggesting that OCTO may have entered into a contract before funding was certified. See D.C. Official Code § 47-355.02(2). The Board determined that

funding was certified timely and the Anti-Deficiency Act was not violated. The Board voted to close this matter at its February 9, 2017 meeting.

Department of Human Services

The District of Columbia Auditor provided a referral to the Board, suggesting that DHS may have obligated the District before an appropriation was made. See D.C. Official Code § 47-355.02(2). The Board determined that DHS did not use prior year funds for a current year contract and the Anti-Deficiency Act was not violated. The Board voted to close this matter at its February 9, 2017 meeting.

8. Please provide copies of all reports transmitted to Council or other official correspondence within the past year, if any.

The Board is required to send a report to the Council within thirty days of determining that the Anti-Deficiency Act has been violated. Please see D.C. Official Code § 47-355.07(d)(3). Because the Board did not find any violations of the Anti-Deficiency Act, no reports were sent to the Council during the past year. Other than responses to the Committee's oversight questions, the Board did not send any official correspondence to the Council.

9. What support or legislative modifications, if any, may the Council provide to better assist the Board?

Thank you for the offer of support. Currently, the Board is not seeking any legislative modifications.

If you have questions, please feel free to call me on 727-0049. In the alternative, you may contact Laurie Ensworth, Counsel to the Board, on 724-5537, or Patricia Gracyalny, Counsel to the Board, on 727-0871.

Sincerely,



Angel H. Jacobs  
Chairperson

Delivered electronically with six printed copies

Enclosures