

## In His Own Words: The Audit Experience

by Ryan McKee

Somewhere close to a year and a half ago, I knew practically nothing about the California Public Records Act, yet it was the main topic for my senior project. I performed an audit of 52 local, southern California agencies. And during that time, I began to develop an interest in the California Public Records Act. When I finished my senior project, I thought the results were astonishing. I couldn't believe that these government agencies could so obviously abuse the law. Yet at that time, I did not realize what I would be getting myself into now.

You could never guess where I was when my father called and told me of the state agency audit CalAware was asking me to do. I was on a train heading back to my study abroad home in Florence, Italy, and I'll bet you'd believe me that thinking about working on another audit was close to the last thing on my mind. Yet when I was told about it, I was immediately interested and wanted all the information about it.

Compared to my local agency audit, you could say the experiences I had with this state agency audit were the same, although it had its own unique spin on it. Before I even began the audit, I thought the people I would be dealing with would be more knowledgeable of the law and also would be somewhat easier to deal with and more compliant with my request.

Well steal my pot of gold and call me a leprechaun, because my thoughts of the people I dealt with were practically anything but accurate. These state employees I dealt with seemed more as if they did not know what a public record was and like they should be the ones going to college instead of me.

The results of this audit were completely amazing. Looking at the average grade of the agencies being an F, you can only think, "Wow, these are the people that run our government?" These people *should* be setting an example for others in the state. Yet, none of the agencies I dealt with complied with my request exactly as the law requires. A couple agencies got close, but many of them did horribly.

California State Teachers' Retirement System did very well, although not perfectly. They were the best of all 31 agencies. They had just one problem. Before providing me access to the FPPC Form 700 I was requesting, an STRS employee asked me who I was affiliated with. But the law requires that, when someone requests a Statement of Economic Interests, no information may be asked of the requestor. But, keeping in mind that the average state agency grade was an F, California State Teachers' Retirement System still received a grade of A, even though it did not comply exactly by the law.

Let me stray away from the results for a little while and explain more about the actual request that was made at each of the agencies. There were two parts to the request, a verbal portion and a written portion. When I first entered an agency, I asked to be directed to the person in charge of handling public records requests. This was so there would be no doubt with knowing whether or not the person I dealt with knew what they were doing or not. When I reached the person in charge of handling public records request, I would give them a 3"x5" note card that requested to view the most recent FPPC Form 700 Statement of Economic Interests and a copy of the guidelines for accessibility of public records.

After viewing the Form 700 and receiving the guidelines, I would then ask where a copy of the guidelines was posted. The reason for requesting those two documents is because

the law expressly states that those documents must be readily available during normal business hours. After that portion of the request was finished, I would then hand the person a half-sheet of paper that asked for copies of the Employment Contract and/or similar document(s) reflecting the salary of the top ranking employee and the most recent litigation settlement agreement including a payment of \$100,000 or more to the plaintiffs. These two items were picked because they were obviously public information that should not be too hard to find. After I had given them the half-sheet of paper, I would get my own copy of the written request date-stamped to prove when the agency received the request. I would also get a business card of the person I dealt with. So that was the routine I performed at each of the 31 agencies.

With such easy information being requested, you have to wonder why the results were as bad as they were. Three of the worst agencies I dealt with were the Department of Motor Vehicles, the Department of Social Services, and the Department of Justice, all of them not even allowing me inside their main offices, declaring that the building was not a public place. The Department of Social Services was the only one of those three to respond to a written mailed request, but still eleven days after they received it.

Although those agencies seem bad, the Department of Consumer Affairs was probably the very worst of all 31 agencies. Not only did I receive nothing from them, I was constantly asked for information about myself, including who I was, why I wanted the records, and who I worked for. I could not even get a business card of the person I spoke with because, she said, I would not tell them who I worked for, even though I repeatedly told them that I did not work for anyone.

Getting away from the depressing results, the California Coastal Commission and the Department of Toxic Substances Control both received a grade of A-. The California Coastal Commission provided the verbal portion of the request within 20 minutes and also provided the written portion of the request in eight days, while Department of Toxic Substances Control provided the verbal portion within 25 minutes and the written portion within six days.

Earlier I stated that the results from my *local* agency audit were astonishing. But after fully reviewing the results of this *state* agency audit, I believe that the local agencies are actually the least of our problems.

These state agencies should be dealt with forcefully, and in a way that will correct the many wrong-doings identified by this audit. That is why each agency will be mailed a copy of the overview and conclusions, the three-page summary of the results, as well as a page of that particular agency's performance in the audit. And in the near future, the agencies will be asked to identify the steps they have taken to correct their errors and to make it easier to properly handle future California Public Records Requests.