

Requesting an OPEGA review

POLICY

All requests for OPEGA reviews to be considered by the Government Oversight Committee must be:

- initiated or sponsored by a legislator; and
- submitted in writing on the OPEGA Audit Request Form, or in a letter that contains substantially the same information as required on the Form.

Generally, OPEGA will not present requests based on individualized complaints or allegations stemming from personal situations to the GOC for consideration unless:

- they involve an alleged action that may violate the law, is economically wasteful, or suggests gross misconduct, incompetency or inefficiency; or
- there is some evidence that the complaint could be the result of a systemic issue with a government program or activity.

All requests for reviews, or other complaints, received by OPEGA that are not presented for the GOC's consideration will be, with the permission of the requestor, referred to an appropriate agency or legislative committee for consideration. OPEGA will also catalog them and make the GOC aware of any emerging themes suggesting that review of a particular subject may be warranted.

PROCEDURE

Who may request an OPEGA review?

- Members of the public, legislators, state employees, state agencies, advocacy organizations, businesses, or any others with questions or concerns related to Maine state government.
- All requests **must** be initiated by or sponsored by a legislator.

What may be reviewed?

- OPEGA performs independent reviews of State programs, agencies and activities, including non-government entities receiving public funds. These may include: State programs and agencies, local and county governments, special and utility districts, regional development agencies, municipal or non-profit corporations, state contractors, and public officials and employees.
- OPEGA will **not** process requests based on individual complaints or allegations, unless there is some evidence that the complaint may result from a systemic issue involving a governmental program or activity. Complaints stemming from personal situations will not be processed unless they involve an alleged action that is illegal, economically wasteful or suggests gross misconduct, incompetency or inefficiency.

How do I request an OPEGA review?

Legislators and Legislative Committees

A legislator or a legislative committee submits the request to the OPEGA Director in writing using the Audit Request Form or by sending a request letter addressed to the GOC or OPEGA. OPEGA may assist legislators in defining their requests and completing the Form.

Citizens and State Employees

- Requests from citizens and State employees are required to have a legislative sponsor. OPEGA may assist a requestor in identifying legislators to contact, including their local Senators and Representatives, members of relevant policy committees or members of the GOC.
- A legislator sponsoring a request for a citizen or state employee must contact OPEGA to discuss the request and indicate their willingness to sponsor it. A written request is then submitted to the OPEGA Director by

filling out the Audit Request Form or writing a letter. OPEGA may assist in defining requests and completing form if necessary.

- At the discretion of the Director, requests that do not have legislative sponsor may be presented to the GOC Chairs for possible sponsorship, particularly when it is critical to keep the identity of the requestor confidential (see below).

What will happen to the request?

1. OPEGA will acknowledge receipt of the Audit Request and will advise the requestor(s) of the process that will be followed, and obtain more information if necessary.
2. OPEGA will determine whether the subject matter fits within the GOC's mission (in consultation with the chairs as necessary) and OPEGA's statutory authority for reviews. OPEGA will also consider whether another entity would be more appropriate, or has jurisdiction by law, to handle the concerns expressed in the request and refer the request accordingly. OPEGA will make the GOC aware of request received that OPEGA determined did not meet the criteria for GOC consideration or that OPEGA forwarded to another party.
3. Requests that meet the criteria described above will be prepared for consideration by the GOC for consideration at a subsequent meeting of the committee. The Chairs may decide to hold an emergency meeting under certain circumstances.
4. OPEGA will provide notice to the requestor of the meeting date when the GOC will consider the request.
5. OPEGA will provide the GOC a summary of requests at a public meeting and any additional information gathered. Any themes that emerge from the requests (including any that alone, did not meet criteria described under item 2, above) will also be brought to the GOC's attention.
6. After discussion, the GOC will vote on how to respond to each potential topic. The GOC may vote as follows.
 - Take no further action at this time.
 - Refer the issue to another entity.
 - Authorize OPEGA to conduct limited research and respond to requestor.
 - Add the topic to OPEGA's list for potential future reviews.
 - Add the topic to OPEGA's current work plan.
 - Initiate a rapid response review/audit.
7. OPEGA may perform limited research to gather relevant information related to a request topic before a
8. OPEGA will notify the requestor of the GOC's final decision.

Can a requestor's identity or certain information be kept confidential?

- Discussion prior to a request being made is confidential; however legislators should **not** expect that their request or identity will remain confidential once the formal request is submitted, due to the need for transparency in actions taken by elected officials.
- A citizen or employee requesting a review can ask that his/her identity be kept confidential. There is a box on the Review Request Form for the requestor to check if he/she wants to remain anonymous. If this box is checked, or if the requestor specifies wanting to remain anonymous in a written statement, OPEGA will not publicly disclose the requestor's name or contact information, as provided for in 3 MRSA § 997(6). subsection 6.

Note: Documents submitted to OPEGA as part of the review are treated as confidential working papers and will not be subject to public inspection. However, written communications or documents submitted by a requestor to a legislator or notes taken during conversations could potentially be subject to public inspection under FOAA.