

Comptroller's Response

COMPTROLLER

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OFFICE OF THE COMPTROLLER

Department of Audits
Department of Real Estate
Municipal Post Office
Municipal Telephone Exchange
Harbor Master

Revised Response

January 30, 2020

Isabel Mercedes Cumming
Inspector General
Room 635, City Hall
100 N. Holliday Street
Baltimore, Maryland

Dear Ms. Cumming:

Thank you for providing me an opportunity to respond to the Report for OIG Case #19-0084-1 (Report). I have reviewed the Report. I do not disagree that the vote on Bethel A.M.E. Church was a conflict as the result of an administrative oversight. However, some of the statements in the Report are inconsistent or inaccurate and result in findings with which I do not agree.

Community Support

I strongly advocate for transparency. Therefore, I support and encourage community input on matters that affect a community, prior to Board of Estimates approval. However, as stated in the Report on page 2, the Land Disposition Agreement was between the Department of Housing and Community Development (DHCD) and Bethel A.M.E. Church. Consequently, I did not participate in the DHCD process. I had no influence over the property sale or the involvement of the community in the process. I will not respond further, as you have informed me that this finding does not pertain to me but to the Department of Housing and Community Development.

Reliance on staff to determine abstentions

This finding is not supported by the statements in the Report that were correctly attributed to me and staff members of the Office of the Comptroller. On page 5 of the Report it reads in the fourth full paragraph, "...However, several of the employees of the Office of the Comptroller told the OIG that even when the

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abstentions list was being utilized the comptroller, and her staff, went page-by-page through the agenda during the Monday pre-BOE meetings. The OIG learned that the comptroller would verbally announce items she planned to abstain from during the meetings. Comptroller Pratt confirmed to the OIG that she regularly reads the agendas over the weekend and tells her staff in the Monday meetings from which items she plans to abstain." On page 6 of the Report, in the first paragraph it reads, "...The OIG interviewed employees who attended the meeting, none of whom recalled whether the comptroller proclaimed her desire to abstain from the vote."

The pre-Board meeting occurred on October 30, 2017, more than two years after the OIG interviewed staff. With the attenuation of time, it is unrealistic to expect persons to recall what I said or did not say about any abstention on that date. However, it is of great significance that overwhelmingly and without equivocation it was reported by staff and me that it was my pattern and practice that we "went page-by page through the agenda during the Monday pre-Board meetings..." Further upon these undisputed facts, the Report states the OIG learned as quoted above that I verbally announced items I planned to abstain from during the Board of Estimates meeting. Clearly, this undisputed pattern and practice supports my statement that I announced that I was abstaining on Bethel A.M.E. Church.

Further on the same page in the fifth full paragraph it reads, "...The OIG learned that during the Monday meetings, the Lead Tech typically takes note of the items the comptroller will be abstaining on..." My reliance upon staff was limited to an administrative process to ensure that I properly abstained on items on the Board of Estimates agenda. The administrative reliance was solely for the staff to confirm the abstentions based upon my having previously or at the most recent pre-BOE meeting identified an organization or person as a conflict (and was therefore listed as an abstention for me). Since I am ultimately responsible for my vote, even if there is an administrative oversight as in the instant matter, I have and continue to identify items on the Board of Estimates agenda that are a conflict that are to be announced at the Board of Esti-

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mates meeting. There is no confusion about the process as asserted in the Report or whose responsibility it is to ensure that I abstain on conflicts of interest.

Based upon the undisputed facts in the Report that describe in detail the pattern and practice by which I identify conflicts of interest, the investigative finding (page 6, paragraph 2) "...the comptroller relies on her staff to identify from which items she should be recused..." is unsupported. This finding is contradicted by numerous cited statements in the Report for OIG Case #19-00841, as referenced above in this response. Therefore, this finding should be removed from the Report.

Explanation to the Baltimore Fishbowl regarding the vote not clear

When I responded to the inquiry of the Baltimore Fishbowl, it was early in 2019 and I am not able to recall exactly what was said or how my response was misunderstood. I do recall however that my response referenced that the name of Bethel AME, as it appears in the list of abstentions that was developed from my prior abstentions did not have periods between the initialism "A.M.E". Bethel A.M.E. (with periods) was named in the November 1, 2017 Board of Estimates agenda. This inconsistency resulted in Bethel A.M.E. not coming up, when the agenda was searched against my list. Simply stated, since the names were not identical. There was not a match between the list and the agenda.

In support of the administrative error, I submit:

Pratt Exhibit 1 - Statement from the Lead Tech

This statement describes the process used by the Lead Tech to confirm abstentions for members of the Board of Estimates. As described in step 1, the final agenda is copied and converted to a PDF. In step 12 of the process, "...File will now scan the entire agenda searching Abstentions as they are entered on the current Abstention list for the Mayor, President, Comptroller, City

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Solicitor and Director of Public Works. Step 13 describes the results of the search as follows: "Abstentions will appear by name of Board member, page number, name of entity or person."

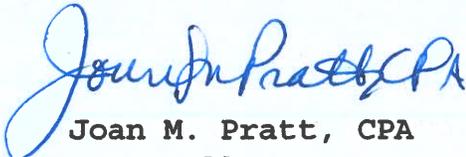
This statement supports that my explanation to the Baltimore Fishbowl as recounted above was clear on how my vote was the result of an oversight and not intentional. Abstentions will be found during the search when the entity or person name is keyed in the agenda in the exact manner in which it was entered on the Abstention list.

Actions taken to prevent occurrence of a conflict

Not abstaining on Bethel A.M.E. Church was unintentional and the result of the administrative oversight and not the result my failing to identify this item as an abstention. Since I became aware of this administrative oversight, I have increased controls to assure compliance with conflict of interest requirements. These include my continued review of the agenda in conjunction with affirmatively informing staff during pre-Board meetings, which items I will abstain on; prior to the Board meeting confirming that staff have correctly identified my abstentions and the page/item number on which they appear; and to check during the Board of Estimates meetings that the abstentions I confirmed have been reported and announced by the Clerk at the beginning of each Board meeting.

I appreciate the Office of the Inspector General's review of this matter and the opportunity to respond to the Report.

Very truly yours,



Joan M. Pratt, CPA
Comptroller

Enc. Pratt Exhibit 1

APPENDIX B

PRATT EXHIBIT 1

ABSTENTION PROCESS

The process I used for verifying/checking abstentions in 2017 is as follows:

1. Once the Final Agenda has been corrected and submitted to the Print Shop for printing and uploaded to the Website, open PDF to Word program.
2. Go to the Final Agenda Folder. Locate Agenda to be copied.
3. Hit open PDF and Hit Add Folder.
4. Hit Start.
5. Document will start to copy and convert to PDF macro.
6. Once converted to PDF close file.
7. Close folder.
8. Go to View on Task Bar.
9. Hit macros. File will open.
10. Hit view macros.
11. List of Agenda's will appear. Locate Agenda that was just converted.
12. Open file. File will now scan entire Agenda searching Abstentions as they are entered on the current Abstention list for Mayor, President, Comptroller, City Solicitor and Director of Public Works.

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13. Abstentions will appear by name of Board member, page number, name of entity or person.
14. Once completed. Close file.
15. Once Final Agenda has been printed and delivered to Comptroller's Office, use printed Agenda and compare Abstentions that were found by the Macro.

Affirmation

I [REDACTED] solemnly affirm under the penalty of perjury that this statement is true to the best of my knowledge, information and belief.

