

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Inspector General**



Inspector General

March 30, 2009

The Honorable Adrian M. Fenty  
Mayor  
District of Columbia  
Mayor's Correspondence Unit, Suite 316  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Mayor Fenty:

Enclosed please find a copy of a Management Alert Report (MAR 09-I-005) issued March 6, 2009, to the Executive Office of the Mayor. The MAR addresses our finding that only 8 of the required 15 members have been appointed to the State Rehabilitation Council. This deficiency can negatively impact operations at the Department on Disability Services (DDS) in many ways, including the potential loss of federal funds. The response to the MAR from the Office of Boards and Commissions (OBC), dated March 24, 2009, is also enclosed.

Although the OIG is conducting an ongoing inspection of DDS for which a report will be completed later this year, we are providing this information to you now so that you are aware of the importance of the issues addressed in the MAR and the corrective actions proposed by the OBC.

If you have questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202) 727-8452.

Sincerely,



Charles J. Willoughby  
Inspector General

CJW/bd

Enclosures

cc: See distribution list

**DISTRIBUTION:**

Mr. Daniel M. Tangherlini, City Administrator and Deputy Mayor, District of Columbia (1 copy)  
Mr. Neil O. Albert, Deputy Mayor for Planning and Economic Development (1 copy)  
The Honorable Vincent C. Gray, Chairman, Council of the District of Columbia (1 copy)  
The Honorable Mary M. Cheh, Chairperson, Committee on Government Operations and the Environment, Council of the District of Columbia (1 copy)  
The Honorable Tommy Wells, Chairperson, Committee on Human Services, Council of the District of Columbia (1 copy)  
Ms. Judith E. Heumann, Director, Department on Disability Services (1 copy)  
Ms. Tracy Sandler, Director, Office of Boards and Commissions (1 copy)  
Mr. Andrew T. Richardson, III, General Counsel to the Mayor (1 copy)  
Ms. Carrie Kohns, Chief of Staff, Office of the Mayor (1 copy)  
Ms. Bridget Davis, Director, Office of Policy and Legislative Affairs (1 copy)  
Ms. Mafara Hobson, Director, Office of Communications (1 copy)  
Mr. William Singer, Chief of Budget Execution, Office of the City Administrator (1 copy)  
Ms. Cynthia Brock-Smith, Secretary to the Council (13 copies)  
Mr. Peter Nickles, Attorney General for the District of Columbia (1 copy)  
Dr. Natwar M. Gandhi, Chief Financial Officer (4 copies)  
Mr. Robert Andary, Executive Director, Office of Integrity and Oversight, Office of the Chief Financial Officer (1 copy)  
Ms. Deborah K. Nichols, D.C. Auditor (1 copy)  
Ms. Kelly Valentine, Director and Chief Risk Officer, Office of Risk Management (1 copy)  
Ms. Jeanette M. Franzel, Managing Director, FMA, GAO, Attention: Sandra Silzer (1 copy)  
The Honorable Eleanor Holmes Norton, D.C. Delegate, House of Representatives, Attention: Bradley Truding (1 copy)  
The Honorable Edolphus Towns, Chairman, House Committee on Oversight and Government Reform, Attention: Ron Stroman (1 copy)  
The Honorable Darrell Issa, Ranking Member, House Committee on Oversight and Government Reform (1 copy)  
The Honorable Stephen F. Lynch, Chairman, House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia, Attention: William Miles (1 copy)  
The Honorable Jason Chaffetz, Ranking Member, House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia (1 copy)  
The Honorable Joseph Lieberman, Chairman, Senate Committee on Homeland Security and Governmental Affairs, Attention: Holly Idelson (1 copy)  
The Honorable Susan Collins, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs (1 copy)  
The Honorable Daniel K. Akaka, Chairman, Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia (1 copy)  
The Honorable George Voinovich, Acting Ranking Member, Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia (1 copy)  
The Honorable David Obey, Chairman, House Committee on Appropriations, Attention: Beverly Pheto (1 copy)  
The Honorable Jerry Lewis, Ranking Member, House Committee on Appropriations (1 copy)

Letter to Mayor Fenty  
March 30, 2009  
Page 3 of 3

The Honorable José E. Serrano, Chairman, House Subcommittee on Financial Services and  
General Government, Attention: Dale Oak (1 copy)

The Honorable Jo Ann Emerson, Ranking Member, House Subcommittee on Financial Services  
and General Government (1 copy)

The Honorable Daniel K. Inouye, Chairman, Senate Committee on Appropriations,  
Attention: Charles Houy (1 copy)

The Honorable Thad Cochran, Ranking Member, Senate Committee on Appropriations (1 copy)

The Honorable Richard Durbin, Chairman, Senate Subcommittee on Financial Services and  
General Government (1 copy)

The Honorable Sam Brownback, Ranking Member, Senate Subcommittee on Financial Services  
and General Government (1 copy)



**DISTRICT OF COLUMBIA**  
**OFFICE OF THE INSPECTOR GENERAL**  

---

**CHARLES J. WILLOUGHBY**  
**INSPECTOR GENERAL**

**INSPECTIONS AND EVALUATIONS DIVISION**  
***MANAGEMENT ALERT REPORT***

**OFFICE OF THE MAYOR**  
**AND**  
**DEPARTMENT ON DISABILITY**  
**SERVICES**

**MAYOR HAS NOT APPOINTED ALL**  
**MEMBERS OF THE STATE**  
**REHABILITATION COUNCIL IN LINE WITH**  
**FEDERAL REGULATIONS**

**MAR 09 - I - 005**  

---

**MARCH 6, 2009**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Inspector General**



Inspector General

March 6, 2009

The Honorable Adrian M. Fenty  
Mayor  
District of Columbia  
The John A. Wilson Building  
Mayor's Correspondence Unit  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, D.C. 20004

Dear Mayor Fenty:

This is a Management Alert Report (MAR 09-I-005) to inform you that during our inspection of the Department on Disability Services (DDS), Rehabilitation Services Administration (RSA), the Office of the Inspector General (OIG) learned that only 8 of the required 15 members have been appointed to the State Rehabilitation Council (SRC). This deficiency can negatively impact DDS operations in many ways, including the potential loss of federal funds. The OIG provides these reports when it believes a matter requires the immediate attention of District government officials.

### **Background**

DDS provides services to persons with disabilities to help them lead meaningful and productive lives. The mission of RSA is to provide comprehensive vocational rehabilitation and independent living services to persons with disabilities to promote their employability and economic self-sufficiency. RSA receives federal funding from the U.S. Department of Education (ED) as promulgated by the Rehabilitation Act of 1973 (Act) (Pub. L. No. 93-112, codified generally at 29 U.S.C.S. §§ 701-796). Section 725 (a)(1) of the Act (as codified in the U.S. Code) requires each state to establish an SRC in order to be eligible for financial assistance. In addition, Section 725(c) of the codified Act requires SRCs to:

- review, analyze, and advise the agency regarding the performance of its duties;
- develop, agree to, and review the agency's goals and priorities;
- evaluate the effectiveness of the vocational rehabilitation program and submit progress reports;
- assist in the preparation of the state plan, reports, needs assessments, and evaluations;
- conduct a review and analysis of the effectiveness of and consumer satisfaction with agency functions; and
- prepare and submit an annual report "to the Governor and the Commissioner on the status of vocational rehabilitation programs . . . ."

The SRC must be composed of at least 15 members and members serve 3-year terms. The Act requires that the members of the SRC be appointed by the Governor or the chief officer.<sup>1</sup> The Act specifies the composition of the SRC to include such individuals as follows:

- a) at least one representative from a disability advocacy group;
- b) at least one member from a community rehabilitation program service provider;
- c) at least one qualified vocational rehabilitation counselor;
- d) four representatives from business, industry, and labor; and
- e) representatives of disability groups that include individuals with physical, cognitive, and mental disabilities.

DDS submits a list of persons to the Executive Office of the Mayor's (EOM) Office of Boards and Commissions (OBC) that it believes will fulfill the statutory composition of the SRC. The OBC recruits and processes candidate applications, and provides support of each candidate in the Mayoral appointment process. A senior DDS official explained that various organizations and District agencies were contacted for recommendations of individuals for the SRC. DDS' goal was to ensure that the background of recommended individuals complied with the categories required by statute and the resulting list of candidates included individuals with a variety of disabilities, and racial and ethnic backgrounds.

### **Observations**

The ED published a Monitoring Report of the District's Vocational Rehabilitation programs on September 12, 2008, and found that the entire membership of the SRC had served beyond the term limits allowed by statute and, therefore, was not legally constituted. The members' terms expired on January 16, 2008. The ED report required that the Mayor appoint a full slate of members to the SRC by September 30, 2008. As of February 3, 2009, however, only 8 of the 15 required members had been appointed to the SRC.

According to the DDS response to the ED report, DDS had submitted 16 names and accompanying resumes to the OBC on August 8, 2008.<sup>2</sup> A senior DDS official stated uncertainty as to why the names were not provided to the OBC until August 2008 even though the terms of the entire SRC membership expired in January 2008.

In September 2008, a senior DDS official requested a status update from OBC about the SRC. An OBC official responded in an email, "You've done everything you can on your end . . . I know it's a long process, but bear with me and I'll move it along as fast as I can." According to a senior DDS official, the ED extended the deadline for the District to re-constitute the SRC until the end of fiscal year 2009. Senior DDS managers scheduled an in-person meeting with the OBC on February 10, 2009, to help expedite the process. However, the OBC cancelled the meeting and gave no indication when a future meeting might occur.

A senior DDS official expressed concern that by not having a SRC, DDS is not in compliance with federal law and may risk the loss of federal funds. The official added that the SRC should

---

<sup>1</sup> For the District, the Mayor is responsible for appointing members to the SRC.

<sup>2</sup> DDS' Director informed the OIG that DDS submitted a list of appointments in the fall of 2008 to OBC.

provide direct input to RSA's programs and administer customer surveys. The SRC also is to review RSA policies before issuance. Although RSA currently issues the policies without SRC review so that its operations can continue, they will be submitted to the SRC for review when all members are fully seated. If the SRC has concerns with the policies, they may have to be amended.

### **Recommendation**

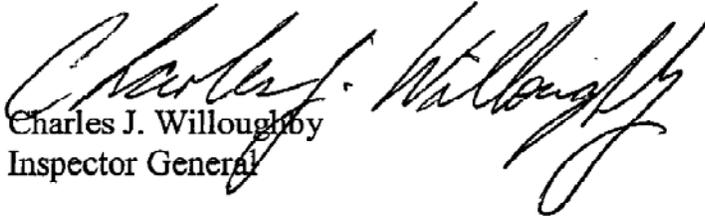
The OIG recommends that you expeditiously:

- Appoint the statutorily required additional seven members to the DDS State Rehabilitation Council.

Please provide your comments to this MAR by March 27, 2009. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions or desire a conference prior to preparing your response, please contact [REDACTED], Director of Planning and Inspections on [REDACTED].

Sincerely,

  
Charles J. Willoughby  
Inspector General

CJW/bd

cc: Mr. Daniel M. Tangherlini, City Administrator and Deputy Mayor, District of Columbia  
The Honorable Mary M. Cheh, Chairperson, Committee on Government Operations and the Environment, Council of the District of Columbia  
The Honorable Tommy Wells, Chairperson, Committee on Human Services, Council of the District of Columbia  
Ms. Judith E. Heumann, Director, Department on Disability Services  
Ms. Tracy Sandler, Director, Office of Boards and Commissions

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR

RECEIVED  
70660



2009 MAR 24 PM 2 22

Office of Boards and Commissions  
Director

March 24, 2009

Charles J. Willoughby  
Inspector General  
717 14<sup>th</sup> Street, NW  
Washington, DC 20005

Re: Management and Alert Report on the State Rehabilitation Council

Dear Mr. Willoughby,

I am writing in response to the MAR regarding the State Rehabilitation Council and the lack of appointed members in accordance with federal regulations. The Office of Boards and Commissions (OBC) is working diligently to correct this problem, and the following steps have been taken.

- A member of the Client Assistance Program has been appointed. This member was sworn in on March 17.
- OBC met with the Director of the Department of Disability Services (DDS) Judith Heumann and members of her staff on March 18, 2009.
- DDS will be sending recommendations for the State Rehabilitation Council to OBC.
- OBC will work to have the additional members appointed as soon as possible.

Please feel free to contact me with any questions at [tracy.sandler@dc.gov](mailto:tracy.sandler@dc.gov) or (202) 727-1372.

Sincerely,

Tracy Sandler  
Director, Office of Boards and Commissions