



OFFICE OF THE INSPECTOR GENERAL
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Inspector General's Opening Statement to the Advisory Board August 25, 2021

Good afternoon Chairman Shea, members of the Inspector General Advisory Board, and citizens attending from home.

My name is Isabel Mercedes Cumming. With me today is the Deputy Inspector General for Administration Yvonne Brooks and Deputy Inspector General for Investigations, Michelle Phillips.

I was appointed the 5th Inspector General of Baltimore in January 2018. My educational experience includes a Master's in Business and a Juris Doctorate, I earned both degrees at night while working full time here in Baltimore City. My professional background includes a decade of auditing in Baltimore, two decades as a financial crime's prosecutor in Baltimore and Maryland, and another decade of IG work in Washington DC & Baltimore. I am the first female and first Hispanic to hold this position in the Baltimore

In November 2018, the citizens of Baltimore voted overwhelmingly to make the Office of the Inspector General independent. Since taking office, our team has worked tirelessly to earn the citizens trust and confidence, knowing their complaints would be heard and objectively evaluated - without any undue influence, bias, or politics

After the law went into effect, I immediately asked when the Advisory Board would meet. Despite my and others attempts, the Advisory Board never convened over the next three fiscal years. However, the OIG forged ahead and both the budget and annual report were always submitted on time, and the performance benchmarks outlined for the Office were consistently met or exceeded. I'd like to talk about performance.

The OIG performance metrics are detailed in our recently released annual report found on our homepage. Highlights include fielding more than 700 complaints for the second year in a row and identifying more than \$7 million in waste and savings this past fiscal year. Overall, since taking office, our team has received more than 1,800 complaints, authored more than 120 reports and documented savings or waste of more than \$11 million dollars. We have also added Ethics and Whistleblower oversight to our office – resulting in over 1,000 calls alone to help with financial disclosures. The Ethics disclosures are now back online and available for anyone to review. Our team remains diligent and will continue to root out waste and fraud...

In late May of this year, we learned the Advisory Board would be meeting in July - 32 months after the 2018 law was passed. That law mandated the Advisory Board embrace four main functions. The first two include:

1. Help keep the OIG's budgetary process free from political influence by having this Advisory Board present the budget directly to the Board of Estimates. And,

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2. Complete an annual performance review of the Inspector General.

Neither of these items has ever been completed. Yet, we kept moving forward in the absence of an operating board. During the last budget process, I again had to present my budget to the City Council budget committee which happens to have two members on this Board. Regarding oversight, before the first advisory board meeting, the OIG, my office, had requested and was accepted for a professional peer review by The Association of Inspectors General, and it is scheduled for next year. This is important because a national peer review provides an independent review of an inspector general's performance.

Earlier this year and prior to the first meeting of Baltimore City's Advisory Board, a new bill was put forth in Baltimore County. The bill sought to add an OIG Advisory Board and limit the powers of their Inspector General. The proposed make-up of the Baltimore County board was like this Board (5 elected or appointed government employees and 2 members of higher education). In a matter of just 3 business days, the bill was withdrawn due to major public outcry and criticism. Recently, a Baltimore County councilperson who was most critical of the IG wrote, "It's clear that any oversight board cannot be comprised of political appointees or anyone who may find themselves in front of the Inspector General." The Baltimore County Executive now agrees with her and said going forward no County workers or Elected officials will be on their Advisory Board.

The situation in Baltimore County solidified my concerns that the city's 2018 law concerning the IG advisory board had major flaws. Some flaws are becoming more evident while others have been hidden. Again, these issues were not previously highlighted because there was never an opportunity to do so. The concern is not, and was never, about the qualifications of each Board member here today, rather the issue of independence from politics and influence.

Baltimore City stands alone in its departure from national best practices. In a review of [twenty-five](#) (25) independent state and local Inspector General offices around the country - only seven (7) had advisory boards. Of those seven (7), only two (2) had any elected or politically appointed officials on their advisory board. But only Baltimore City has an Advisory Board made up exclusively of elected or appointed government employees. Asking the law school deans to join can only happen when 2 elected officials- the Mayor and the City Council President agree to the arrangement. I am grateful they are currently on this board.

The operation of the Baltimore City OIG has been recognized as a national success story. The Bloomberg Group asked me to testify regarding the formation of an independent OIG in [Atlanta](#). They considered the Baltimore OIG a model to emulate. Atlanta mirrored much of what we developed operationally in Baltimore; however, the Board make-up was rejected. Instead, they decided on a composition of nine (9) people from the ranks of citizens leaders, professional groups, and educational leaders. None can work for the City of Atlanta or have matters within the jurisdictional oversight of the OIG.

When the citizens voted for OIG independence in 2018, it was thought citizens were voting to make this office free from interference of any political nature. Let me be very clear:

- No OIG Complainant should hesitate in making a complaint or ever have to worry whether their complaints concerning a member of this board will be handled objectively and without prejudice,
- Nor should any complainant fear retaliation simply because the person, or reporting stream, they may be complaining about sits on or has influence with this Board.
- The public should never wonder if a report is biased or is fully accurate because the subject of an investigation sits on or is influenced by a member of this Board.

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No citizen of Baltimore should be concerned whether a future Inspector General has the fortitude to stand up to, or investigate, their own board. The Inspector General's Office can not disclose a conflict to anyone because the OIG will not breach confidentiality or disrupt the integrity of our investigative process.

Over the past few years, the Office has investigated cases with individuals or departments whose positions are represented on this Advisory Board. Of the more than 120 reports all but one impacted the departments or position of the people sitting on this Board. There is an inherent flaw in Baltimore's model.

The two remaining functions of this board are:

3. To remove the current Inspector General for one of three reasons listed in the law
4. To select the next Inspector General

These two points highlight additional flaws in Baltimore's advisory board model. This board is inherently a political board. The OIG is, and is expected to be, one that avoids any political influence. It is important to note that in November 2020, a ballot initiative passed naming the Inspector General as the only non-political official authorized to initiate proceedings to remove the Mayor, City Council President, any Council member, or the Comptroller. Each one of those positions is represented on this board. If an Inspector General were to be removed by this board, political motives may rightfully be suspected. The implications of elected officials choosing their own watchdog are unmistakable.

I look forward to completing the remaining three years of my term and working with an Advisory Board to ensure the future success of the Inspector General office. We share a responsibility to leave things better than we found them. These issues are raised now so the law can be corrected for the future Inspectors General. I sincerely hope this has clarified the issues to this Board and to the public. Again, to remedy these flaws, Baltimore's Citizens have the power to put this correction on the next ballot with 10,000 signatures. I recommend this occur in November 2022.

Let me leave you with these words from the late Baltimore City Congressional Representative Elijah Cummings who served for years as the ranking member of the Oversight and Government Reform Committee. While discussing the importance of Inspectors General at a Congressional hearing for IG Oversight, he called for the support of Inspectors General saying "we will protect whistleblowers, we will protect Government employees and we will protect those who want to make our government the best it can be. He went on to state that when employees are afraid, Inspectors General are "the last line of defense."

Thank you for your time, we will be happy to answer questions you may have.

Attachments

1. 25 OIG's Advisory Board
2. Atlanta OIG Charter

Attachment 1

OIG Location	Oversight Committee	Elected Officials or Designees on Oversight Board
Miami-Dade County (Florida), OIG	No	NA
Georgia, State OIG	No	NA
City of Springfield, OIG	No	NA
Indiana, State OIG	No	NA
Louisiana, State OIG	No	NA
City of Detroit, OIG	No	NA
City of Yonkers, OIG	No	NA
New York State, OIG	No	NA
Pennsylvania, State OIG	No	NA
City of Philadelphia, OIG	No	NA
South Carolina, State OIG	No	NA
Virginia, State OIG	No	NA
City of Richmond (Virginia), OIG	No	NA
Washington DC, OIG	No	NA
MD State Education, OIG	No	NA
Montgomery County, OIG	No	NA
City of Chicago, OIG	No	NA
Cook County, OIG	No	NA
City of Atlanta, GA OIG	Yes	None
Broward County (Florida), OIG	Yes	None
Palm Beach County (Florida), OIG	Yes	None
City of New Orleans, OIG	Yes	None
Jefferson Parish, OIG	Yes	None
City of Albuquerque, OIG	Yes	Yes: Mayor, one City Councilor
City of Baltimore, OIG	Yes	Yes: Mayor, City Solicitor, Council President, Comptroller, one City Council member

Attachment 2

City of Atlanta Charter

- **Section 8-104. - The Governing Board of the Office of the Inspector General; appointments; terms.**

(a) The Governing Board of the Office of the Inspector General shall consist of nine members, all of whom shall be known for their personal integrity. Nominees shall either be residents of the city, shall be employed within the city, or shall maintain business interests within the city. It is further urged that the members of the Board shall reflect the diversity of the city with regard to race, color, creed, religion, gender, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age and disability. At all times, at least three members shall be attorneys licensed to practice law in the State of Georgia.

(b) Appointments to the Board shall be made by the mayor and city council, the governing authority of the City of Atlanta. Nominations may be made by the following organizations:

(1) The Atlanta Bar Association may nominate one member, chosen from the attorney members of the association;

(2) The Gate City Bar Association may nominate one member, chosen from the attorney members of the association;

(3) The Atlanta Business League may nominate one member, chosen from the organizations that are members of the league, which member shall not be an attorney;

(4) The Metro Atlanta Chamber of Commerce may nominate one member from the organizations that are members of the chamber, which member shall not be an attorney;

(5) The Atlanta-Fulton County League of Women Voters may nominate one member, which member shall not be an attorney;

(6) The Atlanta Planning Advisory Board may nominate one member, which member shall not be an attorney nor an officer of a neighborhood planning unit;

(7) The seven major universities/colleges within the city (Georgia State University, Georgia Institute of Technology, Clark Atlanta University, Emory University, Morehouse College, Morris Brown College, and Spelman College) may collectively nominate one member;

(8) The Association of Certified Fraud Examiners may nominate one member, chosen from the members of the association;

(9) The Georgia Society of Certified Public Accountants may nominate one member, chosen from the members of the society, which member shall not be an attorney.

(c) The members shall each serve for terms of three years. The members shall elect a chairperson from among the members, yearly.

(d) Appointees shall be subject to an education and employment background check, a criminal history check, and a check for past violations under the jurisdiction of the Office of the Inspector General. Appointees shall execute all releases necessary for the department of personnel and human resources and the department of police to accomplish the same. If the appointee is determined to have committed a felony, the nomination shall be withdrawn.