



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services  
Financial Services - Audit  
11 State House Station  
Augusta, Maine 04333-0011  
Tel. (207) 287-2403  
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## Appeal Decision

April 28, 2014

Sally Tardiff, Executive Director  
Shaw House  
136 Union Street  
Bangor Maine 04401

**Re: Shaw House FY 2009 - 2010**

Dear Ms. Tardiff:

We are in receipt of your letter dated September 20, 2013 in which you appeal the Department Report of Shaw House for the fiscal years ended June 30, 2009 and 2010 dated July 31, 2013.

Your agency is appealing the balances due to the Department in the amounts of \$73,828 and \$46,430 for agreements CBH-09-4106 and CBH-10-4106 respectively. Below are the agency's and Division of Audit's (Division) positions specific to the areas of dispute.

**1. Agency Position:**

You state that the Division of Audit settled the agreements as was indicated in the agreement pro formas but are requesting these agreements to be settled using a combined settlement. You have given documentation that a 2011 agreement with the Department allowed you to offset a surplus in one service area with a deficit in another service area.

**Division of Audit Position:**

We disagree with your position. The Division cannot change the method of settlement which was agreed upon in the contract, three years after the agreements have terminated.

**As a result of the Appeal the balance due to the Department remains the same \$120,258.**

**Department Appeals, Resolutions and Sanctions:**

Upon receipt of this appeal decision your agency has sixty (60) days to accept or continue your appeal. To continue at step b you must submit a written request to James D. Bivens, Director, Office of Administrative Hearings, Marquardt Building, 11 State House Station, Augusta, Maine 04333, identifying which decision(s) from the Appeal Decision you wish to continue to appeal. For complete appeal rights see *Notice of Appeal Rights of Community Agencies*.

If your Agency accepts this appeal decision, please make prompt payment of any balances due and submit a corrective action plan for all non-compliance findings.

Please send your corrective action plan to: Social Services Unit, DHHS Financial Services - Audit at the above address. The corrective action plan should identify specific steps to be taken and the anticipated completion date. The plan should be signed by an appropriate manager or administrator. For your convenience, we have attached a hard copy of the corrective action plan form. An electronic copy of the corrective action plan form may be obtained on our website at [www.maine.gov/dhhs/audit/social-services/forms.shtml](http://www.maine.gov/dhhs/audit/social-services/forms.shtml).

Please send your check for \$120,258, payable to the Treasurer, State of Maine, to Darin Meyers, Accounting Technician, DHHS Service Center, Department of Administrative and Financial Services, 221 State Street, 11 State House Station, Augusta, Maine 04333.

you have any questions, please do not hesitate to contact Anthony Madden, Audit Manager at 287-2834. Thank you.

sincerely,

A handwritten signature in black ink, appearing to read 'H. F. Downs', written over a horizontal line.

Herbert F. Downs  
Director

cc:

Kendra Zarella, Office Specialist I, DCM, DHHS  
DHHS Receivables, DHHS Service Center, DAFS  
Edwards, Faust & Smith, CPA