

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

November 30, 2012

Donna Strickler, Executive Director
Sexual Assault Crisis and Support Center
P.O. Box 417
Winthrop, Maine 04364

Re: Sexual Assault Crisis and Support Center FY 2009

Dear Ms. Strickler:

We are in receipt of your letter dated September 5, 2012 in which you appeal the Department Report of Sexual Assault Crisis and Support Center for the fiscal year ended September 30, 2009 dated July 30, 2012.

Your agency is appealing Finding 1 and the balance due to the Department in the amount of \$14,115. Below are the Agency's and Division of Audit's (Division) positions specific to the areas of dispute.

1. Agency Position Finding 1:

You state that for agreement CFS-09-2207 expenses in the amount of \$9,702.53 were not included in the report. Also, you state that you over committed fundraising funds to the contract in the amount of \$3,721.58.

Division of Audit Position:

We disagree with your position. We reviewed the additional information you submitted with your appeal and determined that the appropriate amount of revenue was included due to the commitment and the match included in your agreement. Additionally, you could not include any other expenses due to fact they were unbudgeted or unallowable.

As a result of the Appeal the amount due to the Department in the amount of \$14,115 remains unchanged.

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. Bivins, 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*.

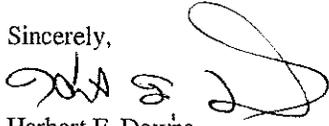
If your Agency accepts this appeal decision, please make prompt payment of any balances due and submit a corrective action plan for any findings that remain.

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.

Please send your check for \$14,115, payable to the Treasurer, State of Maine, to Mary Garate, Accounting Technician, DHHS Service Center, Department of Administrative and Financial Services, 221 State Street, 11 State House Station, Augusta, Maine 04333.

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

Sincerely,



Herbert F. Downs
Director

cc:

Patricia Wall, DPS, DHHS

Mary Garate, Accounting Technician, DHHS Service Center, DAFS

NOTICE OF APPEAL RIGHTS OF COMMUNITY AGENCIES

MAAP SECTION .04 C. as amended December 7, 2006.

1. Appeals Procedures

Step a -Director of Audit

A Community Agency may appeal, in writing, the findings of an IPA audit or a Department examination within sixty (60) days after receiving the report from the Department. The appeal letter must identify the issues being appealed and include the specific supporting documentation. It must be addressed to the Director of the Office of Audit.

The Director or the Director's designee will initiate a review of the audit appeal and will, as needed, consult with program management responsible for the affected agreements, Agreement Administrators, and other applicable and appropriate staff. If, upon initial review, the Director, and any other parties involved, agree with the position of the Community Agency, the Director may proceed to issue a decision.

If the appeal is not resolved after the initial review, the Director or the Director's designee will convene an informal review meeting. The informal review meeting will involve the Office of Audit, the Community Agency, program management responsible for the affected agreements, Agreement Administrators, and other applicable and appropriate staff.

The Director or the Director's designee will issue a written decision on the appeal and the full basis of the decision to the Community Agency no later than sixty (60) days following the receipt of the appeal letter, unless both parties agree to a timed extension. The letter may be co-signed by other DHHS staff as applicable.

Step b - Office of Administrative Hearings

If the Community Agency wishes to proceed further in its appeal, it may appeal to the Office of Administrative Hearings within sixty (60) days of receiving the decision from the Director of the Office of Audit. The issue(s) on appeal will be limited to what was raised at the Step a appeal. The hearing will be a de novo Order of Reference appeal hearing. The Hearing Officer will issue a Recommended Decision with the Commissioner issuing a Final Decision.

Step c - Judicial appeal

The Commissioner's decision is the final Department appeals action. Any further appeal is to the Maine Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80C and 5 M.R.S.A. §11001.