



STATE OF UTAH

# Office of the Legislative Auditor General

315 HOUSE BUILDING • PO BOX 145315 • SALT LAKE CITY, UT 84114-5315  
(801) 538-1033 • FAX (801) 538-1063

## Audit Subcommittee of the Legislative Management Committee

President Michael G. Waddoups, Co-Chair • Speaker Rebecca D. Lockhart, Co-Chair  
Senator Ross I. Romero • Representative David Litvack

JOHN M. SCHAFF, CIA  
AUDITOR GENERAL

April 19, 2011  
Report No: ILR2011-A

Senator Daniel R. Liljenquist  
Utah State Senate  
553 South Davis Boulevard  
Bountiful, Utah 84010

### **Subject: Performance Audit of the Disability Law Center**

Senator Liljenquist,

In August of 2009, you requested that the members of the Legislative Audit Subcommittee prioritize an audit of the Disability Law Center (DLC). This letter is to document what transpired with that audit request.

You asked that the audit focus on the DLC's investigations of abuse and neglect of persons with disabilities. Specifically, you questioned if there is evidence that the DLC shows a philosophical bias in their investigations of the neglect and abuse of people with disabilities who are placed in an intermediate care facility (ICF/MR) setting versus a community-based operation.

As you know, the DLC is Utah's designated "protection and advocacy agency," as required by federal law. The DLC receives federal and private funding to carry out their mandate. We were informed by our general counsel that since the DLC does not receive any state funding our office possesses neither the constitutional nor statutory authority to compel the DLC allow us to examine their operations. In addition, the DLC denied us access to their non-public records.

Regardless of the fact that Utah's Legislative Auditor General's Office is unable to examine the DLC, you still have concerns on their operations. In addition, federal law also limits Utah's ability to redesignate another organization as the state's protection and advocacy agency unless there is "good cause." However, without being able to examine the DLC's operations, we cannot establish good cause. This dilemma prohibits Utah from

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being able to examine this program which can greatly affect Utah's citizens with disabilities and their families.

It was decided by the Audit Subcommittee Co-Chairs, in conjunction with the Governor's office, that Utah forward these concerns to the U.S. Governmental Accountability Office. In February 2011, our office drafted a letter for signature by the President of the Senate, Speaker of the House, and Governor. We provided that letter to Legislative leadership for their follow-through.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John M. Schaff  
Auditor General

JMS:DLH

CC: Adina Zahradnikova, Executive Director,  
Disability Law Center