



Office of Inspector General
Legal Services Corporation

Inspector General
Jeffrey E. Schanz

3333 K Street, NW, 3rd Floor
Washington, DC 20007-3558
202.295.1660 (p) 202.337.6616 (f)
www.oig.lsc.gov

MEMORANDUM

To: Lora Rath, Director
Office of Compliance and Enforcement

From: Jeffrey E. Schanz *John*
Inspector General

Date: March 28, 2013

Subject: Examination of Expenditures Incurred for the Performance of Technology Initiative Grants Awarded to Idaho Legal Aid Services

The attached is our audit report on expenditures of \$511,755 reported by Idaho Legal Aid Services (ILAS) for the performance of five Technology Initiative Grants (TIGs). The OIG concluded that \$211,011 of the expenditures did not have adequate documentation and \$4,040 in unexpended funds was not returned to the LSC as required by TIG assurances.

TIG assurances reference LSC regulations and guidelines that describe documentation requirements for supporting costs. The accurate determination of TIG project costs is important since TIG assurances also require that funds provided in excess of project costs be returned to LSC or reprogrammed to other projects with the approval of LSC.

ILAS' written response to the OIG results stated among other things that LSC management represented the TIGs as "milestone" grants and not "cost reimbursement" grants. The OIG position is that the TIG assurances provide references to specific record-keeping instructions and that LSC's practice of disbursing funds based on the achievement of milestones does not override the need to adequately and contemporaneously document the level of effort actually spent on the projects. Without knowing actual TIG project costs, LSC management is unable to effectively manage the funding for TIG projects.

The report includes a questioned cost referral to the Office of Compliance and Enforcement. Please contact Ronald Merryman at (202) 295-1663 or via e-mail at RM@oig.lsc.gov if you have any questions.

Attachment

cc: Lynn Jennings, Vice President, Grants Management
Janet LaBella, Director, Office of Program Performance
Ernesto G. Sanchez, Executive Director, ILAS

**Examination of Expenditures Incurred for the Performance
of TIGs Awarded to Idaho Legal Aid Services
RNO: 913000
Report No. AU 13-04**

The Legal Services Corporation (LSC) Office of Inspector General (OIG) conducted an examination of expenditures incurred for the performance of Technology Initiative Grants (TIGs) awarded to the Idaho Legal Aid Services (ILAS). The objectives of the examination were to determine whether TIG expenditures for five ILAS TIGs that closed during the period of January 1, 2009 through April 30, 2012, were allowable and whether the stated purposes of the TIGs were achieved. The examination's background and its scope and methodology are discussed in Appendix I.

RESULTS

The OIG concluded that the stated purposes of the five TIGs appeared to have been met. However, the OIG also concluded that for the five grants, \$211,011 of personnel and fringe benefit expenditures were not supported by adequate documentation and \$4,040 represented unexpended TIG funds not returned to LSC. Consequently, the OIG questions \$211,011 in personnel costs and \$4,040 of unexpended TIG funds, and pursuant to 45 CFR Part 1630, is making a referral these costs to the Office of Compliance and Enforcement for review and action. OIG conclusions are based on a review of applicable ILAS books, records, internal controls, TIG assurances and requirements, applicable regulations and guidance, and OMB Circular A-122, Cost Principles for Nonprofit Organizations.

The following chart lists the total expenditures of all five grants, by budget category. ILAS submitted individual listings of TIG expenditures by budget category to the OIG on July 25, 2011 for TIG numbers 07538 and 07540, and on October 26, 2012 for TIG numbers 08539, 08540, 09538. ILAS then adjusted its expenditure submissions during our site visit for the five grants and we included these adjustments in the chart. The chart also includes the amounts questioned by the OIG for each budget category, and the related OIG explanatory notes.

Line-Item	TIG Expenditures	Questioned Cost	Notes
Personnel	\$182,409	\$182,409	1
Fringe Benefits	\$28,602	\$28,602	1
Equipment (Purchase)	\$2,365		
Communications (Other)	\$1,281		
Supplies	\$1,164		
Contracts (Please specify each)	\$293,772		
Training	\$662		
Other: TIG Conference Fee	\$1,500 ¹		
Unexpended TIG funds		\$4,040	2
Total All	\$511,755	\$215,051	

1. Personnel costs charged to TIG numbers 07538, 07540, 08539, 08540 and 09538 were not based on time distribution records as required by the grants. Time distribution records identify the total time actually spent by all individuals who charge time directly to the TIGs.

TIG assurances for the ILAS TIGs require that LSC rules, regulations, guidelines and directives are followed. Pursuant to LSC regulation, 45 C.F.R Section 1630.3 (d), Salary and Wages charged directly to Corporation grants and contracts must be supported by personnel activity reports. Guidance provided in the LSC Accounting Guide for LSC Recipients indicate that labor hours distributed to projects, contracts, and grants are based on time distribution records that identify the total time actually spent by all individuals who charge time directly to projects, contracts, and grants. Lastly, OMB Circular A-122, Cost Principles for Nonprofit Organizations, which is referenced in the LSC regulation, states that the distribution of salaries and wages to awards must be supported by personnel activity reports.

Based on discussions with the ILAS Director of Finance and Administration and review of the supporting documentation provided, ILAS allocated personnel costs based on the amounts budgeted and not based on personnel activity reports. While ILAS maintained some personnel activity reports, the reports were not used to allocate personnel expenses or to determine whether budgeted allocations required

¹ ILAS did not include the \$1,500 that was part of TIG 09538 but withheld by LSC headquarters. The money was used by LSC Headquarters to fund a grantee staff member to attend LSC's annual 2009 TIG conference. LSC Headquarters paid, up to the amount withheld, for the individual's airfare, hotel room, conference fee, and provided at least a meal for each day of the conference. Any unused funds provided for TIG conference purposes reverted to LSC for future TIG funding. ILAS could not use these funds for any other purpose.

adjustments. During our fieldwork, ILAS officials attempted to reconstruct the actual time spent on TIG project activities by reviewing personnel activity reports and related notes, but were unable to adequately support the labor charges. ILAS management stated they did not adequately support personnel expenses because LSC management did not provide clear guidance regarding how to adequately support personnel expenses and because they believed the TIGs to be a milestone grant.

Without adequate labor distribution records or other acceptable documentation to support the charges, the OIG is unable to determine how much time was actually spent on these TIGs. Consequently, the OIG questions \$211,011 as unsupported cost and, pursuant to 45 CFR Part 1630, is referring these costs to LSC management for review and action.

2. All TIG funds provided by LSC to ILAS for TIGs 07540 and 09538 were not expended on the projects. Based on our review of the general ledger accounts for the TIGs and of supporting documentation provided by ILAS, we noted there were unexpended TIG funds of \$3,013 and \$1,027 for TIGs 07540 and 09538, respectively. According to the ILAS Director of Finance and Administrations, ILAS was unaware that funds for both TIGs were not fully expended so they had not returned the funds to LSC or obtained permission to re-program the funds for other purposes. TIG assurances states that recipients may re-program unexpended TIG funds only upon the written approval of the assigned LSC TIG staff person and absent such written approval, all remaining funds must be returned to LSC no later than 60 days from completion of the project.

GRANTEE COMMENTS

The OIG provided a written draft of its review results to ILAS on November 21, 2012. ILAS' written response is included at Appendix II and summarized below:

ILAS indicated that it should not be penalized for following the TIG system. ILAS stated in its response that TIG grantees were told by LSC to focus on milestones and reports. ILAS comments also stated that timekeeping or personnel activity reports were never discussed or sought by LSC and the fact that the OIG is questioning costs not supported by personnel activity reports is inexplicable.

ILAS, referencing the OIG's rejection of time distribution records, indicated that two LSC regulations concern employee time – 45 CFR Part 1635 and 45 CFR Part 1630. ILAS further indicated that it believed the records maintained for its employees complied with these regulations. ILAS also provided time records with the response.

ILAS disagreed with the amount of the unexpended TIG funds cited on one of the grants (Grant Number 09538). The response indicated that the OIG did not add back credits for the capitalization and remove the debit for depreciation.

Finally, ILAS included in its comments a request that LSC forego recovery of the questioned costs. ILAS also requested that OIG or LSC provide TIG grantees with specific guidance on what time distribution records are actually requested of the grantees.

OIG EVALUATION OF GRANTEE COMMENTS

ILAS indicated that TIG grantees were told by LSC to focus on milestones and reports (identified as the "TIG System"). Further, the response stated, ILAS's timekeeping or personnel activity reports were never discussed by LSC and OIG's questioning of costs for not maintaining personnel activity reports is inexplicable.

However, as indicated in grant assurances, keeping these types of records (as well as reporting on milestones) was a requirement of the grants and not an unusual requirement as Federal and State-issued grants often have similar requirements. ILAS submitted proposals for these competitively-awarded grants and the TIGs were awarded upon ILAS' agreement to abide by all the grant assurances. ILAS' compliance with all the grant assurances included in the TIGs is required by LSC and is not a penalty.

For TIGs, it is crucial to know the actual amount of expenditures incurred since, under the grant assurances, any amount not incurred performing the requirements of the grant must be returned to LSC or re-programmed with LSC approval. Rather than providing documentation supporting the actual amount of expenditures for personnel used on the projects, ILAS provided the budgeted amounts included with the grants which are estimates of the actual amounts that will be incurred. Only after the OIG on-site visit did ILAS attempt to reconstruct the needed supporting documentation.

The scope of the OIG review included an examination of the documentation that supported these expenditures in order to draw an opinion on the amounts allowable. According to 45 CFR Section 1630.3(a)(9), expenditures by a recipient are allowable under the recipient's grant or contract only if the recipient can demonstrate that the cost was adequately and contemporaneously documented in business records. It is not inexplicable that the OIG questioned the costs charged to the TIGs; in fact it would be surprising if it did not, since ILAS could not properly support the costs charged to the grants as required by the grant assurances and LSC regulations.

ILAS stated that the OIG rejected the time records provided by ILAS. The OIG evaluated all of the supporting documentation, including time records provided by ILAS during and after our site visit, and continues to consider \$211,011 of personnel expenditures as questioned costs. The documentation submitted as support did not comply with TIG assurances that require LSC rules, regulations, guidelines and directives to be followed. Examples of issues identified in the documentation submitted include:

- ILAS staff maintained records in the Kemps Case Management system, however, (i) these staff members did not maintain records for the entire period of the TIGs, (ii) the Kemps records that were maintained did not identify the specific TIGs for which time was spent, and (iii) the ILAS' after-the-fact analysis of the Kemps records to estimate the time on specific TIGs was not contemporaneous and could not be independently verified.
- An ILAS staff member who did not use the Kemps Case Management system prepared an estimate of time spent on TIGs long after the projects were completed. The OIG could not independently verify this estimate.
- A description was not provided of how fringe benefit expenditures were determined. During our on-site work, the ILAS Director of Finance and Administration could not explain how the fringe benefit costs were determined and was unable to offer any document supporting the allocation of fringe benefits to the TIGs.

ILAS disagreed with the OIG's calculation of unspent TIG funds. The OIG reviewed its unexpended TIG funds calculation for TIG 09538 and determined the unexpended amount should be decreased by \$1,500 (from \$2,527 to \$1,027). The OIG's adjustment was due to the omission of \$1,500 that was part of the grant but withheld by LSC headquarters. The funds were used to send one person to the 2010 TIG Conference sponsored by LSC. ILAS did not record the \$1,500 in its books and records or report it in its actual expenditure submission to the OIG. As a result, the \$1,500 for the TIG conference fee was added to the "other expenses" line item and the unexpended TIG funds and questioned cost amount has been reduced to \$1,027.

Lastly, ILAS requested that LSC forego recovery of the questioned costs. This request should be part of the questioned cost proceeding. The OIG identifies costs it has reason to believe are not adequately supported or not allowed to be charged to the grant and forwards the costs to LSC management for review. LSC management ultimately makes the determination if the costs identified by the OIG are allowed or disallowed. As such the OIG is not providing any evaluation on the ILAS comments pertaining to its request.

ILAS' response also stated that an adjustment was necessary because the OIG did not apply a credit for capitalization and a debit for depreciation. However, the OIG's calculation did include an equipment capitalization credit and a depreciation expense debit. No additional adjustment is warranted.

CONCLUSION AND RECOMMENDATION

TIG recipients are required to return funds provided in excess of project costs or seek approval for reprogramming the funds. Without maintaining the required records on actual grant expenditures, the TIG grantee cannot comply with the requirement. For the five TIGs, the OIG could not verify that personnel and fringe benefit costs in the amount of \$211,011 charged to the grants were actually expended on the TIGs. For TIG 07540 and 09538, the OIG noted unexpended TIG funds totaling \$4,040 that should have been returned to LSC. We therefore consider these charges questioned costs.

This report contains no recommendations requiring LSC management response. LSC current regulations state the requirement to maintain adequate records of expenditures of LSC funds. For fiscal years 2010 and 2011, LSC has instructed TIG recipients to submit final actual expenditures on the project and to consult LSC's Accounting Guide for LSC Recipients (2010 Edition), for guidance on financial accounting and reporting standards. Through this report, the OIG is referring \$215,051 of questioned costs to the Office of Compliance and Enforcement for review in accordance with 45 C.F.R. Section 1630.7

BACKGROUND

During an audit of LSC Headquarters' management of the TIG program, the OIG noted that although LSC required TIG recipients to provide periodic reports about the grants, LSC did not normally maintain information on the actual expenditures incurred in performing the TIGs. As a result, the OIG planned audits of individual TIGs to examine expenditures incurred in performing the grants.

The OIG requested specific financial information from recipients on all terminated TIGs, regardless of termination date, as well as all TIGs that were completed during the period January 1, 2009 through March 31, 2011. To obtain more current information on TIGs awarded to ILAS, the period was extended to April 30, 2012. All TIG recipients reported grant expenditures by budget line item. ILAS reported expenditures for five closed TIGs: 07538, 07540, 08539, 08540 and 09538. The total expenditures for the five grants reported to the OIG as adjusted on site, plus the TIG conference expenditures paid directly by LSC, amounted to \$511,755.

The amount and purpose of each grant is as follows:

- TIG 07538 was awarded in the amount of \$118,870 to upgrade the forms creation software for unrepresented litigants to (1) allow display of video and graphics during form generation; (2) incorporate images for end-user instruction; (3) modify existing automated forms by importing data; and (4) provide training.
- TIG 07540 was awarded in the amount of \$68,995 to provide evaluation and outcome measurement of legal forms automated by ILAS for use by pro-se litigants using the Idaho court system.
- TIG 08539 was awarded in the amount of \$140,000 to upgrade the statewide website template platform utilized by LSC funded legal aid programs.
- TIG 08540 was awarded in the amount of \$130,700 to improve forms creation software.
- TIG 09538 was awarded in the amount of \$57,230 to create a Consumer Law Portal on Idaho's website to assist persons with consumer law problems.

SCOPE AND METHODOLOGY

The audit was conducted in accordance with Government Auditing Standards for an examination-level attestation engagement. As such the audit examined evidence supporting the grantee's compliance with grant provisions related to expenditures, obtained an understanding of internal controls that were material to the grantee's compliance with the terms and conditions of the grant, and performed other procedures necessary to evaluate the grants. The review was limited in scope and not sufficient for expressing an opinion on the entire system of grantee internal controls over financial operations or compliance with LSC regulations.

To accomplish the objectives of the examination the following steps were performed:

- The appropriateness of expenditures and the existence of adequate supporting documentation were reviewed for each TIG. Since there were few expenditures for each TIG, we reviewed 100 percent of the expenditures. To assess the appropriateness of grantee expenditures, we reviewed invoices, contracts, and employee time records. The appropriateness of grantee expenditures was evaluated on the basis of the grant agreements, applicable laws and regulations, and LSC policy guidance.
- Internal controls over personnel and contracting expenses were reviewed and tested, which included a review of relevant grantee policies and procedures. Grantee officials were interviewed to obtain an understanding of the internal control framework, and grantee management and staff were interviewed as to their knowledge and understanding of the processes in place.
- To determine whether the stated purpose of the TIGs was achieved, we held discussions with grantee staff and received demonstrations on grant outcomes.



IDAHO LEGAL AID SERVICES

Administrative Office
www.idaholegalaid.org

310 North 5th Street
 Boise, ID 83702-5907
 208/336/8980
 Fax 208/342/2561

December 4, 2012

Richard Adkins
 Office of Inspector General
 Legal Services Corporation
 3333 K Street, NW
 Washington DC 20007

Re: Response to Inspector General's Draft Regarding TIG grants 07538, 07540,
 08539, 08540 and 09538

Dear Mr. Adkins:

Thank you for the opportunity to comment on the November 21, 2012, report concerning the Office of Inspector General's audit of five Technology Initiative Grants awarded to Idaho Legal Aid Services (ILAS) from 2007 to 2009. I disagree with the report findings as: (1) the work was completed exactly as directed by LSC staff, (2) we provided OIG staff with documentation of more than 4,600 hours spent on these grants, and (3) it is inequitable for ILAS and the larger TIG community to be punished for not doing something we were never told to do. Each of these objections is outlined below.

ILAS Should Not Be Penalized for Following the TIG System

ILAS, like the other Technology Initiative Grant (TIG) grantees audited in 2012, successfully completed our TIG projects which are now benefiting low-income Americans. Each project was completed and closed with LSC oversight and approval. TIG grantees satisfy their obligations through the TIG grant system, which is distinct from that employed for LSC field grants. The OIG summarized the TIG system as follows:

The TIG program requires that once grants are awarded TIG staff members are to receive a series of milestone and quarterly reports detailing the progress of on-going grants. After an initial payment of a maximum of 40 percent of the total award, the grant is separated into a set number of payment periods, with milestones to be accomplished during each period. The grantee must submit a report demonstrating that the specific milestones were met in order for the payment to be made to the grantee. Lastly, the structure of the TIG program requires a final evaluation report to show the impact and effectiveness the

Area Offices

310 N 5th Street
 Boise, ID 83702
 208/345/0106

1104 Blaine Street
 Caldwell, ID 83605
 208/454/2591

410 Sherman Ave, Ste 303
 Coeur d' Alene, ID 83814
 208/667/9559

482 Constitution Way
 Idaho Falls, ID 83402
 208/524/3660

633 Main St., Ste 103
 Lewiston, ID 83501
 208/743/1556

150 S Arthur, # 203
 Pocatello, ID 83204
 208/233/0079

475 Polk St., Ste 4
 Twin Falls, ID 83301
 208/734/7024



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finished project had on increasing client access as well as on augmenting capacity to serve at the grantee and/or legal aid community level.¹

The OIG audited the LSC's TIG program in 2010. During this audit it made a number of findings critical of the program. Of the 13 TIG grants OIG examined, none reported to LSC on actual expenditures (which would have included timekeeping and/or personnel activity reports).² The OIG also found that actual TIG grantee expenditures were not monitored by LSC.³

Following the OIG audit of the TIG program the LSC instituted a number of changes. This included modification of the TIG Acceptance of Grant Award Sheet and Grant Assurances (issued with grant awards) to include specific references to 45 CFR 1630 (relating to personnel activity reports) and the need to be able to demonstrate actual expenditures. These changes were confirmed by the OIG:

For fiscal years 2010 and 2011, LSC has instructed TIG recipients to submit final actual expenditures on the project and to consult LSC's Accounting Guide for LSC Recipients, 2010 Edition, for guidance on financial accounting and reporting standards.⁴

The OIG began auditing individual TIG grantees in 2012. Audited grantees included the Center for Arkansas Legal Services, Legal Services of Southern Missouri, Southeast Louisiana Legal Services, and Idaho Legal Aid Services. The audited grants were awarded from 2004-2009. These grants were awarded before the TIG Acceptance of Grant Award Sheet and Grant Assurances were amended to reference 45 CFR 1630. The resulting OIG reports are almost identical. Each concluded that the respective grantee lacked adequate documentation of personnel costs and questioned a significant portion of those costs.

It is no coincidence that 100% of the audited TIG grantees had questioned personnel costs. TIG grantees were told by LSC to focus on milestones and reports, so they did. ILAS's timekeeping or personnel activity reports were never discussed or sought by LSC. The fact that timekeeping or personnel activity reports were a non-issue to LSC makes the OIG's questioning of over \$494,000 in costs inexplicable.

- Ms. Jean Turner Carter, Executive Director of the Center for Arkansas Legal Services, stated that LSC management never provided her organization with instructions showing that labor hours were to be used to distribute personnel expenses to its TIG grants based on personnel activity reports or timekeeping. She also pointed out that at the time of the issuance of these TIG grants, the TIG milestone instructions did not mention anything about a requirement that hours were to be kept or reported to meet milestones

¹ Audit of Legal Services Corporation's Technology Initiative Grant Program, page 2.

² Audit of Legal Services Corporation's Technology Initiative Grant Program at 30.

³ Legal Services Corporation, Office of the Inspector General, Semiannual Report to the Congress October 1, 2011 – March 31, 2012, page 5. http://www.oig.lsc.gov/sar/12a_lsc_oig_sarc_03_31_12.pdf.

⁴ Examination of Expenditures Incurred for the Performance of TIG Grants awarded to Southeast Louisiana Legal Services, RNO:619081, Report No. AU 12-04, page 7; http://oig.lsc.gov/reports_1204/619081SEI.A.pdf.

and qualify for payment of funds.⁵ The OIG has questioned 95% of the personnel costs for these completed TIGs.

- Mr. Brian Lenard, Executive Director of Southeast Louisiana Legal Services, stated his organization relied on representations from LSC that this was a milestone grant and not a cost reimbursement grant. He also stated that his staff offered to support the labor charges with adequate time distribution records but those were not accepted.⁶ The OIG has questioned 75% of the personnel costs for these completed TIGs.

ILAS is in an identical position to these grantees and submits that practically any other TIG grantee prior to 2010 would make similar statements to the OIG.

The OIG Rejected All Time Distribution Records Provided by ILAS

What makes the situation doubly frustrating is that while ILAS was never told TIG staff needed to keep time distribution records, they did and all 4600 hours provided to the OIG were rejected. The OIG has questioned 100% of the personnel expenditures on ILAS's TIG grants amounting to \$211,011.

To clarify, there are two LSC regulations that concern employee time. Attorneys and paralegals generally maintain time in six minute increments ("time slips") as required by 45 CFR 1635.⁷ ILAS interpreted that this regulation was not applicable to its TIG grants as the project staff were not attorneys or paralegals. Despite this, ILAS staff tracked more than 4314 hours of TIG staff time through time slips entered on the firm's Kemps case management system. This included:

- 1055 hours in time records for Camille Cameron, former ILAS Technology Project Developer, some of which were for TIG grant 07538. Those records were contemporaneously kept in six minute increments by Ms. Cameron. Each time record was coded to ILAS's TIG funding code. We have attached for your convenience a print out of Ms. Cameron's time records, identified as Exhibit 1.
- 3259.5 hours in time records for Mr. Steve Rapp, Technology Project Developer, for TIG grants 07538, 07540, 08539, 08540 and 09538. Those records were contemporaneously kept in six minute increments by Mr. Rapp. We have attached for your convenience a print out of Mr. Rapp's time records as Exhibit 2.

All of these time slips were rejected by the OIG.

LSC regulations also provide that time can be tracked through personnel activity reports as outlined in 45 CFR Part 1630. We have interpreted these as requiring less specificity than time slips kept pursuant to 45 CFR 1635. ILAS provided OIG with a variety of records which clearly

⁵ January 9, 2012 letter from Jean Turner Carter to Richard Adkins, Appendix II to OIG report dated February 27, 2012.

⁶ June 5, 2012 letter from Brian Lenard to Richard Adkins, Appendix II to OIG Report dated July 10, 2012.

⁷ 45 CFR 1635.3.

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December 4, 2012
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meet the spirit, if not the letter of this regulation. TIG staff also submitted periodic milestone reports for each of the TIG grants which we contend constitute personnel activity reports. Example milestone reports from the audited grants are attached as Exhibit 3. TIG staff also maintained contemporaneous time and attendance records. Finally, TIG staff went through an effort to determine time spent on the TIG grants not included in the Kemp's Case system by reviewing meeting appointments and calendars. That amounted to 350.7 hours for Ms. Mary Zimmerman, Director of Finance and Administration. This time is attached as Exhibit 4.

The issue of the sufficiency of personnel activity records/time reports was also encountered by other audited grantees. For example, Mr. Douglas Kays, director of the Legal Services of Southern Missouri, stated that their IT Director kept contemporaneous time on the audited grant in the computerized timekeeping program but entered it towards their LSC and not a separate TIG grant category.⁸ The OIG claimed the grantee lacked adequate documentation for part of its personnel expenditures.

ILAS Disagrees with OIG's Underspend Calculation

The OIG found \$5,540 in budgetary savings on two grants (TIG's 07540 and 09538) which were questioned costs. ILAS does not agree with those figures. ILAS found \$1027.07 of funds were not spent on TIG 09538 while the OIG claimed \$2,527. Per the OIG's request Mary Zimmerman, ILAS Director of Finance and Administration, e-mailed a spreadsheet (Exhibit 5) on November 14, 2012 which indicated the amount was \$1027, not \$2,527. She explained that the OIG didn't add back the credits for the capitalization and then remove the debit for the depreciation. That \$1027 was expended on activities to sustain that same TIG in 2012. There was also an underspend on TIG 07540 because the project contract with Pro Bono Net was less than anticipated. ILAS has allocated all remaining funds to sustain this same project.

ILAS Requests That the LSC Forego Recovery of the Questioned Costs

The LSC, for both equitable and practical reasons, should forego recovery of the questioned costs as permitted in 45 CFR 1630.7. ILAS has had TIG grants since 2005. All were completed and are benefiting low income Americans. Each was overseen by LSC. ILAS was never instructed to generate any TIG related time distribution records. We did not understand that TIG staff was required to generate personnel activity reports as required in 45 CFR 1630. These grants were awarded before the amendments to the TIG grant assurances which now include specific references to 45 CFR 1630. While ILAS staff involved in these grants did not keep time distribution records for all of their time, they did for more than 4,600 hours which has been totally discounted by the OIG. Now, after successfully completing these grants we are threatened with repaying \$211,000 to LSC for costs we incurred, and for work we completed and had approved by the LSC's TIG Staff.

ILAS also requests that the OIG or LSC provide TIG grantees with specific guidance on what time distribution records are actually required of them. We suspect that even as these audits are taking place many TIG grantees are unknowingly continuing to generate what OIG would deem to be insufficient time distribution records.

⁸ June 6, 2012 letter from Douglas Kays to Richard Adkins, Appendix II to OIG Report dated July 20, 2012.

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Page 5

LSC's decision will have profound implications for the greater legal services community. According to the OIG, from 2000 through 2009 LSC awarded 414 TIG grants totaling approximately \$33 million.⁹ Were similar audits conducted on each of these grants, we contend millions of dollars in personnel costs would be questioned because the TIG grantees logically looked at these as milestone and reporting based. Forcing grantees to repay large amounts of funds for work they completed (and which is now benefiting tens of thousands of Americans) would devastate LSC grantees across the country.

I appreciate the opportunity to comment on the draft audit report and look forward to receiving the final report. Thank you for your consideration.

Sincerely,

IDAHO LEGAL AID SERVICES, INC.



Ernesto G. Sanchez
Executive Director

EGS:JAC
Enc.

⁹ Audit of Legal Services Corporation's Technology Initiative Grant Program, December 2010, page 1;
<http://oig.lsc.gov/reports/1101/au1101.pdf>.