



# **STATE OF NORTH CAROLINA**

**SPECIAL REVIEW**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**DIVISION OF PUBLIC HEALTH**

**WILMINGTON REGIONAL OFFICE**

**WILMINGTON, NORTH CAROLINA**

**NOVEMBER 2003**

**OFFICE OF THE STATE AUDITOR**

**RALPH CAMPBELL, JR.**

**STATE AUDITOR**

**SPECIAL REVIEW**

**WILMINGTON REGIONAL OFFICE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH**

**WILMINGTON, NORTH CAROLINA**

**NOVEMBER 2003**





Ralph Campbell, Jr.  
State Auditor

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Office of the State Auditor

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LETTER OF TRANSMITTAL

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January 8, 2004

The Honorable Michael F. Easley, Governor  
Ms. Carmen Hooker Odom, Secretary  
Department of Health and Human Services  
Members of the North Carolina General Assembly

Ladies and Gentlemen:

Pursuant to General Statute §147-64.6(c)(16), we have completed our special review into allegations concerning the Department of Health and Human Services, Division of Public Health. The results of our review, along with recommendations for corrective actions, are contained in this report.

General Statute §147-64.6(c)(12) requires the State Auditor to provide the Governor, the Attorney General, and other appropriate officials with written notice of apparent instances of violations of penal statutes or apparent instances of malfeasance, misfeasance, or nonfeasance by an officer or employee. In accordance with that mandate, and our standard operating practice, we are providing copies of this report to the Governor, the Attorney General and other appropriate officials.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Campbell, Jr.".

Ralph Campbell, Jr., CFE  
State Auditor



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## INTRODUCTION

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We received an allegation through the State Auditor's hotline that two Disease Intervention Specialists with the Department of Health and Human Services, Division of Public Health, Epidemiology Section, HIV/STD Prevention and Care Branch located in the Wilmington Regional Office were abusing their state cellular phones and falsifying mileage. The Department of Health and Human Services (DHHS) also received the allegation of cellular phone abuse and conducted an internal investigation into the matter. The DHHS investigation determined the employees had abused their state cellular phones and required the two employees to reimburse DHHS for personal cellular phone usage. Based on information we received that was not available to DHHS, we conducted a review of both of the employees' cellular phone bills as well as their travel records. We used the following procedures to conduct a special review of the allegations:

- Examination of the employees' travel records and cellular phone statements for the period January 2002 through June 2003.
- Interviews with DHHS employees.
- Examination of DHHS policies and procedures.
- Review of the DHHS internal investigation.

This report presents the results of our special review. This review was conducted pursuant to G.S. §147-64.6(c)(16) rather than a financial audit. The North Carolina Department of Health and Human Services annual audit is accomplished through the audit of the State Comprehensive Annual Financial Report.



## INTRODUCTION (CONTINUED)

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The Department of Health and Human Services is responsible for ensuring the health, safety and well being of all North Carolinians. DHHS provides services to the mentally ill, deaf, blind and developmentally disabled populations as well as helping poor North Carolinians achieve economic independence. DHHS is divided into 24 divisions and offices, including the Division of Public Health, and has more than 19,000 employees. DHHS is the largest agency in state government.

The goal of the Division of Public Health is to provide programs and services “aimed toward protecting and improving the health of people who live and work in North Carolina”. The Epidemiology Section “works to understand the causes and effects of disease in communities” and looks for “ways to prevent or control those diseases and their negative effects on people and society”.<sup>1</sup>

Services offered by the Epidemiology Section include:

- Information on disease and injury prevention and control.
- Consultations on community health problems.
- Surveillance and prevention activities, as well as provision of outpatient care and support services related to HIV/AIDS and other sexually transmitted diseases.
- Identification of environmental or occupational threats to health from asbestos, lead, chemicals, dusty trades, intensive livestock operations, harmful algal blooms, mold and other environmental factors.

## **INTRODUCTION (CONCLUDED)**

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- Medical evaluation for workers in hazardous trades.
- Investigation, intervention strategies and education on disease outbreaks and prevention.

There are five regional and three satellite offices throughout the state that provide these services. The Disease Intervention Specialists referred to in this report are employed at the Wilmington Regional office. The Wilmington Regional office employs four Disease Intervention Specialists and a Secretary. A Field Services Unit Manager oversees the regional and satellite offices.

<sup>1</sup> Division of Public Health website.

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## **FINDINGS AND RECOMMENDATIONS**

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### **1. TWO DHHS DISEASE INTERVENTION SPECIALISTS USED THEIR STATE CELLULAR PHONE FOR PERSONAL USE.**

As stated in the introduction, DHHS received an allegation that two DHHS employees (Employee A and Employee B) were abusing their assigned state-owned cellular phones. According to the Field Services Unit Manager (Field Manager), he reviewed the two employees phone bills for the three-month period of August 2002 through October 2002. He noted lengthy calls, an excessive number of calls, and multiple calls during late night hours. As a result, both employees reimbursed DHHS an estimated cost for the personal calls. We received the same complaint, however, we obtained detailed information regarding the identity of the numbers called by both employees. We examined the state cellular phone records for both employees for the 18-month period of January 2002 through June 2003. In conjunction with the Field Manager we developed the following criteria to determine which calls were personal:

1. Calls identified by the employee as personal.
2. All calls with 15 minutes or more duration.
3. All out of state calls.
4. All calls made on weekends, holidays or days when leave was taken.
5. Calls made prior to 6am and after 7pm.

The following are the results of our review.

## **FINDINGS AND RECOMMENDATIONS (CONTINUED)**

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### DHHS Employee A

During the 18-month period of January 2002 through June 30, 2003, a total of 5,372 calls were placed or received from the state cellular phone assigned to Employee A totaling 22,341 minutes. Of these calls, approximately 2,095 were personal totaling 11,955 minutes. Employee A admitted to using her state cellular phone for personal use. Employee A also stated she used the state cellular phone assigned to Employee B from May 2003 to the present. We included the personal calls made by Employee A using Employee B's state cellular phone in the figure stated above. An examination of Employee's A calls revealed Employee A continued to use her state cellular phone for personal use after reimbursing DHHS. Employee A reimbursed DHHS \$105.00 in February 2003 for the personal calls identified by the Field Manager. Based on average rate of \$.12 a minute, Employee A owes the department an additional \$1,329.60 (\$1,434.60 - \$105.00).

### DHHS Employee B

During the 18-month period of January 2002 through June 30, 2003, a total of 4,141 calls were placed or received from the state cellular phone assigned to Employee B totaling 17,416 minutes. Employee B admitted she used her cellular phone for personal use, but stated she did not use the phone until March 2002 when she was transferred to the Wilmington Regional office. Employee B also stated after November 2002, the phone was not working properly so she stored the phone in a drawer at the office.

## **FINDINGS AND RECOMMENDATIONS (CONTINUED)**

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According to Employee B, other employees had access to the phone. Consequently, we did not include calls made or received prior to March 2002 or after November 2002 when determining which calls were personal. For the nine-month period of March 2002 through November 2002, we determined approximately 1,249 calls totaling 7,555 minutes were considered personal. It does not appear that Employee B continued to use her cellular phone for personal use after reimbursing DHHS. Employee B reimbursed DHHS \$60.00 in February 2003 for the personal calls identified by the Field Manager. Based on an average rate of \$.12 a minute, Employee B owes an additional \$846.60 (\$906.60 - \$60.00).

Both employees admitted to using their state cellular phone for personal use. However, both employees disagree that all calls identified were personal. Both employees stated they spend the majority of their time traveling and use their cellular phone as a safety precaution when meeting with clients. As a part of their job description, both employees are responsible for notifying clients of possible infection of HIV/AIDS or other sexually transmitted diseases. In some cases, the employees transport clients to clinics for testing. The employees stated due to the nature of their work, they would call one another when meeting with clients to inform the employee of their location.

Furthermore, according to the employees, many of the calls were made late in the evenings, since many clients were unavailable during regular business hours.

## **FINDINGS AND RECOMMENDATIONS (CONTINUED)**

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Additionally, both employees stated several of the calls on weekends, evenings, holidays and days when leave was taken were not personal since clients may call at any time of the day and night.

Although we were unable to identify all calls, we noted several out of state calls, as well as calls made to the employee's personal residence, family members, businesses and to each other. Further, we noted an excessive number of calls and lengthy calls as well. For example, a daily total of cellular phone usage revealed that on December 11, 2002, Employee A received or placed 105 calls totaling 256 minutes. Additionally, on July 18, 2002, Employee B received or made 25 calls totaling 238 minutes. Further during the time period examined, Employee A made 244 calls totaling 874 minutes to her sister-in-law. During the time period examined, Employee B phoned her personal residence 246 times totaling 1,047 minutes. According to the Field Manager, both employees were aware all calls made or received by a state cellular phone should be limited and pertain to state business only. The Field Manager also stated he was not aware employees were not using their assigned cellular phones.

According to the Field Manager, DHHS has no formal policy regarding personal use of state cellular phones; however, each employee signed a receipt when assigned their state cellular phone that states, "I understand the telephone is for official business use and not for personal use".

## **FINDINGS AND RECOMMENDATIONS (CONTINUED)**

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### **RECOMMENDATION**

We recommend all employees cease from making personal calls on their state cellular phones and DHHS seek reimbursement for the personal calls made by both employees.

We also recommend employees only use the state cellular phone assigned to that employee and notify their supervisor when using another state cellular phone. We further recommend DHHS implement a formal policy regarding the misuse of cellular phones.

**2. A DISEASE INTERVENTION SPECIALIST DID NOT REPORT HER TRAVEL CORRECTLY VIOLATING THE OFFICE OF STATE BUDGET AND MANAGEMENT TRAVEL POLICIES.**

As stated in the introduction, we received the allegation that Employee A and Employee B falsified their mileage. We reviewed the travel records for both employees for the 18 months period of January 2002 through June 2003. We found no inconsistencies in Employee B's travel; however, we did note that on ten occasions Employee A claimed mileage to and from the Wilmington Regional office although her phone bills stated she was in Myrtle Beach, SC. Employee A stated occasionally she would stay overnight with a friend in the Myrtle Beach area when she had appointments close to the North Carolina/South Carolina border. Employee A said she charged mileage to and from the Wilmington Regional office, her duty station, regardless of her destination or departure.



## **FINDINGS AND RECOMMENDATIONS (CONCLUDED)**

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No overnight charges were incurred and only mileage was reported in the instances we noted.

The Office of the State Budget and Management (OSBM) Budget Manual states,

*Transportation by Personal Vehicle- Actual mileage is reimbursable. Mileage is measured from the closer of duty station or point of departure to destination and return.*

Employee A violated this policy when she claimed mileage to the Wilmington Regional office when she actually stayed in Myrtle Beach overnight. The following morning Employee A then claimed mileage from the Wilmington Regional Office when in fact her point of departure would have been Myrtle Beach. As a result, Employee A was reimbursed for mileage that was not incurred. In each instance, Employee A claimed a total daily mileage, rather than mileage to and from each location. Consequently, we were unable to determine the amount of mileage claimed by Employee A that was not incurred. Therefore, we questioned the total amount of mileage claimed (2,088 miles  $\times$  \$.365 = \$762.12) for the instances referred to above.

### **RECOMMENDATION**

We recommend all employees adhere to the OSBM travel policies.

## **STATEMENT OF QUESTIONED COSTS**

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The following schedule represents a quantification of the items examined during our special review. We cannot completely quantify the tangible benefits or detriment, if any, to the taxpayers resulting from the findings of our review. We simply are noting areas where managerial oversight should be enhanced, or where, in our judgment, questionable activities or practices occurred.

1. Personal Calls Made By Employee A (\$1,434.60 - \$105.00)	\$1,329.60
2. Personal Calls Made By Employee B (\$906.60 - \$60.00)	846.60
3. Travel Reported Incorrectly By Employee A (2,088 miles \$.365 per mile)	<u>762.12</u>
Total	<u>\$ 2,938.32</u>

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# ***Response from the Secretary of The Department Health and Human Services***



## **North Carolina Department of Health and Human Services**

2001 Mail Service Center • Raleigh, North Carolina 27699-2001

Tel 919-733-4534 • Fax 919-715-4645

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

**December 19, 2003**

The Honorable Ralph Campbell, Jr., State Auditor  
North Carolina Office of the State Auditor  
2 S. Salisbury Street  
20601 Mail Service Center  
Raleigh, N.C. 27699-0601

Dear Mr. Campbell:

Thank you for the opportunity to respond to the Office of the State Auditor special review relating to the improper use of cellular phones by two employees at the Wilmington Office of the Division of Public Health. Needless to say, we are very disturbed at this misuse of state resources and will be making the monetary recoupments outlined in the audit report plus taking appropriate personnel disciplinary actions. It is even more disturbing that one of the employees investigated continued to misuse the cellular phone, even after being warned by their manager and required to pay back funds from earlier phone misuse.

Several months ago, we asked the DHHS Office of the Internal Auditor to conduct an extensive audit of cellular phone use within the Department of Health and Human Services. That report should be issued shortly. However, a number of issues have already been identified and addressed that will enhance the internal controls in DHHS relative to cellular phone use. A new DHHS directive was issued in November 2003 (copy attached) that provides uniform guidance to DHHS divisions regarding the requisitioning, approval, managing, and monitoring of cellular phones. The directive also requires each employee assigned a cellular phone to sign a statement acknowledging the receipt of the DHHS directive that also prohibits the personal use of the phone in accordance with Office of State Budget and Management policy. In addition, the DHHS Internal Auditor will be periodically conducting random spot checks to determine compliance with the policy directive.



We would like to thank the State auditors for their comprehensive review and professionalism in working with the DHHS staff. While audits by nature are sometimes unpleasant since they point out deficiencies, audits represent a very useful management tool to identify problem areas that can be corrected and improve the operations of State government. Again, thank you for this opportunity to respond.

Sincerely,

A handwritten signature in black ink, appearing to read "Carmen Hooker Odom". The signature is fluid and cursive, with the first name "Carmen" being the most prominent.

Carmen Hooker Odom

CHO:ds

Attachment: DHHS Directive on Use of Phones

cc: Lanier Cansler, Deputy Secretary  
Satana Deberry, General Counsel  
Dan Stewart, Internal Auditor  
Laketha Miller, Controller  
Leah Devlin, Health Director

## **DHHS POLICIES AND PROCEDURES**

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<b>Section III:</b>	<b>Communications</b>
<b>Title:</b>	<b>Telephone Acquisition &amp; Use</b>
<b>Current Effective Date:</b>	<b>December 1, 2003</b>
<b>Revision History:</b>	
<b>Original Effective Date:</b>	<b>12/01/03</b>

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### **Purpose**

To establish DHHS policy and procedures governing employee use of the State telephone system and State issued telephone credit cards, and to provide guidelines in general for the use of telephones during business hours.

### **Policy**

All DHHS employees shall adhere to the rules for telephone usage as outlined in the Budget Manual issued by the NC Office of State Budget and Management (see Attachment A). In addition, DHHS establishes the following procedures that supplement the OSBM rules. State telephone equipment, cellular telephones and pagers are provided for official State business only. Use of State telephones for local, personal calls must be kept to a minimum in both number and duration.

### **Implementation**

1. Cellular Telephones and Paging Equipment
  - A. Procedures
    1. Employee submits the cellular phone services/pager request authorization and change form and written justification to his/her supervisor for approval, explaining why the item is needed to conduct State business.
    2. If the supervisor approves, he/she forwards the authorization form and written justification to the division director for approval.
    3. If the division director approves:
      - a. The supervisor will complete the cellular phone services/pager request authorization and change form if equipment can be reassigned from an existing cellular phone service/pager equipment plan, or
      - b. New equipment must be procured through the Office of Information Technology Services (ITS). Division budget officers are responsible for completing the ITS Cellular Phone Service

Request Form. The Director of Budget and Analysis must approve exceptions if an existing cellular telephone contract is not used.

4. Division budget officers are responsible for signing off on fund availability and for choosing cellular telephone rates / pager plans that are the most economical for division needs and circumstances.

B. Receiving Calls

Employees are responsible for ensuring that all calls from their State-issued cellular phone are business related. Non-business calls are prohibited, except in emergency circumstances (as determined by the Department head or designee) or in unpreventable instances such as incoming calls that the user has no ability to prevent. Even in these limited instances, employees shall minimize the duration of such calls once it becomes evident that they are non-business related.

C. Acknowledgement

Each individual with a State-assigned cellular phone must sign a Telephone User Acknowledgement form that signifies that they have received and read this policy. The signed statement is placed permanently in the employee's personnel file.

2. Transfer or Return of Equipment

- A. When an employee transfers, exits Department employment, or no longer requires use of telephone / paging equipment, the division director shall ensure that:

1. Telephone equipment is accounted for and retrieved if necessary (such as cellular equipment, pagers, or telephone equipment at a remote or telecommuting location).
2. ITS or the appropriate provider is notified when such equipment is retrieved or transferred to another employee

3. Theft, Loss, or Damage

- A. Divisions must promptly notify the ITS Department or service provider (no later than 72 hours after confirmation) so that service can be deactivated or restored, as appropriate.
- B. Divisions shall file an SBI report through the Division of Budget and Analysis.

4. Other Situations

If, in an unusual situation, an employee is required to make a personal long distance or ANY personal cellular call that violates DHHS or OSBM policy, the employee and supervisor shall make arrangements to reimburse the State for any incurred costs. The employee should make every effort to avoid such calls.

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<b>Section III:</b>	<b>Communications</b>	<b>Page 2 of 3</b>
<b>Title:</b>	<b>Telephone Acquisition and Use</b>	
<b>Current Effective Date:</b>	<b>November 1, 2003</b>	

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5. Reimbursements for Business Use of Personal Phones

- A. Employees must submit a Travel Reimbursement Form (BD-403) in order to obtain reimbursement for business calls made away from the office as well as for reimbursable use of personal cellular phones. The employee's location must be identified as well as the person/business called. Requests are normally processed monthly.

With regard to reimbursements for cellular calls:

1. A copy of the cellular bill denoting business related calls must be submitted for reimbursement, with personal calls blacked out for privacy.
2. No reimbursement will be made for the instrument, monthly fees, or the portion of "free" minutes.
3. Business related minutes will be considered the last minutes billed for the month.
4. Cellular calls shall be listed under "Other Expenses" on the form with a copy of the cellular invoice attached and calls highlighted.

6. Enforcement

- A. Division Directors shall be responsible for maintaining a current record of the assignment of all pagers and cellular phones within their division.
- B. Supervisors are responsible for reviewing monthly bills to determine appropriate use. If cellular, supervisors shall adjust individual cellular plans within the cellular plans selected by the Budget Officer to assure that the Department receives the lowest average cost per minute (based upon normal minutes used each month)..
- C. Division Budget Officers are responsible for maintaining a current inventory of all division cell phones that includes but is not limited to: Phone number, vendor, plan description, charge code, employee name and last date plan was reviewed. A copy of the inventory will be submitted to the DHHS Controller's Office as a part of the June 30 supplies inventory.
- D. The DHHS Office of the Internal Auditor will periodically sample phone records for propriety.
- E. Any determination of misuse of telephones is considered a violation of the Rules of Conduct and may result in disciplinary action, up to and including termination.

**For questions or clarification on any of the information contained in this policy, please contact the DHHS Office of Budget & Analysis. For general questions about department-wide policies and procedures, contact the Office of Policy & Planning.**





## NC Department of Health and Human Services

### Cellular Telephone User Acknowledgement

By my signature below, I certify that I have received and have read copies of both the OSBM and DHHS policies on telephone usage.

I further acknowledge that I understand the rules regarding cellular phone usage and my obligations regarding State reimbursement for personal calls made or received.

The original of this signed acknowledgement will be retained in my personnel file.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

Original:

HR File

Copies:

Employee  
Supervisor



NC Department of Health and Human Services

## Cellular Telephone / Pager Authorization Form

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Working Job Title: \_\_\_\_\_

Office / Division: \_\_\_\_\_

Supv / Mgr: \_\_\_\_\_ Telephone: \_\_\_\_\_

Reason for Request (include your estimate of usage minutes and long distance):

--

Cellular/Pager Information for CHANGED Assignment:

Cellular/Pager Number: \_\_\_\_\_ Effective Date of Change: \_\_\_\_\_

Changed From (Employee Name): \_\_\_\_\_ Changed To (Employee Name): \_\_\_\_\_

Why Change is Being Made (eg. name change, new employee, job change, etc.)

--

\_\_\_\_\_  
Employee Signature Date

\_\_\_\_\_  
Supervisor Signature Date

\_\_\_\_\_  
Division/Office Director Signature (approval) Date

Budget:	Effective Date of Contract:
Comments:	
Original: Office of Budget & Analysis	Copies: Employee, Supervisor, Director

**BUDGET MANUAL  
STATE OF NORTH CAROLINA  
OFFICE OF STATE BUDGET AND MANAGEMENT**

July 1, 2003

Page 156

**Telephone Calls**

**Long Distance**

Employees are not allowed to charge long distance phone calls to the state for calls made of a personal nature, except as stated below. All long distance calls that are to be paid by the state are those made pursuant to the employee conducting official state business.

**Reimbursement**

Official phone calls are reimbursable under "Miscellaneous." Individual calls over \$5.00 must be identified as to point of origin and destination.

**Allowable Personal Calls**

An employee who is in travel status for two or more consecutive nights in a week is allowed one personal long distance telephone call for each two nights for which reimbursement to the employee may not exceed \$3.00 for each in-state call or \$5.00 for each out-of-state call.

**Employee emergency calls**

Employees may use the state network system, state credit card, or may be reimbursed for a personal long distance call(s) if such call(s) is/are of an emergency nature as determined by the department. An example is a call made when an employee calls home to inform someone that the travel period has been extended beyond original plans due to unforeseen reasons.

**Mobile Telephones**

Because mobile telephone charges (cellular and digital) are based on measured use, no personal calls should be made on mobile telephones except in case of emergency as determined by the department. Mobile telephone calls to conduct official state business should only be used when more economical means of telephoning are not reasonably available.

If an employee uses his/her personal mobile telephone in conducting state business, the employee can be eligible for reimbursement. In order for the agency to reimburse the employee, the employee must indicate on his/her telephone bill the reimbursable calls, individuals called, and nature of calls and submit the telephone bill to their supervisor for approval. If the supervisor approves the calls as state business related, the agency will reimburse the actual billed cost of the call.

**Use of Telephone with Computer Hook-ups**

Employees traveling on official state business needing to transmit data, including e-mail, via their computers should use the most efficient manner available, including services available through the State's Information Technology Services (ITS) access.

**Exceptions**

Any exception to the rules and regulations as herein stated in the State Budget Manual, except those expressly delegated, must be approved in advance by OSBM.

## **DISTRIBUTION OF AUDIT REPORT**

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In accordance with General Statutes 147-64.5 and 147-64.6(c)(14), copies of this report have been distributed to the public officials listed below. Additional copies are provided to other legislators, state officials, the press, and the general public upon request.

### **EXECUTIVE BRANCH**

The Honorable Michael F. Easley  
The Honorable Beverly M. Perdue  
The Honorable Richard H. Moore  
The Honorable Roy A. Cooper, III  
Mr. David T. McCoy  
Mr. Robert L. Powell

Governor of North Carolina  
Lieutenant Governor of North Carolina  
State Treasurer  
Attorney General  
State Budget Officer  
State Controller

### **LEGISLATIVE BRANCH**

Appointees to the Joint Legislative Commission on Governmental Operations

Senator Marc Basnight  
Representative James B. Black  
Representative Richard Morgan  
Members of the Local Legislative Delegation  
Mr. James D. Johnson

Senate President Pro Tem  
Speaker of the NC House of Representatives  
Speaker of the NC House of Representatives  
NC House and Senate  
Director, Fiscal Research Division

January 8, 2004

## ORDERING INFORMATION

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Copies of this report may be obtained by contacting the:

Office of the State Auditor  
State of North Carolina  
2 South Salisbury Street  
20601 Mail Service Center  
Raleigh, North Carolina 27699-0601

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