

# Requesting an OPEGA Review – Frequently Asked Questions

Office of Program Evaluation and Government Accountability

## Who may request an OPEGA review?

- Members of the public, legislators, state employees, state agencies, advocacy organizations, businesses, or any others with questions or concerns related to Maine state government.
- **All requests must be initiated or sponsored by a legislator.**

## What may be reviewed?

- OPEGA performs independent reviews of State programs, agencies and activities, including non-government entities receiving public funds. These may include: State programs and agencies, local and county governments, special and utility districts, regional development agencies, municipal or non-profit corporations, state contractors, and public officials and employees.

## How do I request an OPEGA review?

- All requests must be made in writing using the OPEGA Review Request Form. Include as much detail as possible. A written statement that includes the same information can also be submitted instead of the Form.
- Requests from legislators and legislative committees are submitted to the OPEGA Director or via a letter addressed to the Government Oversight Committee. OPEGA will assist legislators in defining their requests and completing the Form as necessary.
- Requests from citizens and State employees must come from, or be sponsored by, at least one legislator. OPEGA will assist a requestor(s) as necessary in identifying legislators to contact, including their local Senators and Representatives, members of relevant policy committees or members of the GOC.
- A legislator willing to sponsor a citizen or employee request must contact OPEGA to discuss the request and indicate their willingness to sponsor it.
- The citizen or employee's Request Form or letter must reflect what the legislator is willing to sponsor and be submitted to OPEGA at:

OPEGA  
82 State House Station  
Augusta, Maine 04333

For questions or assistance in completing the form, contact OPEGA at (207) 287-1901.

- If the requestor(s) is unsuccessful in getting a legislator to submit or sponsor a request for an OPEGA review, or if the requestor(s) wants to keep his/her identity completely confidential, the individual may submit a written request addressed to the OPEGA Director on the OPEGA Review Request Form or via a letter.
- The OPEGA Director will review the request with the GOC Chairs to see if one or both of them are willing to sponsor the request so that it will be brought to the GOC for consideration.

#### What will happen to the request?

- OPEGA will acknowledge receipt of the request, keep the requestor apprised of its status and contact the requestor if additional information is required.
- OPEGA will determine whether the subject matter of the request fits within the GOC's mission, OPEGA's statutory authority and the established policy for Review Requests.
- Under that policy, OPEGA will not process requests based on individual complaints or allegations stemming from personal situations unless they involve an alleged action that is illegal, economically wasteful or suggests gross misconduct, incompetency or inefficiency - or there is otherwise some evidence that the complaint may result from a systemic issue involving a governmental program or activity.
- OPEGA may determine that another party is more appropriate, or has jurisdiction by law, to address the requestor's concerns (i.e. State Audit Department or Attorney General's Office). If so, OPEGA will forward the concerns to that party and notify the requestor of that action.
- If the topic is appropriate for OPEGA and has not been forwarded to another party, it will be incorporated into a running list of potential topics for the GOC's consideration.
- Requests submitted by legislative committees or groups of legislators will be brought before the GOC at its next scheduled meeting. Other requests are generally presented to the GOC on a quarterly basis. At the quarterly meeting, the GOC will receive a summary of requests received in that quarter and any additional information OPEGA has gathered on the topics to assist the GOC in its decision-making. The names of individual requesters will usually not be specified.
- Requests that are time sensitive or involve alleged illegal acts, misuse of State resources, or gross misconduct, incompetence or inefficiency will be brought to the attention of the GOC Chairs and Leads immediately. The Chairs will decide whether to take up the request at the next scheduled meeting or call an emergency GOC meeting to address it.

- OPEGA will notify the requestor of the date, time and location of the GOC meeting where the potential review topic will be considered. OPEGA will also notify the management of the responsible agency and the Joint Standing Committee(s) of jurisdiction, if applicable.
- After discussion, the GOC will vote on how to respond to each potential topic. The GOC may vote to:
  - Take no further action at this time.
  - Refer the issue to another entity.
  - Authorize OPEGA to conduct limited research and respond to requestor.
  - Add the topic to OPEGA's list for potential future reviews.
  - Add the topic to OPEGA's current work plan.
  - Initiate a rapid response review/audit.
- It is possible that the GOC will ask OPEGA to gather additional information related to a request topic before a vote is taken. If so, the topic will be discussed again at a future meeting. OPEGA will notify the requestor of when the meeting will be held.
- OPEGA will notify the requestor of the GOC's final decision.

**Can a requestor's identity or certain information be kept confidential?**

- Legislators should **not** expect their written request or identity to remain confidential due to the need for transparency in actions taken by elected officials.
- A citizen or employee requesting a review can ask that his/her identity be kept confidential. There is a box on the Review Request Form for the requestor to check if he/she wants to remain anonymous. If this box is checked, OPEGA will not publicly disclose the requestor's name or contact information. A requestor submitting a written statement, other than the Form, should specify his/her wish to remain anonymous.
- Legislators, citizens and State employees should be aware that any written documents provided to legislators, or written notes taken by legislators during conversations, could potentially be disclosed to the public in accordance with Maine's Freedom of Access laws. This includes emails sent to or from a legislator.
- Written documents submitted directly to OPEGA by citizens or employees will be treated by OPEGA as "confidential working papers", which are protected from being released to the public.