




OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA • James Nobles, Legislative Auditor

Date: May 13, 2009  
To: Senator David Hann  
Copy: Members of the Legislative Audit Commission  
The Honorable Lori Swanson, Attorney General  
From: Jim Nobles  
Legislative Auditor   
Subject: Doors for the Attorney General's Office

In a letter dated April 2, 2009, you requested that the Office of the Legislative Auditor (OLA) examine expenses the Attorney General incurred to purchase and install two doors in her office space in the Capitol. In a letter back to you the following day, I indicated that OLA would incorporate your concerns into our regularly scheduled audit, which was scheduled to begin in mid-April.

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We have completed our review of the expenditure for the doors and did not find a basis for an audit finding. We concluded that the Attorney General acted within her authority and followed applicable state policies and procedures.

Some of the questions posed in your April 2 letter relate to general security concerns in the Capitol Complex. We will address those concerns in an evaluation report OLA will release at a meeting of the Legislative Audit Commission on May 13, 2009, at 9:00 a.m.

As to your specific questions about the Attorney General's purchase of the doors, we obtained the following information:

**QUESTION:** Was there, in fact, a security assessment that was done for the Attorney General's office? If so, who performed this assessment and prepared the report? What funds were used to pay for this assessment? Who received a copy of this assessment? **ANSWER:** A security assessment was performed by Dennis Flaherty, Executive Director of the Minnesota Peace and Police Officers Association and former deputy mayor of St. Paul. His assessment resulted in a report to the Attorney General dated March 28, 2007. He did not charge the Attorney General for the assessment. The Attorney General considers the report private and, to the best of my knowledge, has not shared it with other government officials except the Legislative Auditor. A member of my staff and I reviewed Mr. Flaherty's report on April 13, 2009, and discussed it with a member of the

Attorney General's staff. My staff and I copied relevant parts of the report. Except for the information about the report that is disclosed in this letter, we have classified other information we obtained from the report and interview as not public.

**QUESTION:** If a security assessment was performed, did it conclude that these sand-reinforced doors were needed in the Attorney General's office? **ANSWER:** Yes, the assessment concluded that "heavy, bullet-resistant sand-filled doors" should be installed at points of access to the Attorney General's office.

**QUESTION:** If so, and if the basis for this conclusion was a concern for security, why is it that the doors that were actually installed were described on the work order as acoustical doors with the sand reinforcement being added for purposes of sound proofing the office? **ANSWER:** According to Rebecca Spartz, Director of Administration for the Attorney General's office, the Attorney General did not want people outside the office to know there were security vulnerabilities and a need for "bullet-resistant" doors. Ms. Spartz told us that she researched various types of doors and selected ones she thought were consistent with Mr. Flaherty's security recommendation even though they were described as "sound attenuating doors." Ms. Spartz indicated that she described the doors as "acoustical" in the purchase request to the Department of Administration because, again, she did not want it known that the office was seeking "bullet-resistant" doors.

**QUESTION:** Is there a connection that these soundproofing doors were ordered within weeks after reports of office turmoil related to activities of some attorneys in the office to organize union representation? **ANSWER:** This is the one question we did not attempt to answer. We concluded that establishing whether there was—or was not—a connection to personnel conflicts would not be relevant to our judgment on whether the Attorney General acted within her authority and followed applicable policies and procedures when she had new doors ordered and installed. We established that the doors were ordered and installed in response to a security assessment, and we found that assessment consistent with OLA's conclusion that there are significant security vulnerabilities throughout the Capitol Complex. Finally, even if the Attorney General had decided to soundproof her office in response to the personnel issues, we do not think that would be inappropriate since the Attorney General deals with many sensitive and confidential matters, and it is reasonable for her to have a soundproof and secure office.

**QUESTION:** What was the source of funds used for these repairs or improvements to the Attorney General's office? Was it the operating budget of the Attorney General's office or was it funds of the Department of Administration for use in the maintenance of state buildings, specifically, Capitol-area buildings? **ANSWER:** The Department of Administration initially paid for the doors and

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later billed the Attorney General's office for the cost of the doors plus labor and supplies. This is the normal process used in renovations of state-owned buildings. The Attorney General's office paid the Department of Administration for costs related to the door from the office's operating budget, which is funded by an appropriation from the General Fund.

**QUESTION:** *Minnesota Statutes* 2008, Section 16B.24, subdivision 2, provides that the Department of Administration "shall supervise and control the making of repairs to all state buildings and structures" with certain exceptions that do not apply here. Related to the question above regarding the source of funds, but also separate, is the question of whether this supervision and control by the department occurred in this case. **ANSWER:** The Department of Administration supervised and controlled the project. The department ordered and received the doors, did all the work to prepare the doors and existing door frames for installation, and billed the Attorney General's office for the labor and supplies used.

Again, you also asked several questions about how the Attorney General's security assessment and concerns relate to general security concerns in the Capitol Complex, which I have not addressed in this letter. As noted above, OLA will be better able to discuss those questions after we release our evaluation report, *Capitol Complex Security*, on May 13, 2009.