



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

CREATING THE OFFICE OF STATE INSPECTOR GENERAL

WHEREAS: The prevention of fraud, waste, abuse, and corruption in the agencies of state government is an important responsibility of the state; and

WHEREAS: The prevention of fraud, waste, abuse, and corruption in state agencies depends in part on the development, implementation and enforcement of sound policies and procedures to that end; and

WHEREAS: Each state agency should exercise constant vigilance and firmly commit to the implementation and enforcement of such policies and procedures; and

WHEREAS: The establishment of the Office of State Inspector General will facilitate the obligation to carry out the vigilance described above.

NOW, THEREFORE, BY THE POWER VESTED IN ME AS
GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That an OFFICE OF INSPECTOR GENERAL is hereby established to examine, investigate and make recommendations with respect to the prevention and detection of fraud, waste, abuse, and corruption in the Governor's Office and the agencies of state government, but specifically excluding the General Assembly and any court.

IT IS FURTHER ORDERED:

Section 1. The State Inspector General

The Governor shall appoint the State Inspector General. The Governor hereby appoints Brigadier General James E. Sehorn, United States Air Force (Retired), as the State's first Inspector General.

Section 2. The Office of the State Inspector General

The State Inspector General shall report regularly to the Governor regarding all activities of his office. In addition, the State Inspector General shall cooperate fully with the Governor regarding requests for information on such activities, except when the State Inspector General determines that such requests regard confidential information. In such cases, he shall notify the Governor as to why, in his judgment, such information is confidential.

Section 3. Duties and Responsibilities of the State Inspector General

- a. The State Inspector General shall do all of the following:
1. Investigate the management and operation of state agencies within the executive branch in order to determine whether acts or omissions of fraud, waste, abuse, and corruption have been committed or are being committed by state officers or state employees;
 2. Receive complaints alleging fraud, waste, abuse, or corruption, determine whether the complaints allege facts that give reasonable cause to investigate and, if so, investigate to determine whether the alleged fraud, waste, abuse, or corruption has in fact been committed or is in fact being committed by a state agency or employee;
 3. Report fraud, waste, abuse, and corruption by state agencies or employees to the Governor and the agency, subject to investigation and, as appropriate under the circumstances, to the appropriate prosecuting authority for possible criminal prosecution or to the appropriate regulatory or law enforcement agency for further action;
 4. Report fraud, waste, abuse, and corruption by persons who are not state employees to the Governor and, as appropriate under the circumstances, to the appropriate prosecuting authority for possible criminal prosecution or to the appropriate regulatory or law enforcement agency for further action;
 5. Prepare a detailed report of each investigation that states whether fraud, waste, abuse, or corruption was detected. If fraud, waste, abuse, or corruption was detected, the report shall identify the person who committed the wrongful act or omission, describe the wrongful act or omission, explain how it was detected, indicate to whom it was reported, and describe what the state agency in which the wrongful act or omission was being committed is doing to change its policies or procedures to prevent recurrences of similar wrongful acts or omissions;
 6. Identify other state agencies that also are responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies, and coordinate with these agencies to share information and avoid duplication of effort;

7. Develop the following:
 - i. a working definition of fraud, waste, abuse, and corruption;
 - ii. a manual of investigative techniques.
8. Conduct studies of techniques of investigating and detecting, and of preventing or reducing the risk of, fraud, waste, abuse, and corruption by state agencies and employees;
9. Consult with state agencies and advise them in developing, implementing, and enforcing policies and procedures that will prevent or reduce fraud, waste, abuse and corruption by their state officers and employees;
10. After detecting fraud, waste, abuse, or corruption, review and evaluate the relevant policies and procedures of the state agency in which the fraud, waste, abuse, or corruption occurred, and make recommendations as to any changes that should be made in its policies and procedures so as to prevent recurrences of similar wrongful acts or omissions.

Section 4. The Report of an Investigation Conducted by the State Inspector General

- a. The State Inspector General shall provide a complete copy of each report of an investigation to the Governor. In addition, where appropriate, the State Inspector General shall provide a copy of the report of any investigation to a prosecuting authority who may undertake criminal prosecution of a wrongful act or omission described in the report, or to another appropriate regulatory or law enforcement agency for further action.
- b. The state Inspector General shall make copies of records available in accordance with the Open Records Act, subject to the exceptions that Act provides for records of law enforcement, prosecution, or regulatory agencies in pending investigations.

Section 5. Responsibilities of State Agencies

- a. Each state agency and every state employee shall cooperate with, and provide assistance to, the State Inspector General in the performance of any investigation. In particular, each state agency shall make its premises, equipment, personnel, books, records, and papers readily available to the State Inspector General.
- b. The State Inspector General may enter upon the premises of any state agency at any time, without prior announcement, to inspect the premises or to investigate any complaint. In the course of an inspection or investigation, the State Inspector General may question any state employee serving in, and any other person transacting business with, the state agency, and may inspect and copy any books, records, or papers in the possession of the state agency, except where otherwise prohibited by law.

- c. In performing any inspection or investigation, the State Inspector General and any Deputy State Inspector General shall avoid interfering with the ongoing operations of the state agency being investigated, except insofar as is reasonably necessary for the successful completion of the inspection or investigation.
- d. Each state agency shall develop, implement, and enforce policies and procedures that prevent or reduce the risk of fraud, waste, abuse, and corruption by its employees.
- e. Other state agencies that also are responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies shall coordinate with the Office of the State Inspector General for the purpose of sharing information and avoiding duplication of effort.

Section 6. Filing a Complaint with the State Inspector General

- a. Any person who knows or has reasonable cause to believe that a state agency, officer, or employee has committed, or is in the process of committing, an act or omission of fraud, waste, abuse, and corruption shall prepare and file with the State Inspector General a complaint that identifies the complainant and the state agency or employee who allegedly committed or is in the process of committing the wrongful act or omission, describes the wrongful act or omission, and explains how the complainant detected or came to reasonably believe that the state agency or employee committed or is in the process of committing the wrongful act or omission. The preparation and filing of the complaint described in this section is in addition to any other report of the wrongful act or omission the person is required by law to make.
- b. The State Inspector General shall prescribe a form for complaints and shall provide a blank copy to any person, free of charge. No complaint is defective, however, because it is not made on the form prescribed by the State Inspector General.
- c. No agency, officer, or employee shall retaliate against a public employee for disclosing or threatening to disclose a violation of or noncompliance with a law, rule, or regulation to the Inspector General, unless the disclosure or threatened disclosure was made with knowledge that the disclosure was false or with willful disregard for its truth or falsity.

ORDERED: This 13 day of January, 2003.


Governor