

PUBLIC OVERSIGHT HEARING ON

**THE FY 2007 AND FY 2008 SPENDING AND
PERFORMANCE OF THE OFFICE OF TAX AND
REVENUE (OTR) AND OFFICE OF INTEGRITY
AND OVERSIGHT (OIO) IN THE OFFICE OF THE
CHIEF FINANCIAL OFFICER (OCFO)**

**Before the
Committee on Finance & Revenue
Council of the District of Columbia**

The Honorable Jack Evans, Chairman

**March 5, 2008; 10:00 a.m.
Council Chamber, John A. Wilson Building**



**Testimony of
Natwar M. Gandhi
Chief Financial Officer
Government of the District of Columbia**

Good morning, Chairman Evans and members of the Committee on Finance and Revenue. I am Natwar M. Gandhi, Chief Financial Officer of the District of Columbia government. I am here for your annual oversight hearing to testify on the FY 2007 performance and FY 2008 plans of the Office of Tax and Revenue (OTR) and the Office of Integrity and Oversight (OIO) in the Office of the Chief Financial Officer (OCFO). This continues the OCFO oversight hearing that began on February 27, 2008. With me today are Stephen Cordi, the Deputy CFO for OTR, and Robert Andary, the Director of OIO. See Attachment 1 for an organizational chart of the entire OCFO and the location of OTR and OIO within it.

This oversight hearing takes place against the backdrop of the alleged fraud in OTR first reported publicly in November 2007. Since November I have expressed my deep regret and personal outrage. OTR falls under the CFO's authority and I have taken full responsibility, and I have also acted to repair what was broken and to regain the public trust that was so badly shaken.

Although experts say the most frequent means of uncovering this type of fraud is a tip or by accident, we also must accept that this criminal enterprise was able to thrive because of a profound failure of internal management controls at the OTR. Not only must processes be in place, but managers and others must be alert to behavior that might be signs of wrong-doing – e.g., displays of wealth and extravagant gift-giving.

To that end, I moved quickly to hold people accountable, appointed interim leadership and then made a new permanent appointment in Mr. Cordi,

immediately changed the business processes so as to establish new controls and procedures, and established an independent Audit Committee.

Accountability

First, I took swift, deliberate, and appropriate action against all OTR employees involved and responsible, including OTR leadership, to hold them accountable and send a clear message that this type of activity, and lax management, will not be tolerated. As of today, fifteen OTR employees, including OTR's most senior managers, have resigned, been terminated, or removed from the workplace. We continue our internal review to identify additional OCFO employees who should be held accountable for lack of oversight and poor business processes.

Interim Leadership

I quickly moved to appoint an interim leadership team in OTR, consisting of positions of:

- Director of OTR
- Director of Operations,
- Director of Real Property Tax Administration,
- Chief Assessor, and
- Chief of Assessment Services Division.

Appointment of Stephen Cordi

By the end of January, just two and one-half months after the alleged fraud was made public, Mr. Stephen Cordi was on board as the new Deputy CFO for OTR. Before coming to the District, Mr. Cordi worked in all aspects of

tax administration with the Maryland Comptroller's Office, ranging from litigating contested cases to hands-on experience with registration, returns processing, taxpayer service, taxpayer accounting, revenue accounting and case management, and managing a staff of 1,200 employees. He participated in tax administration issues across the country through leadership roles in national and regional state tax officials' associations and coordinated a variety of tax administration functions with the State Department of Assessments and Taxation. He also worked closely with local government to provide assistance in collecting local taxes as well as supervised the collection of major taxes on behalf of city and county governments by the Comptroller's Office. Mr. Cordi participated in the acquisition by the Maryland Comptroller's Office of the Accenture TAS integrated tax system in the 1990s, including evaluating the proposal and ultimately serving on the implementation steering committee. See Attachment 2 for Mr. Cordi's biography.

Around the same time that Mr. Cordi joined the OCFO, Mr. Andary joined as the new Director of the Office of Integrity and Oversight. Mr. Andary has experience in both criminal and financial investigations. He served as the Assistant Inspector General for Investigations for the District of Columbia Inspector General after retiring from federal service in 2003. Trained as a lawyer, he began his career as a trial attorney in the Criminal Division of the U.S. Department of Justice. He also served as an Assistant U.S. Attorney in the District of Columbia, the Inspector General for the U.S. Government Printing Office and the Federal Labor Relations Authority, and was Counsel to the Inspector General at the Federal Communications Commission. See Attachment 3 for Mr. Andary's biography.

I am very pleased to have both Mr. Cordi and Mr. Andary members of the OCFO, and I'm sure they will contribute greatly.

Business Processes

Third, we re-established and communicated clear written procedures on the preparation, approval, and issuance of real property tax adjustment refund checks, and we are providing the necessary training and cross-training. The procedures describe the required supporting documentation and/or justification required to generate a refund. The procedures clearly designate approval authority, and delineate senior management review as well as signatory authority for all refunds.

All real property tax refunds \$1,000 and over are reviewed by upper OTR management, and refunds under \$1,000 are spot-checked. A special unit reviews all details of real property tax refunds before they are finally authorized and paid. A refund is held until an authorized official reviews the underlying documentation and approves the release of the refund. There have been some delays in refunds since we started this rigorous process, but the backlog will be cleared up by March 31.

Audits

- We invited the D.C. Inspector General to look at OTR operations and internal controls to reform and recommend changes.
- Three OIO auditors are currently assigned to conduct audit projects at OTR. They are conducting a risk assessment of the agency, reviewing

Tax Sale Refunds and related refunds, and conducting a follow up of an earlier review of the Integrated Tax System (ITS).

- We are also entering into a memorandum of understanding with the Treasury Inspector General for Tax Administration (TIGTA) for 2-3 auditors on a 6 month detail to help us identify and design audits to address the unique needs of a tax organization. We expect them to be on board by the last quarter of the fiscal year.

Audit Committee

As I mentioned briefly in my testimony last week, I have appointed an independent Audit Committee to Review Financial Management and Internal Controls. This independent Committee of five distinguished experts, chaired by Sheldon S. Cohen, a Director at Farr, Miller & Washington, LLC, and former Commissioner of the U.S. Internal Revenue Service, is assisting the OCFO in our review of the internal controls structures of the OCFO's financial management operations. These experts, all of whom are serving without compensation, will also review the OCFO's compliance with existing policies and procedures. The Committee is developing a three-year plan of review to cover all financial operations throughout the District government. A description of the Audit Committee is Attachment 4.

The Audit Committee is focusing in its first year on areas of the highest risk in the OCFO, in particular those areas that handle cash or are involved in the preparation of District government checks. We have engaged the services of Kroll Associates, the nationally recognized audit and consulting firm, to help the Audit Committee and the OCFO review OTR's internal controls, as

well as its policies and procedures. Kroll's team at OTR is led by Lynn E. Turner, former chief accountant for the U.S. Securities and Exchange Commission. Kroll is generously providing its services to the OCFO and the Audit Committee pro bono. Their report is expected in mid April.

In the following two years, the Audit Committee will turn its attention to other areas, with those OCFO clusters involved in cash management taking priority. By the end of three years, it is our intention to have reviewed all internal controls, policies and procedures of the entire OCFO. The result, we believe, will be that the District's policies and procedures will be best in class.

Besides the work done on behalf of the Audit Committee, two other outside firms, Deloitte Financial Advisory Services and Ernst & Young, were engaged, also on a pro-bono basis, to facilitate a fraud risk assessment of specific business processes within the Office of Finance and Treasury, to identify, classify and rate potential risks in OFT's funds-handling functions and also make recommendations and provide plans for remediation where controls need to be strengthened. I expect their results mid April.

Systems

Fifth, we decided (as stated in our FY08 Budget Testimony) to embark on a modernization of ITS. We are now in the process of reviewing the market, seeking references regarding various alternative systems and preparing to gather business requirements. Upon completion, we will select a solution and proceed with a solicitation. We have modified the FY08 Capital Budget to reflect an acceleration of the work on ITS.

In conclusion, let me close with my recent assurances. When I testified last November, I assured the Council that the District's finances remain sound, and that the alleged tax fraud did not compromise our ability to carry out District government functions or policy initiatives approved by the Council and the Mayor. This remains true today. As evidence of this, as recently as last December the District sold \$350 million of General Obligation bonds, to which all three rating agencies affirmed their ratings of A1/A+/A+ with "stable" outlooks. The rating agencies continue to have confidence in the District's finances, and given the successful bond sale, we believe the investment community does as well.

Last week, I assured this committee that, the alleged tax fraud notwithstanding, the District's financial management infrastructure remains strong today. As I also said last week, whenever we find shortcomings and deficiencies in the three essential elements of the financial infrastructure – people, processes, and systems – it is imperative that we act immediately to study, diagnose, and remedy the problems. That is the focus of the OCFO today. And I am confident that this goal is shared by the overwhelming majority of the employees at OTR, the subject of today's hearing. They are dedicated and hardworking, and as pained as I have been these last few months.

Mr. Chairman, thank you for the opportunity to appear before you today. Mr. Cordi, Mr. Andary and I would be pleased to take any questions you may have.

CENTRAL FINANCIAL OPERATIONS - Deputy CFOs

ORGANIZATIONAL CHART
Government of the District of Columbia
Office of the Chief Financial Officer

AGENCY FINANCIAL OPERATIONS - Associate CFOs

Agency Fiscal Officers

Office of Budget and Planning (OBP)
Gordon McDonald
(202) 727-6234

Office of Finance and Treasury (OFT)
Lasana Mack
(202) 727-6055

Office of Financial Operations and Systems (OFOS)
Anthony Pompa
(202) 442-8200

Office of Revenue Analysis (ORA)
Robert Ebel
(202) 727-7775

Office of Tax and Revenue (OTR)
Stephen Cordi
(202) 442-6200

D.C. CHIEF FINANCIAL OFFICER
Natwar M. Gandhi
(202) 727-2476

Chief of Staff **Lucille Dickinson**
Director of Operations **Angell Jacobs**
(202) 727-2476

EXECUTIVE SUPPORT

General Counsel
David Tseng
(202) 727-9528

Senior Health Policy Advisor
Heather McCabe
(202) 727-2476

Economic Development Finance
Senior Advisor and Director
John Ross
(202) 727-2421

Senior Financial Policy Advisor
Marcy Edwards
(202) 727-2476

Economic Dev. and Regulation
Cyril Byron, Jr.
(202) 442-8684

Government Operations
Mohamed Mohamed
(202) 727-0333

Government Services
George Dines
(202) 671-2201

Human Support Services
Deloras Shepherd
(202) 671-4220

Public Safety and Justice
Angelique Hayes
(202) 673-3347

DCRA: Conrad Bridges
DOES: Ibrahim Koroma
DHCD: Don Sink (*interim*)
DISB: Bright Ahaive
PSC: Irvin Logan

OAG: Victoria Syphax
OCTO: Yassir Ahmed
OFRM: Shilonda Wiggins
EOM: Michael Bolden
OSSE: Kevin Clinton

EO: Robert Jose
DMV: Kimberly L. Holloway
DPW: Perry Fitzpatrick (*acting*)
DDOT: Rumman Dastgir

CFSA: Justin Kopca
DOH: Tammie Robinson
DOH-MAA: Ganayswaran Nathan
DHS: Kristie Steel
DDS/ODR - Delicia Moore
DMH: Joyce Jeter
DPR/DCPL: Keith Fletcher
DYRS: Barbara Roberson

DOC: Ronald Peele
FEMS: Shelly Robinson Smith
OCME/CJCC: Daryl Staats
MPD: Martin Carmody

DCPS: Noah Wepman (*interim*)
SEC: Wilma Matthias
UDC: Barbara Jumper
WCCA: Henry Mosley
WASA: (*interim*) Olu Adebayo

DC Lottery
Executive Director
Jeanette Michael
Agency Fiscal Officer
William Robinson

Integrity and Oversight Executive Director
Robert Andary
(202) 442-6433

Agency Chief Information Officer
Mike Teller
(202) 727-8775

Management and Administration Executive Director
Paul Lundquist
(202) 442-6523

Public Affairs Officer
Vacant
(202) 727-2476

Biography
Stephen M. Cordi
Deputy CFO, Office of Tax and Revenue

Stephen M. Cordi serves as Deputy Chief Financial Officer for the District's Office of Tax and Revenue (OTR). With more than 30 years of experience in the private and public sectors, he ensures that the agency will collect the proper amount of tax due to the District of Columbia and correctly account for all revenues, while minimizing the burden on taxpayers and the cost to the government.

Before coming to the District, he worked in all aspects of tax administration with the Maryland Comptroller's Office, ranging from litigating contested cases to hands-on experience with registration, returns processing, taxpayer service, taxpayer accounting, revenue accounting and case management. He participated in tax administration issues across the country through leadership roles in national and regional state tax officials' associations and coordinated a variety of tax administration functions with the State Department of Assessments and Taxation.

He also worked closely with local government to provide assistance in collecting local taxes as well as supervised the collection of major taxes on behalf of city and county governments by the Comptroller's Office. He served on the Maryland Government Finance Officers' Association for 20 years, including service as president.

Cordi participated in the acquisition by the Maryland Comptroller's Office of the Accenture TAS integrated tax system in the 1990s, including evaluating the proposal and ultimately serving on the implementation steering committee.

He also represented the Comptroller's Office before the Maryland General Assembly at each session from 1975 through 2005, acted as Comptroller's chief spokesman on tax matters and the agency's budget before the General Assembly while serving as deputy (beginning with the 1995 session).

Upon retirement, at the request of the chairman of the House Ways and Means Committee, was retained by the General Assembly as a contractual consultant on tax policy and administration issues for the 2006 session. He Appeared before Congress on behalf of the Federation of Tax Administrators.

In private law practice, he successfully represented clients concerning tax

legislation before the 2007 regular and special sessions of the Maryland General Assembly.

Cordi earned his law degree from Georgetown University's Law Center, a master's degree from Johns Hopkins University, and a bachelor's from Haverford College.

Biography

Robert Andary

Executive Director, Office of Integrity and Oversight

Attachment 3

Robert Andary serves as the Executive Director for the Office of Integrity and Oversight (OIO). Chief Financial Officer Natwar M. Gandhi created the office in January 2003. OIO is an audit and investigative organization responsible for assuring the integrity, efficiency, and effectiveness of the operations of the Office of the Chief Financial Officer (OCFO). OIO audits and reviews a wide range of significant financial operations and programs throughout the District government. OIO also investigates alleged misconduct by OCFO employees, conducts background investigations, and performs proactive integrity probes of high-risk areas of OCFO operations.

He served as the Assistant Inspector General for Investigations for the District of Columbia Inspector General after retiring from federal service in 2003. He served as the Inspector General for the U.S. Government Printing Office and the Federal Labor Relations Authority, and was Counsel to the Inspector General at the Federal Communications Commission.

Andary is also a member of the District of Columbia Bar and the Virginia State Bar. He served as an Assistant U.S. Attorney in the District of Columbia and began his legal career as a trial attorney in the Criminal Division of the U.S. Department of Justice.

As a native and a resident of the District of Columbia, he earned his law degree from the University of Virginia's School of Law and a bachelor's from Georgetown University.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER



FOR IMMEDIATE RELEASE
Wednesday, December 05, 2007

Contact: Maryann Young
202-727-0058 / 202-641-6024

**Chief Financial Officer Announces Audit Committee to
Review Financial Management and Internal Controls**

(Washington, D.C.) District of Columbia Chief Financial Officer Natwar M. Gandhi today announced the establishment of the Audit Committee to Review Financial Management and Internal Controls as another important step toward strengthening the District's financial operations for the long term following the recent changes in the Office of Tax and Revenue.

The Committee will assist the CFO in reviewing the internal control structures of the OCFO's financial management operations, as well as its compliance with existing policies and procedures. The distinguished leadership of the Committee includes (biographical briefs follow below):

- Sheldon Cohen, Chair (Director at Farr, Miller & Washington, LLP);
- Donald H. Chapin (Retired, Director of Auditing, Arthur Young & Company);
- John Hill (Chief Executive Officer of the Federal City Council);
- James Hudson (Retired, Chairman of the JAH Development); and
- Irving Pollack (Of Counsel, Fulbright & Jaworski).

The Committee's overriding objective is to review the performance of the Office of the Chief Financial Officer and the OCFO function in each District agency. The Committee will provide quarterly reports on its findings and recommendations

"The Office of the Chief Financial Officer must rebuild the trust and credibility that has been damaged by the allegations of gross impropriety in the Office of Tax and Revenue," said Gandhi, in unveiling the Committee members today. "I want this Committee to carefully and completely scrutinize our operations throughout the District. I very much appreciate the members' willingness to serve, and I pledge them the OCFO's full support."

"We will give this committee our full cooperation and support," said Mayor Adrian Fenty. "These individuals are committed to the District and we expect our financial management controls will benefit from their experience and diligence."

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“This is a step in the right direction,” said Finance and Revenue Committee chairman Jack Evans. “We have a long road ahead of us and the assistance of this committee will be invaluable.”

The Committee will be guided by the advice published in 1995 in OMB circular *A-123, Management Accountability and Control*, as well as the standards for reviewing the adequacy of internal controls contained in the Sarbanes-Oxley Act of 2002. The formation of an audit committee is also recommended to assist states and municipalities in complying with the GAO’s new Government Auditing Standards (The Yellow Book), issued in July 2007 for implementation in 2008, making the District among the first major jurisdictions to have an audit committee assisting in Yellow Book compliance.

The Executive Office of the Mayor, the District Council and the Inspector General will each have a liaison to the Audit Committee.

The Committee has agreed to begin its work by reviewing the financial operations of the Office of the Chief Financial Officer. Their work is expected to begin immediately.

A more detailed explanation of the Committee’s mission and principles follows, as well as the previously referenced biographies of Committee members.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER



**AUDIT COMMITTEE APPOINTEES
BRIEF BIOGRAPHIES**

Sheldon Cohen, Chairman

The Honorable Sheldon S. Cohen, Esq. is currently a Director at Farr, Miller & Washington, LLP and a professional lecturer at the George Washington Law School. Mr. Cohen retired as a partner in the law firm of Morgan, Lewis & Bockius in 2005. Mr. Cohen served in the Internal Revenue Service on several different occasions. During the period 1952-1956, he served as a legislative draftsman during the drafting of the 1954 Code and Regulations. In the period from January 1964 through January 1969, Mr. Cohen served as Chief Counsel for one year and then as Commissioner of the Internal Revenue Service for four years. He was the youngest person to ever serve in that position. He has also served as an officer and Trustee of the National Academy of Public Administration and has served as a panel member of several studies dealing with the administrative aspects of the Internal Revenue Service. He served as a consultant to the United Nations Development Program assisting developing countries with tax administration. He is the Chair of the Audit Advisory Committee of the GAO.

Donald H. Chapin

Mr. Chapin has been a consultant on accounting, auditing, and financial management issues from 1997 to date. He is a member of the Audit and Review Committee of the Smithsonian. He has advised the New York City District Attorney on Tyco related auditing issues and law firms on Enron related accounting issues, auditor independence issues and the application of accounting standards in a dispute. He evaluated the external and internal audit functions of a major telecommunications company and advised on related financial management issues. He also aided a law firm to evaluate an audit failure by a major accounting firm. He is a recent former member of the Standing Advisory Group (SAG) of the Public Company Accounting Oversight Board (PCAOB) and prior to his appointment consulted with the PCAOB staff. He served on the NASDAQ Listing and Hearing Review Council where he was Chairman of its committee on Accounting and Audit Committees. He also served on the Federal Accounting Standards Advisory Board, the Government Auditing Standards Advisory Council, the Loan Loss Accounting Task Force of the AICPA and the Public Sector Committee of the International Federation of Accountants. From 1989 to September 30, 1996, Mr. Chapin was employed by the GAO, ending his service as the Assistant Comptroller General for Accounting and Information Management responsible for GAO's financial and systems audits of federal agencies and corporations and for its reports and Congressional testimonies on financial management issues.

John Hill

Mr. Hill is Chief Executive Officer of the Federal City Council, with more than 28 years of experience in federal, state, local, and private sector entities. He formerly served as director of state and local government consulting services for Arthur Andersen, LLP, and was the founding executive director of the Washington, D.C. Financial Control Board. Mr. Hill has also served as

a director in the U.S. General Accounting Office, director of audits with the Marriott Corporation, and audit manager for Coopers and Lybrand and Price Waterhouse.

James L. Hudson

Mr. Hudson served as the Vice-Chair of the National Capitol Revitalization Corporation and is currently involved in real estate and venture capital development. He was the Special Legislative Counsel for the cities of Detroit, New Orleans, Oakland and Kansas City where he provided legal and executive department support on city finance and economic development plans. In addition, he served as principal liaison with the U.S. Congress and the U.S. Departments of Housing and Urban Development, Labor and Transportation. Mr. Hudson also served as Finance Counsel for the District of Columbia government from 1974 to 1982.

Irving Pollack

Mr. Pollack was a former Commissioner and Director of the Divisions of Enforcement and Market Regulation for the U.S. Securities and Exchange Commission, Mr. Pollack is serving as Of Counsel to Fulbright & Jaworski L.L.P. He has consulted for numerous governmental and private institutions, including the World Bank, the International Finance Corporation (World Bank affiliate), the International Organization of Securities Commissions (IOSCO), the National Association of Securities Dealers, the Ontario and Quebec Securities Commissions and Merrill Lynch Pierce Fenner & Smith, Inc., Edward Jones, and the U.S. Synthetic Fuels Corporation. Mr. Pollack has rendered expert services for Dow Jones, the New York Stock Exchange, and other organizations. He recently served as a Director of ML Life Insurance Co. of New York and a member of its Audit & Compensation Committee.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER



**Audit Committee to Review Financial Management and Internal
Controls Organizational Summary**

Overview

Historically, the Chief Financial Officer (CFO) has appointed several advisory boards to advise the office on a variety of matters. These boards, such as the CFO Advisory Council, Business Advisory Council, Real Estate Advisory Council, Revenue Estimating Technical Review Committee, and Tax Advisory Council, provide substantive expertise and recommendations to the CFO on an ongoing basis.

Audit Committee Mission

The CFO is establishing a new advisory board, the Audit Committee to Review Financial Management and Internal Controls (Audit Committee), to assist the CFO in reviewing internal control structures and compliance with established policies and procedures for the District's financial management operations.

Audit Committee Appointees

The CFO will be appointing the following individuals to serve on the Audit Committee, each for a three-year term ending December 31, 2010 (see brief biographies, below):

- . • Sheldon Cohen (Chair)
- . • Donald H. Chapin
- . • John Hill
- . • James Hudson
- . • Irving Pollack

The Executive Office of the Mayor, the District Council, and the Inspector General will each have a liaison to the Audit Committee:

- . • Executive Office of the Mayor – Peter Nickles, General Counsel
- . • District Council – TBD
- . • Inspector General -- TBD

Guidelines

The Audit Committee will be guided by the advice published in 1995 in OMB Circular A-123, Management Accountability and Control, which set forth eight principles for control standards in a mature organization:

- .(i) Compliance With Law;
- .(ii) Reasonable Assurance and Safeguards;
- (iii) Integrity, Competence, and Attitude;
- .(iv) Delegation of Authority and Organization;
- .(v) Separation of Duties and Supervision;
- .(vi) Access to and Accountability for Resources;
- (vii) Recording and Documentation; and
- (viii) Resolution of Audit Findings and Other Deficiencies.

These eight principles apply to management controls in general, in any sort of program. The Audit Committee will assist the CFO by reviewing its programs, processes, and systems for financial management and controls throughout the District, for their conformance with the eight principles, and will recommend corrective actions where needed.

The Audit Committee will also be guided by the section 404 of the Public Company Accounting Reform and Investor Act of 2002, also known as the “Sarbanes-Oxley Act of 2002,” which sets forth standards of review for the assessment of the adequacy of internal controls for financial reporting of publicly traded companies.

Initially, the Audit Committee will be charged with review of the financial operations of Office of the Chief Financial Officer (OCFO). It will then move on to the financial operations of all other District government agencies, including the financial operations of the Office of Contracts and Procurement, the Department of Health, and, if it is enacted, the proposed Department of Health Care Finance.

The Audit Committee will meet on a monthly basis, commencing in December, 2007, and concluding in December, 2010, subject to renewal by the Chief Financial Officer. It will hire staff and, if necessary, contract with an accounting firm to carry out its mission, supported from the budget of the OCFO.

The Audit Committee will report to the CFO on a quarterly basis, with its final report due no later than March 31, 2011. The quarterly and final reports will be posted timely on the CFO’s website. The Audit Committee will also provide quarterly briefings on its findings for the Mayor and the Council.