



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

MEMORANDUM

TO: Bruce Romer
Chief Administrative Officer

FROM: Edward B. Lattner *EBL*
Associate County Attorney

DATE: March 22, 2002

RE: **Inspector General Reports**

I am writing to follow up on the County Attorney's oral advice to you regarding reports issued by the Inspector General. County law requires the Inspector General to include the response of each affected department or agency in his report before releasing it to the public. You asked whether the Inspector General can also include his "rebuttal" to this response in the public report. He cannot include any rebuttal to the department/agency response as part of the public report because the County law does not allow for it. Instead the County law eschews this potentially endless "tit-for-tat" by limiting the final document to the Inspector General's report and the department/agency response.

The contents of the Inspector General's report and the procedures he must follow before releasing that report are laid out in § 2-151(k)(2) of the County Code. Before releasing his report to the public, the Inspector General must submit a copy to the County Council, the Executive, and the chief operating officer of each affected department or agency. While he need only give the County Council and the Executive a reasonable opportunity to **review** the report he must give each affected department or agency a reasonable opportunity to **respond** to the report. The Inspector General must include any department/agency response when he releases the report to the public.

When the Inspector General completes a workplan item, the Inspector General must submit a written report on that item to the County Council, the Executive and the chief operating officer of each affected department or agency. The report must describe the purpose of the project, the research methods used, and the Inspector General's findings and recommendations. Each affected department or agency must be given a reasonable opportunity to respond to the Inspector General's final draft of each report. After giving the Executive and the Council a reasonable opportunity to

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review the report, the Inspector General must release the report to the public, subject to the state public information act. The public report must include the agency's response. The Inspector General may keep any report prepared under this paragraph, and any information received in connection with that report, confidential until the report is released to the public.

A statute is the written will of the Legislature. The cardinal rule for interpreting a statute is "to ascertain and carry out the real legislative intent."¹ And the beginning point for divining legislative intent is the language of the law itself.² "[W]hat the Legislature has written in an effort to achieve a goal is a natural ingredient of analysis to determine that goal,"³ and "the words used are to be given 'their ordinary and popularly understood meaning, absent a manifest contrary legislative intention.'⁴ Where statutory language is clear and unambiguous and expresses a definite and simple meaning, courts normally do not look beyond the words of the statute itself to determine legislative intent.⁵

The law does not allow the Inspector General to include a rebuttal to the affected department/agency response in his public report. In fact, the law provides that each affected department/agency must be given an opportunity to respond to the Inspector General's "**final draft**," indicating that the Inspector General may make no further change to the report after tendering it to each affected department/agency for response. The Inspector General must include those responses in the report when he releases it to the public.

This is the clear and unambiguous language of the statute. The Council can amend the law if it intended a different result. If you have any questions, please feel free to contact me.

ebl

cc: Norman D. Butts, Inspector General
Steven Silverman, County Council President
Charles W. Thompson, Jr., County Attorney

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¹ *State v. Pagano*, 341 Md. 129, 133 (1996).

² *Morris v. Prince George's County*, 319 Md. 597, 603 (1990).

³ *Kaczorowski v. Baltimore*, 309 Md. 505, 513 (1987).

⁴ *Privette v. State*, 320 Md. 738, 744 (1990) (quoting *In re Arnold M.*, 298 Md. 515, 520 (1984)).

⁵ *In re Mark M.*, 365 Md. 687, 711, 782 A.2d 332, 346 (2001).