

CALCASIEU PARISH REGISTRAR OF VOTERS



ADVISORY SERVICES REPORT  
ISSUED MARCH 13, 2013

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LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

March 13, 2013

Ms. Angela M. Quienalty, Registrar of Voters  
Calcasieu Parish  
1000 Ryan St., Suite 7  
Lake Charles, Louisiana 70601-5250

Dear Ms. Quienalty:

My Advisory Services staff visited the Calcasieu Parish Registrar of Voters Office to assess the propriety of certain complaints received by my office. My staff identified compliance and control deficiencies and we are providing recommendations for improvement.

The accompanying report presents our findings and recommendations as well as management's response. This is a public report. Copies of this report have been delivered to the Calcasieu Parish Police Jury, Louisiana Secretary of State, District Attorney for the Fourteenth Judicial District of Louisiana, Louisiana Board of Ethics, and others as required by law. If you have any questions, please call Mike Battle at 225-339-3800.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP/dl

CALCASIEU REGISTRAR OF VOTERS 2012

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## BACKGROUND AND METHODOLOGY

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The Louisiana Constitution<sup>1</sup> requires the governing authority of each Parish to appoint a Registrar of Voters (Registrar) who is subject to removal by the State Board of Election Supervisors under certain circumstances.<sup>2</sup> The Registrar is responsible for the registration of voters within its Parish and for the administration and enforcement of the laws and the rules and regulations of the Secretary of State relating to the registration of voters.<sup>3</sup> The Registrar's salary is set by law and paid by both the State and Parish governing authority.<sup>4</sup>

The Registrar in Calcasieu Parish is appointed by the Calcasieu Parish Police Jury. The Registrar's main office is located in Lake Charles and there are two additional offices, one in Moss Bluff and one in Sulphur. The expenses of the Calcasieu Registrar of Voters Office (ROV) are paid by the State and the Calcasieu Parish Police Jury, and both provide certain equipment to the Registrar.

Ms. Angela M. Quienalty serves as the Registrar in Calcasieu Parish (she has served in this position since 1995), and her staff consist of four full-time and several temporary employees. The Louisiana Legislative Auditor (LLA) initiated this assessment after receiving complaints regarding Ms. Quienalty and the operations of the ROV.

The procedures performed during this assessment included:

- (1) interviewing Ms. Quienalty (both in the presence of her attorney(s) and through her attorney);
- (2) interviewing ROV employees and other persons as appropriate;
- (3) examining selected documents and records of the ROV;
- (4) examining selected documents and records of the Calcasieu Parish Police Jury and Louisiana Secretary of State; and
- (5) reviewing applicable State laws and regulations.

## FINDINGS AND RECOMMENDATIONS

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We identified the following compliance and control deficiencies and have provided recommendations for improving the Calcasieu Registrar of Voters Office (ROV) operations.

### **Lack of Written Policies and Procedures**

**The ROV did not have a comprehensive set of written policies and procedures to guide all operations.** Written policies and procedures are necessary to provide a clear understanding of what should be done, how it should be done, who should do it, and when it should be done. In addition, written policies and procedures aid in the continuity of operations and for cross-training staff or training new staff.

The ROV did have some written policies regarding such areas as telephone usage, computer usage, and employee leave; however, these policies do not fully address critical areas. For example, the leave policy does not address the earning of sick and annual leave by employees. Also, these policies may confuse staff because of how they are documented. For example, one policy was referred to as “outlined recommendations and additions to office procedures,” another as “policy and procedure,” and yet another was referred to as a “policy statement.”

In addition, staff informed us that they refer at times to Parish and State policies and procedures for guidance. However, ROV policy documents do not provide clear guidance to staff as to which State and Parish policies and procedures are to be followed. Failure to have clear guidance could cause confusion with staff and cause supervisors to address similar situations inconsistently.

We identified the following issues which may have been prevented or alleviated had there been comprehensive and clear guidance, including what is acceptable/unacceptable behavior, regarding ROV operations:

- Ms. Quienalty’s time and attendance records were not being reviewed/approved (see finding, *Inadequate Controls over Time and Attendance Recordkeeping*).
- Ms. Quienalty and her staff did not consistently use time and attendance forms to document their attendance at work (see finding, *Inadequate Controls over Time and Attendance Recordkeeping*).
- Ms. Quienalty asked and allowed certain staff to perform her personal errands/tasks, some of which appear to have been done on the clock and without leave being recorded by staff (see finding, *Registrar’s Personal Business Performed During Work Hours*).

- The Parish-assigned vehicle used by Ms. Quienalty appears to have been used for unallowable personal purposes (see finding, *Inadequate Controls over Use of Parish Vehicle*).
- Fuel receipts were not maintained, and the odometer readings required to be entered at the fuel pump were inaccurately recorded or not recorded at all (see finding, *Inadequate Controls over Use of Parish Vehicle*).
- There was no clear guidance regarding mileage reimbursement to staff for use of their personal vehicles on ROV business.
- ROV staff did not have written job descriptions and the ROV did not have an organizational chart showing the relationships and ranks of the staff positions.

### Recommendations

Ms. Quienalty, as the Registrar, should develop, in accordance with applicable State and Parish guidelines, a comprehensive set of written policies and procedures to guide ROV operations. These written policies and procedures should be centrally located and easy to access by all ROV personnel.

ROV written policies and procedures should:

- (1) provide instructions for recording time and attendance, including documentation required, review and approval procedures, and procedures for submitting payroll documentation to the Calcasieu Parish Police Jury and Secretary of State;
- (2) prohibit personal errands/business from being conducted during business working hours without taking leave;
- (3) include an ethics policy that provides examples of what constitutes unethical behavior and the consequences if such behavior occurs; also, an annual certification letter should be signed by the Registrar and all staff attesting to their compliance with the ethics policy and State ethics laws;
- (4) identify the authorized users of the fuel card, documentation required, and provide for a formal review and approval process related to purchases made using the fuel card;
- (5) provide instruction regarding business travel and mileage reimbursement to ensure that all travel reimbursement requests are handled consistently by supervisors;
- (6) require the development of an organizational chart and written job descriptions so that staff have a clear understanding of their placement within the organization and their job duties and responsibilities; and
- (7) include a current copy of all State and Parish policies and procedures that apply to ROV operations.

## **Inadequate Controls over Time and Attendance Recordkeeping**

**The ROV did not have adequate controls in place to ensure that Ms. Quienalty and her staff were accurately accounting for time worked and leave taken.**

1. **There is no review/approval of the Registrar's time sheet.** No one in the ROV was conducting a review of Ms. Quienalty's biweekly time sheets and certifying their accuracy. Without review and approval of Ms. Quienalty's time sheet, the Calcasieu Parish Police Jury and Secretary of State have no independent assurance that the hours worked and leave taken that she reports to them are accurate and that payment is appropriate.

Staff informed us that before April 2012, Ms. Quienalty was not in the main office a full 40 hours per week. According to staff, Ms. Quienalty came in late, left early, and took extended lunch breaks. However, Ms. Quienalty indicated that she often works outside of the office by (1) answering telephone calls/emails at home from public officials and voters, including emails from voters who were in Japan and Brussels; (2) answering questions from people at the grocery store; and (3) conducting television and radio interviews. In addition, Ms. Quienalty informed us that she is in touch with her office even while not at her desk.

It should be noted that the ROV maintains offices in Moss Bluff, Sulphur, and Lake Charles. Staff informed us that the offices in Moss Bluff and Sulphur are not open every day throughout the year.

If Ms. Quienalty's time sheets had been reviewed by an independent source, some of these issues mentioned above may have been easily resolved. Without such review and attestation, uncertainty exists as to whether Ms. Quienalty was claiming time for hours not worked.

2. **The Registrar did not always ensure that time and attendance was documented properly.** For the payment of payroll, the Secretary of State requires all ROV employees to complete and submit a "Time Entry Sign-In Sheet," and the Calcasieu Parish Police Jury requires the completion of a "Biweekly Timesheet" and the "Summary Timesheet." In addition, it has been ROV practice for all employees to complete up to four internal forms when documenting time/attendance (i.e., In/Out time log, Time and Attendance Record form, Application for Leave form, and Overtime Justification form). Ms. Quienalty is responsible for reviewing and approving the time and attendance forms.

We reviewed the payroll documentation for three pay periods (January 22, 2012; February 5, 2012; and September 30, 2012) and noted the following deficiencies:

- Ms. Quienalty did not record her starting and ending work time in the In/Out time log.



- One staff member did not use the ROV's Overtime Justification form to document one hour of overtime worked in the pay period ending January 22, 2012.
- We noted that a leave slip for one employee indicated one hour of leave without pay, whereas Parish records indicated 2½ hours of leave without pay were taken for the pay period ending September 30, 2012.

### Recommendations

Ms. Quienalty should:

- (1) consult with the Calcasieu Parish Police Jury and Secretary of State to determine the most appropriate (independent) person to review and attest (in writing) to the accuracy of her (Registrar) time sheets and leave forms before they are submitted to the Calcasieu Parish Police Jury and Secretary of State;
- (2) reduce where possible, the number of documents that are required to be completed for recording time and attendance;
- (3) develop and implement comprehensive written policies and procedures to provide guidance for all time and attendance processes and ensure that she and her staff consistently follow them; and
- (4) consider additional methods/processes that will assist with her review responsibilities (e.g., secondary review by the Deputy Registrar).

### **Registrar's Personal Business Performed During Work Hours**

**Ms. Quienalty appears to have had her staff perform personal errands and activities for her during ROV working hours which may have violated State law and the Louisiana Constitution.**<sup>5</sup> Two ROV staff informed us that they were asked by Ms. Quienalty to perform her personal errands and activities on office time, and that they did so without using leave for the office time used to perform these activities. An additional staff member informed us that she (staff member) may have used lunch and break time to perform a personal errand, but was uncertain as to whether any "regular" clock time was used. We noted that Ms. Quienalty approves (in writing) the time sheets of her staff before submitting them to the Calcasieu Parish Police Jury and Secretary of State.

The following are personal errands and activities that staff informed us they have performed during ROV working hours at the request of Ms. Quienalty:

- Drove her son to work
- Decorated a restaurant for her son's graduation party

- Filed documents for her son at the local social security office
- Conducted legal research for her personal acquaintance
- Designed a gift for her personal acquaintance
- Designed invitations for her class reunion
- Researched Parish voter rolls and the Louisiana driver's license database (maintained by Department of Public Safety) to obtain personal contact information<sup>6</sup> of people who were delinquent in paying donations pledged to the Hobo Hotel organization (animal shelter)

Ms. Quienalty confirmed to us that her staff had performed all of these personal errands/activities for her with the exception of having staff research contact information related to supporters of the Hobo Hotel. Ms. Quienalty also indicated that a minimal amount of clock time was used to perform these errands.

During our exit meeting with Ms. Quienalty, she informed us that she used the voter rolls to research contact information related to supporters for the Hobo Hotel. She added that this took maybe 15 minutes. She stated that she never used the driver's license database for research related to the Hobo Hotel.

### Recommendations

Ms. Quienalty should:

- (1) stop requesting ROV employees to perform her personal errands/activities;
- (2) develop and implement a policy prohibiting personal business from being conducted on office time. The policy should provide for (a) a mechanism for employees to report violations to an independent source (e.g., Parish or State contact) and (b) appropriate disciplinary action(s) to be taken in the event of a violation of such policy;
- (3) ensure that she and her staff receive ethics training as required by State law<sup>7</sup>; and
- (4) ensure that the time and attendance records of all ROV employees accurately reflect the actual time worked (and leave taken) before submitting/filing the records with the Secretary of State and Parish.

## Inadequate Controls over Use of Parish Vehicle

Our assessment revealed the following:

1. **The Registrar appears to have used her Parish assigned vehicle (2008 Ford Explorer) for unallowable personal purposes.** Ms. Quienalty's written agreement with the Parish allows for commuting, including some minimal personal usage (e.g., "a stop for a personal errand on the way between the workplace... and the employee's home"). However, ROV staff informed us that Ms. Quienalty used the Parish vehicle for other personal purposes (e.g., to pick up her son in New Orleans). According to Ms. Quienalty, she only uses the vehicle for work. However, upon further questioning (in the presence of her attorneys) as to whether she ever used the vehicle in a personal manner that was not consistent with the Parish agreement, she informed us that she may have gone from home to the store or mall, but did not go to the casino or drive all over. According to the Parish Human Resources Supervisor, travel of this nature is not allowable under the Parish agreement--personal stops are only allowed during the work commute.
2. **Fuel records were incomplete and inaccurate.** We reviewed ROV records detailing the fuel charges from April 7, 2008, through October 18, 2012, and noted 34 instances (12% of the 292 fuel purchases reviewed during period) in which odometer readings were either inaccurately recorded at the pump or not recorded at all. In addition, we were informed by an attorney representing Ms. Quienalty that she does not maintain receipts for her fuel purchases.

Good controls over fuel purchases require that only the ROV vehicle is receiving fuel. To help accomplish this, it is important to maintain complete and accurate supporting documentation for fuel usage (receipts and monthly statements) and to promptly review this documentation for reasonableness and accuracy.

### Recommendations

Ms. Quienalty should:

- (1) strictly follow the vehicle agreement with the Parish and not use the vehicle for any unauthorized personal purposes;
- (2) ensure that odometer readings are always entered at the fuel pump and that the readings are accurate;
- (3) ensure that fuel receipts are maintained on all fuel purchases; and
- (4) designate staff to review the vendor's monthly fuel statements to ensure that accurate odometer readings were recorded and to review the dates of purchase, gallons purchased, miles traveled, and miles per gallon for reasonableness. The reviewer should also reconcile/agree the fuel statements to the fuel receipts. Any discrepancies should be researched and resolved immediately.

## Secretary of State’s Investigation of the Calcasieu Parish Registrar

The Legislative Auditor (LLA) requested that the Secretary of State (SOS) provide copies of all documentation related to any investigation or review of the Calcasieu Registrar of Voters. The LLA’s office received a letter from the Louisiana SOS’s office on May 29, 2012, informing the LLA of the results of an internal investigation it conducted regarding Angela Quienalty, Calcasieu Parish Registrar of Voters. The SOS determined that Ms. Quienalty recorded regular work hours and overtime hours for time not actually worked as follows:

### Regular Hours

SOS Elections Compliance Unit investigators (investigators) surveilled Ms. Quienalty on five work days during March and April of 2012. The investigators determined that the number of hours she was at work on four of those days was less than the number of work hours she recorded on her time sheets. See the following table for details.

Dates of Surveillance	Actual Hours Ms. Quienalty Was Observed at Work	Work Hours Recorded on Ms. Quienalty’s Time Sheets	Difference
1. March 27, 2012	6.50	10.00	3.50
2. April 3, 2012	5.00	7.00	2.00
3. April 4, 2012	5.00	7.00	2.00
4. April 12, 2012	5.75	6.00	0.25
5. April 14, 2012	0.00	0.00	0.00
<b>Total Hours</b>	<b>22.25</b>	<b>30.00</b>	<b>7.75</b>

On or before April 16, 2012, it appears that Ms. Quienalty became aware that she was being surveilled. On April 17 and April 18, Ms. Quienalty requested the SOS to increase her annual leave used on prior period time sheets by 4.50 hours (thus reducing the number of hours she previously claimed as being worked). Ms. Quienalty provided the following explanations in her request to the SOS: “*Omitted keying 3.5 LA when keying payroll for PP6*” and “*Omitted 1.0 hrs LA when keying payroll for PP8*”(note: the term “LA” refers to annual leave, and “PP6” and “PP8” refer to pay periods 6 and 8).

Overtime Hours

Subsequently on May 14, 2012, Ms. Quienalty also requested that 21 hours of overtime that she was previously paid for be removed and she would repay.

<b>Dates on Time Sheet</b>	<b>Overtime Hours Recorded on Ms. Quienalty's Time Sheet</b>	<b>Overtime Hours Requested to Be Removed and Repaid by Ms. Quienalty (on May 14, 2012)</b>
1. March 10, 2012	10.00	(10.00)
2. March 12, 2012	1.50	(1.50)
3. March 13, 2012	2.00	(2.00)
4. March 14, 2012	1.50	(1.50)
5. March 16, 2012	2.00	(2.00)
6. March 17, 2012	4.00	(4.00)
<b>Total Overtime Hours</b>	<b>21.00</b>	<b>(21.00)</b>

Ms. Quienalty provided the following comments in her request: *“Remove & repay overtime for early voting.”* The SOS reviewed this request and asked her to provide additional explanation. On May 16, 2012, Ms. Quienalty resubmitted her request with the following explanation: *“I was having serious personal issues going on at this time and did not document probably as I should have daily. I am requesting these overtime hours be removed and repaid as a cautious measure to remove any appearance of impropriety. Let the record reflect those hours. I am willing to donate whatever hours that were worked to the State.”*

On June 15, 2012, the LLA received a letter from Ms. Quienalty's attorney stating, in part, the following: *“In an effort to resolve any unintentional discrepancies, Ms. Quienalty is willing to immediately reimburse any disputed expenditures. She does this not out of recognition of wrongdoing but in an effort to maintain the integrity and honor of her office.”*

The SOS estimated that the payment of these 21 overtime hours to Ms. Quienalty was approximately \$981. As of the date of this report, we understand that this matter has not been resolved between the SOS and Ms. Quienalty.

In addition, we also noted that the SOS investigation stated that *“...during the surveillance...Ms. Quienalty used the parish vehicle for personal use on many occasions, including going to the grocery store and the AT&T Store, and that she transported family members in the parish vehicle.”*

## LEGAL PROVISIONS

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<sup>1</sup> **Article XI, Section 5 of the Louisiana Constitution of 1974** provides, in part, that the governing authority of each Parish shall appoint a Registrar of Voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law.

<sup>2</sup> **R.S. 18:53** provides, in part, that a registrar shall be subject to removal by the State Board of Election Supervisors for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent public conduct prejudicial to the administration of the laws relative to the registration of voters that brings the office into disrepute, or conviction of a felony.

<sup>3</sup> **R.S. 18:58** provides, in part, that subject to the direction of the Secretary of State and as provided by law, the registrar in each Parish shall be responsible for the registration of voters in the Parish he serves and for the administration and enforcement of the laws and the rules and regulations of the Secretary of State relating to the registration of such voters.

<sup>4</sup> **R.S. 18:55** provides, in part, that the annual salary of registrars of voters shall be based on the most recent population...the State portion of each salary shall be paid biweekly by the State through the Secretary of State, and the Parish portion of each salary shall be paid monthly by the Parish governing authority on the warrant of the respective registrars.

<sup>5</sup> **R.S. 42:1116** provides, in part, that no public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with anything of economic value.

**R.S. 14:134** provides, in part, that malfeasance in office is committed when any public officer or public employee shall: (1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; (2) Intentionally perform any such duty in an unlawful manner; or (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.

**R.S. 14:133** provides, in part, that filing false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, of any document containing a false statement or false representation of a material fact.

**R.S. 14:138** provides, in part, that public payroll fraud is committed when any person knowingly receives any payment or compensation for services not actually rendered by himself or for services grossly inadequate for the payment or compensation received or to be received according to such employment list or payroll. In addition, the statute provides that public payroll fraud is also committed when any public officer or public employee pays an employee with knowledge that the employee is receiving payment or compensation for services not actually rendered by the employee or for services grossly inadequate for such payment or compensation.

**Article VII, Section 14 of the Louisiana Constitution of 1974** generally provides that the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

<sup>6</sup> **18 U.S.C.A. Section 2721** provides restrictions for use of personal information about any individual in connection with a motor vehicle record. This federal law does allow for exceptions to the stated restrictions. The law states that this information may be used by “any government agency...in carrying out its functions.” The law further provides that information can be used “in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.” Finally, the law provides that

personal information can be used “for any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.” Sections 2722 - 2724 provide for criminal and civil fines and penalties related to the misuse of certain motor vehicle data.

<sup>7</sup> **R.S. 42:1170** provides, in part, that commencing on January 1, 2012, each non-elected public servant shall receive a minimum of one hour of education and training on the Code of Governmental Ethics during each year of his public employment or term of office, as the case may be.

## APPENDIX A

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### Management's Response



**SEXTON ~ HEBERT**  
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March 11, 2013

**VIA EMAIL ONLY**

Mr. Daryl Purpera  
Louisiana Legislative Auditor  
Post Office Box 94397  
Baton Rouge, Louisiana 70804-9397

Re: Registrar of Voters – Angie Quienalty

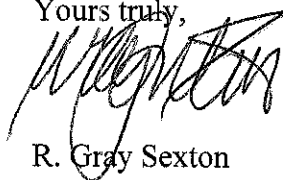
Dear Mr. Purpera:

Transmitted is the signed nine page “Comment by the Registrar of Voters of Calcasieu Parish on the Published Findings and Recommendations.”

In accord with my agreement with Mike Battle, please attach these nine pages to all publications of the Legislative Auditors’ “Findings and Recommendations” regarding the ROV.

With kindest personal regards, I am

Yours truly,



R. Gray Sexton

RGS:agd

Enclosure

cc: Mike Battle  
Eric Sloan  
Ron Richard  
Angie Quienalty

**Comment by the Registrar of Voters of Calcasieu Parish  
On the Published “Findings and Recommendations” of the  
Office of the Legislative Auditor**

In the spring of 2012, as the result of disciplinary action taken by the Registrar against a former employee of the Registrar of Voter’s Office (ROV), complaints were filed by the former employee with the Secretary of State and with the Legislative Auditor’s Office.

As a result of the actions taken by this former employee, an audit of the ROV was conducted by the Legislative Auditor and an inquiry by the Secretary of State.<sup>1</sup>

At the outset, it is noteworthy that – although the practices and procedures of the ROV have not been the subject of any prior comment or audit by any governmental agency (including particularly the Legislative Auditor, the Secretary of State and the Calcasieu Parish Police Jury) – the Registrar is nevertheless absolutely dedicated to continuing to maintain the highest standards of professionalism, to comporting with all applicable provisions of law, and to ensuring that the Office provides the highest quality of services to registrants and others in Calcasieu Parish and elsewhere.

To that extent, the “Recommendations” of the Legislative Auditor, as set forth periodically in the published “Findings and Recommendations,” will be, to the extent practicable, implemented by the ROV. It is the reasonable aspiration of the Registrar to balance the “record keeping” and the development and publishing of policies and procedures recommendations of the Legislative Auditor, with the overarching concern and intention of ensuring that the energy, personnel and resources of the ROV are used primarily for the statutorily mandated purpose of facilitating the registration of voters in Calcasieu Parish and

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<sup>1</sup> It is uncertain as to what – if any – authority the Secretary of State had to conduct the year-long “inquiry.” The ROV is a constitutional office, created by Article XI, §5 of the Louisiana Constitution. The statutorily created (18:49.1) “election compliance unit” is limited in its power to investigations of “election irregularities.” A-2

without impeding this goal with unnecessary and potentially burdensome policies and procedures.

The ROV is staffed by the Registrar and four permanent employees: three of these employees are state civil service employees and one is an employee of the Calcasieu Parish Police Jury. Part time and temporary employees are seasonally engaged and all or substantially all of these part time and temporary employees are employed through the Parish Police Jury.<sup>2</sup>

The Registrar maintains two offices on a continuing basis and a third office for early voting periods.<sup>3</sup>

The audit conducted by the Legislative Auditor, and the inquiry conducted by the Secretary of State, represent the first such audit and inquiry conducted of the Calcasieu Registrar of Voters' Office and, indeed, apparently represent the first audit and inquiry conducted of any Registrar of Voters' Office in Louisiana.

The initial inquiry by both the Legislative Auditor and the Secretary of State focused on a missing vacuum cleaner and on a missing plastic bin. Subsequent to the production of both of these two items, the inquiry shifted to an analysis of "policies and procedures," on "leave and attendance" record-keeping, and on record-keeping for use of a parish-owned vehicle.

Set forth below, *seriatim*, are comments regarding the Findings and Recommendations of the Legislative Auditor:

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<sup>2</sup> The manifest confusion by the Legislative Auditor over the ROV's maintenance of Leave records is due in large measure to the fact that Civil Service employees and the Police Jury employees are required to maintain entirely different records reporting leave and attendance.

<sup>3</sup> The absurd "reports" by the former employee (and others) that the Registrar was not "always in . . ." the office is best understood against the background that (1) the Registrar is responsible for more than one office and (2) is considered "on call" and is generally available at all reasonable times.

- “Lack of Written Policies and Procedures.”
  - “The Legislative Auditor acknowledges that the ROV had written policies regarding telephone usage, computer usage and employee leave. Given the consideration that there are but four full time employees in the Office, that three of them are state civil service employees who are required to follow the state civil service recordkeeping requirements, and the others are employees of the Calcasieu Parish Police Jury, who, in turn, are required to follow the recordkeeping requirements of the Calcasieu Parish Police Jury, it is impractical, unduly burdensome – and potentially unwise – to attempt to burden the Office with even additional written policies and procedures.
  - The staff did not “consistently” use the same time and attendance forms to document their attendance for the reasons that three of the employees are employees of the State Civil Service System, and therefore under the general authority and supervision of the Secretary of State who provides forms for leave and attendance, whereas other full time employees (and virtually all of the seasonal employees) were employees of the Calcasieu Parish Police Jury which, in turn, provided a separate and different system for accounting for time and attendance.
  - The use by Ms. Quienalty of the parish-owned vehicle is a matter under the supervision and jurisdiction of the Calcasieu Parish Police Jury. The use by the Registrar has not been the subject of prior comment and, to the contrary, use of the parish-owned vehicle has always comported with the published Guidelines and the reasonable expectations of the Parish Government.

- “Inadequate Controls Over Time and Attendance Recordkeeping”
  - The Registrar’s management of her personal leave and attendance records has been in strict conformance with the position of the Legislative Auditor as developed prior to its “audit” of the ROV. By correspondence of July 30, 1996, the Legislative Auditor informed the Commissioner of Elections in detail that it was impractical and unwise to attempt to have some other person reviewing the leave and attendance records of a Registrar of Voters and that the efforts by some to require the “approval of the time and attendance records of the Registrars does little to add to the controls surrounding the payroll function and that [there should be] a discontinuation of the approval signature on Registrar time sheets.”
  - This position by the Legislative Auditor has guided the ROV – and other ROVs throughout Louisiana – for more than 15 years. No explanation has been given by the current Legislative Auditor as to why it seeks to change the established policy of its office. And, it is disappointing that the Legislative Auditor has failed to include any mention – or indeed any reference – to its stated position as developed in the Legislative Auditor’s July 30, 1996 correspondence.
  - It is inappropriate for an employee under the supervision of the Registrar to “review and approve” the time and attendance records of the Registrar and it is impossible for an employee of the Police Jury who is not physically located in the Office of the ROV to attempt to “review and approve” the time and attendance records of the Registrar.
  - The Registrar is considered to be on duty continuously and has always been available before and after regular hours, in the evening and on weekends to other

governmental officials, to the general public and to potential voters. Her responsibility for managing two offices – and on occasion a third office – renders it impracticable – and unwise – for the Registrar to attempt to conduct all of her business from a single location. No one has ever suggested that the Registrar does not discharge all of her statutory and other responsibilities and duties nor has there ever been any suggestion that she was unavailable or did not respond to those seeking assistance from the ROV. As noted previously by the Legislative Auditor in its July 30, 1996 directive, ROVs “operate independently, and no one at the parish or state level would be aware of their daily activities.” It is for this reason particularly that the Legislative Auditor historically – until now at least – took the position that it was impracticable and unwise for either employees under the supervision of an ROV or some person with the Parish Police Jury to attempt to “verify” or “approve” leave and attendance records maintained by ROVs.

- The recording of time and attendance of the three civil service employees engaged by the Office was in accordance with the requirements and based on the utilization of forms prescribed by the Office of the Secretary of State; the employees of the Calcasieu Parish Police Jury have recorded their time and attendance on forms likewise prescribed by the Police Jury and in accordance with the regulations administered by the Police Jury.
- “Registrar’s Personal Business Performed During Work Hours”
  - Personal errands and activities on office time have been intermittent, occasional and inconsequential. Given the consideration that the Registrar is considered on duty both before and after regular office hours and on weekends and holidays, it

is impractical and unwise to proscribe the infrequent and intermittent use of “office time” for insignificant personal conduct. The nonconforming activities reported by the complainant involved ROV employees driving the Registrar’s son to work on two occasions, during breaks, voluntarily participating in decorating for a graduation party and occasionally assisting the Registrar with her support of the charitable and 501 C. (3) animal shelter.

- “Inadequate Controls Over Use of Parish Vehicle”
  - The Registrar’s use of the parish-owned vehicle has been in general compliance with the use standards provided by the Parish.
  - Maintenance of fuel records has been the responsibility of more than one person and any inconsistencies are of inconsequence.
- The Secretary of State’s Investigation
  - This section of the “Findings and Recommendations” was not included in either the original draft of the Findings and Recommendations or the second draft [dated January 29, 2013] and only appeared after counsel for the Registrar pointed out egregious mistakes and misrepresentations contained in the earlier drafts of the Legislative Auditor.
  - The Legislative Auditor was unable – or unwilling – to provide any explanation as to why the reference to the Secretary of State’s “investigation” was included in the final publication as it had not been in either of the earlier drafts (although apparently the Auditor had been in receipt of most of the investigation report of the Secretary of State since May 29, 2012).

- Nor was the Legislative Auditor able – or willing – to provide any explanation as to the authority by virtue of which the Secretary of State purported to “investigate” the Registrar.
- In all events, the Secretary of State’s investigation, following months of inquiry including surveillance and other covert activities, purports to record a 7.75 “difference” between hours recorded by the Registrar as having worked on time sheets and those corresponding periods that were “observed” by the investigative staff of the Secretary of State.
- The accuracy of the Secretary of State’s observations, recordings and reports is completely undermined by its misinterpretation of the events that unfolded on one of the five dates it reported the occurrence of this “difference,” that is, on March 27, 2012. In fact, on March 27, 2012, the Registrar was attending a meeting at the Calcasieu Parish voting machine warehouse and was participating in discharge of statutory duties of unsealing voting machines, verifying vote totals from the machines, determining valid provisional ballots from the Saturday election and counting ballots. There were four other members of the Board present during the course of the events in question. No explanation is given by the Secretary of State as to why it did not report that on March 27 the Registrar was involved in the described “offsite” essential governmental activity.
- The Secretary of State’s investigation also purports to record some 21 hours of overtime that may not have been documented in accordance with applicable record keeping requirements. Interestingly, the same report concedes that the Registrar “is willing to immediately reimburse any disputed expenditures. She



does this not out of recognition of wrongdoing but in an effort to maintain the integrity and honor of her office.” Regrettably, the Secretary of State failed to respond to the Registrar’s offer to resolve this matter and elected, instead, to include its scurrilous comments in the Legislative Auditor’s “audit.”

### **Summary**

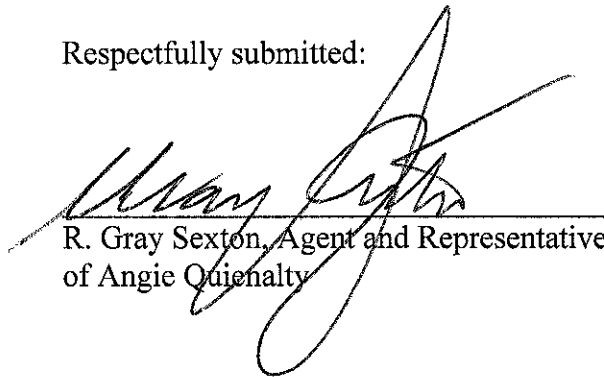
The significant resources expended by the Professional Review Committee of the Louisiana Registrar of Voters Association, the Legislative Auditor and by the Secretary of State that were initiated as the result of the complaint by the former employee spanned many months, was invasive and created a substantial impairment to the efficiency and morale of the Office.

This considerable expenditure of personnel, resources and time of both the Office of the Legislative Auditor and the Secretary of State might have been better utilized in reviewing the policies and practices of all Registrar of Voters, throughout Louisiana, as the “audit” conducted of the Calcasieu Parish Registrar of Voters apparently represents the first – and only – inquiry by either of these two agencies (or by any other agency) into the operations of Registrars of Voters. However, we maintain the correct legal position that the ROV is its own appointing authority, under the constitution, and sets its own policies and procedures.

Yet, and notwithstanding the intrusive and disruptive nature of these unwarranted “inquires” and “audits”, the Calcasieu Parish ROV achieved a highly successful and record breaking early voting turnout and, in due course, managed the equally successful election cycle involving the highest number of participating registered voters in the history of Calcasieu Parish.

The Calcasieu Parish Registrar of Voters' Office is conducted in accordance with the best practices and procedures presently used by Registrars throughout Louisiana.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "R. Gray Sexton", is written over a horizontal line. The signature is stylized and cursive.

R. Gray Sexton, Agent and Representative  
of Angie Quienalty

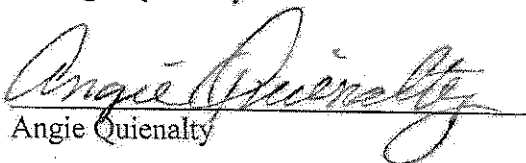
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Angie Quienalty

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Respectfully submitted:

R. Gray Sexton, Agent and Representative  
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Angie Quienalty