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March 18, 2021

Brent Kisling, Executive Director
Oklahoma Department of Commerce
900 N. Stiles
Oklahoma City, OK 73014

Dear Director Kisling:

The CDBG-DR staff in ODOC Community Development Services (ODOC/CDS) has reviewed the Internal Audit Report prepared by Arledge & Associates, P.C. for the quarter ending December 31, 2020.

ODOC/CDS concurs with the recommendations offered in the report and will continue to work with HUD to address and resolve any remaining issues.

Please let me know if you have any questions.

Sincerely,

Marshall Vogts

Cc: Stacie Willis
Celeste Washington
Earl Cook

OKLAHOMA DEPARTMENT OF
COMMERCE – CDBG-DR
INTERNAL AUDIT
FOR QUARTER ENDING
December 31, 2020



**OKLAHOMA DEPARTMENT OF COMMERCE
CDBG-DR INTERNAL AUDIT REPORT – December 31, 2020**

March 17, 2021

Brent Kisling, Executive Director
Oklahoma Department of Commerce
900 N. Stiles Ave
Oklahoma City, OK 73104

Mr. Kisling:

We are pleased to provide the attached Internal Audit Report for the period October 1, 2020 through December 31, 2020 with respect to the Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) program funding the Oklahoma Department of Commerce (ODOC) received.

Our services were performed in accordance with the Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants (AICPA). However, our services did not constitute an engagement to provide audit, compilation, review, or attestation services as described in the pronouncements on professional standards issued by the AICPA, and, therefore, we will not express an opinion or other form of assurance with respect to our services.

In addition, our services did not constitute an examination or compilation of prospective financial information in accordance with standards established by the AICPA. We did not provide any assurance regarding the outcome of any future audit or regulatory examination or other regulatory action; nor did we provide any legal advice regarding our services; the responsibility for all regulatory and legal issues with respect to these matters resides with ODOC. It is further understood that ODOC is responsible for, among other things, identifying and ensuring compliance with laws and regulations applicable to ODOC's financial statement activities.

This report is intended solely for the information and use of ODOC and is not intended to be, and should not be, used by any other party, with the exception of oversight agencies for the performance of their oversight responsibilities.

The accompanying pages of our report include an executive summary as well as detailed observations, recommendations, and management's responses. Although we have included management's responses to our findings and recommendations, we take no responsibility for their sufficiency or the effective implementation of any corrective action. We appreciate the cooperation received from management and staff of ODOC during the performance of this internal audit.

Sincerely,

Arledge & Associates, P.C.

Arledge & Associates, P.C.

Scope and Objectives of Our Services

The areas of focus for this internal audit included:

- Program policies and procedures
- Review and follow-up on the September 30, 2020 quarterly internal audit report
- CDBG-DR expenditures
- Review of project closeouts
- Review of HUD communications

In order to evaluate the internal controls in relation to CDBG-DR requirements, the following were reviewed along with the procedures noted below:

- CDBG-DR Action Plan (including revisions)
- Prior CDBG-DR Quarterly Reports
- CDBG-DR Monitoring Handbook
- OK CDBG-DR Policy and Procedure Manual Updated March 18, 2019
- CDBG-DR Monitoring Document
- DR Contracts to be Monitored
- Previous Internal Audit Reports

The objectives of our services were to obtain information and review selected accounting records as applicable to determine whether any recommendations are warranted regarding the design and the effectiveness of established internal control policies and procedures.

Program Policies and Procedures

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Conducted interviews with appropriate management and personnel to gain an understanding of the internal controls and processes surrounding the CDBG-DR program, focusing on any control or processes that have changed from the last quarter that was subjected to internal audit, quarter ending September 30, 2020, through the date of this report.
- Obtained and reviewed policy and procedure manuals and documents as noted in the Scope and Objectives section above, noting whether they appeared to set out appropriate policies and procedures in relation to HUD CDBG-DR and State of Oklahoma guidelines.
- Reviewed the ODOC CDBG-DR website <https://www.okcommerce.gov/reporting-compliance/cdbg-disaster-recovery/> to determine that policy and procedure documents are posted to the website for public transparency.
- Obtained and reviewed the HUD Monitoring Review Report dated July 7, 2020 and September 28, 2018.

Findings:

Based on our discussions with key ODOC CDBG-DR personnel, review of policy and procedure documents as listed above, review of ODOC CDBG-DR website and review of the July 7, 2020 HUD Monitoring Review Report, it appears as though ODOC has proper internal control policies and procedures in place related to the CDBG-DR program. It is further noted that ODOC appears to be properly posting their policy and procedure documents to a website open to the public to meet the transparency requirements.

Recommendations:

We have no recommendations at this time.

Review and Follow-up on September 30, 2020 Quarterly Internal Audit Report

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Obtained and reviewed the September 30, 2020 Quarterly Internal Audit Report noting the following open issues and/or recommendations:
 - ODOC had provided HUD with revised spreadsheets showing reclassifications between Administrative Activities to Project Activities as Delivery Costs. Pending final clean-up work and HUD approval in order to officially resolve the issue. HUD approved the revised spreadsheets on December 12, 2020. This matter is now closed.
 - ODOC should continue to work towards the resolution of items noted within the HUD Monitoring Review Report dated September 28, 2018 and July 7, 2020
- Discussed with key personnel and reviewed applicable support for the above noted open issues and/or recommendations.

Findings:

- ODOC has received a HUD Monitoring Report and Cover Letter on July 7, 2020 for the onsite monitoring performed by HUD during the week of September 23 – September 27, 2019. The letter contained the following findings and concerns:
 - HUD Finding #1: The State did not provide procurement requirements and guidance to its sub-recipients.
 - HUD Finding #2: ODOC did not ensure the sub-recipient Responsible Entities (REs) met the minimum due diligence to comply with toxics and contamination requirements of 24 CFR 58.5(i) (2) for single-family housing and public facility improvement projects. Nor did they ensure the REs met the toxics and contamination requirements for multifamily housing at 24 CFR 58.5(i) (2) (ii).
 - HUD Finding #3: ODOC failed to ensure REs provided source documentation to demonstrate compliance with 24 CFR Part 58.5 and 58.6 in their Environmental Review Reports (ERRs).
 - HUD Concern #1: The State's Infrastructure Program lacks adequate policies and procedures to ensure compliance and consistency with CDBG-DR requirements outlined in 78 FR 14329, as certified by the grantee.
 - HUD Concern #2: The ODOC should strengthen internal controls over federal grant awards management by obtaining the status of the recommended action items from the internal auditor's reports, Arledge & Associates, P.C.
 - HUD Concern #3: ODOC should strengthen internal controls over federal grant awards management by implementing a 15-day expenditure of funds rule in the CDBG-DR Management Guide (P&P Manual).
 - HUD Concern #4 (Environmental Review): ODOC did not ensure Responsible Entities (RE's) sent tribal consultation invitations to all tribes with interests in the project area.
 - HUD Concern #5 (Environmental Review): ODOC did not ensure sub-recipients provided proof of public notice and public comment when processing Requests for Release of Funds (HUD-7015.15 form) for some projects.
 - HUD Finding of May, 2018 #3: Grant funds are not properly categorized within the DRGR Action Plan.
 - HUD Finding of May, 2018 #5: Grantee has not met QPR submission deadline for the past quarters. QPRs are up to date. HUD is awaiting receipt of a grant management plan. The Finding is open.

- ODOC has responded to each of the HUD findings and concerns in a letter dated August 7, 2020.

Recommendations:

We recommend that ODOC continue to communicate with HUD regarding the voucher adjustment spreadsheets in order to ensure final resolution of the corrections in conjunction with the issuance of the September 28, 2018 monitoring report.

We also recommend that ODOC continue to communicate with HUD regarding the findings and concerns noted in the September 27, 2019 report.

CDBG-DR Expenditures

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Obtained and reviewed policies and procedures related to expenditures/procurement.
- Discussed expenditures with key ODOC CDBG-DR personnel.
- Reviewed a sample of expenditures

Findings:

- All expenditures tested appear to be appropriately supported and in compliance with the applicable policies and procedures as understood through our procedures performed as noted above.

Recommendations:

We have no recommendations at this time.

Project Closeouts

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Obtained a listing of projects closed out during the 4th quarter of 2020.
- Discussed project closeout policies and procedures with key ODOC CDBG-DR personnel.
- Utilized OKGrants system to review a sample of projects closed out during the 4th of Quarter of 2020.

Findings:

- All closeouts tested appeared to be appropriately supported and in compliance with the applicable policies and procedures as understood through our procedures performed above.

Recommendations:

We have no recommendations at this time.

HUD Communications

Procedures Performed:

To accomplish the stated objectives, we performed the following procedures:

- Obtained and reviewed the HUD Monitoring Review Reports dated July 7, 2020
- Obtained and reviewed ODOC's response to the HUD Monitoring Report.
- Obtained and reviewed ODOC's communications with HUD since the prior quarterly report as deemed appropriate.
- Inquired of management personnel regarding potential comments or resolution of prior comments resulting from the August and September 2019 monitoring visits performed by HUD.

Findings:

During our review of the HUD Monitoring Review Report dated July 7, 2020 we noted three findings and five concerns, along with two prior year findings not yet resolved by HUD. These were stated in the report as:

- Finding #1: The state did not provide procurement requirements and guidance to its subrecipients.
- Finding #2: ODOC did not ensure the subrecipient Responsible Entities (REs) met the minimum due diligence to comply with toxics and contamination requirements of 24 CFR 58.5(i)(2) for single-family housing and public facility improvement projects. Nor did they ensure the REs met the toxics and contamination requirements for multifamily housing at 24 CFR 58.5(i)(2)(ii).
- Finding #3: ODOC failed to ensure REs provided source documentation to demonstrate compliance with 24 CFR Part 58.5 and 58.6 in their ERRs.
- Concern #1: The states Infrastructure Program lacks adequate policies and procedures to ensure compliance and consistency with CDBG-DR requirements outlined in 78 FR 14329, as certified by the grantee.
- Concern #2: The ODOC should strengthen internal controls over federal grant awards management by obtaining the status of the recommended action items from the internal auditor's reports, Arledge & Associates, P.C.
- Concern #3: ODOC should strengthen internal controls over federal grant awards management by implementing a 15-day expenditure of funds rule in the CDBG-DR Management Guide (P&P Manual).
- Concern #4: ODOC did not ensure RE's sent tribal consultation invitations to all tribes with interest in the project area.
- Concern #5: ODOC did not ensure subrecipients provided proof of public notice and public comment when processing Requests for Release of Funds (HUD-7015.15 form) for some projects.

The HUD Monitoring Review Report dated September 28, 2018 related to HUD's monitoring visit May 21-25, 2018.

During our review of the HUD Summary Status letter dated July 17, 2019, regarding the current status of the findings noted in the September 28, 2018 Monitoring Review Report, we noted the inclusion of one recommendation originally reported in the OIG Audit Report 2016-FW-1010; State of Oklahoma Community Development Block Grant Disaster Recover, but not reflected in any correspondence since the OIG audit. The recommendation was stated in the letter as:

- **OIG Audit Finding Recommendation #1C:** HUD should require the State to review its documentation of compliance with procurement, contract, and environmental requirements for its subrecipients.

Our internal audit noted the following related to the above matters:

- As it relates to Finding #1, ODOC has procured the services of an external accounting firm, Arledge & Associates, P.C. to perform the internal audit function for the CDBG-DR program. Internal audit procedures are being performed on a quarterly basis. The internal audit and any related recommendations are being issued in report format and communicated directly to the Executive Director. Communication from HUD dated July 17, 2019 indicated the finding remains open pending acceptance of documentation submitted July 7, 2020, showing that the State is in compliance with 78 FR 14334.
- As it relates to Finding #2, we reviewed support from within the system showing the adjustments made. Based on discussions with ODOC personnel, cleanup is complete, and ODOC received word on August 17, 2020, from Celeste L. Washington, CPD Specialist at HUD that the finding is closed.
- As it relates to Finding #3, we obtained the letter from ODOC, dated January 25, 2019, as sent to Ms. Celeste L. Washington, CPD Specialist with HUD related to their progress on Finding #3. Per review of the correspondence and discussions with key ODOC personnel, it was noted that it appears ODOC has fully implemented their corrective action plan related to this finding. ODOC appears to have appropriately reclassified items previously listed as Administration under “Activity Type” in the DRGR system and have formally associated those in the DRGR system to match their respective project activities. Based on discussions with ODOC personnel, they are awaiting final clearance of the finding from HUD.
- As it relates to Finding #4, ODOC has worked with Deloitte & Touche, LLP and there is a new fully executed Addendum 2 to the contract addressing this finding. This addendum has also been uploaded on the ODOC CDBG-DR website. Communication from HUD dated July 17, 2019 indicated the finding remains open pending submission of documentation showing that the State is in compliance with 78 FR 14334. Final resolution is expected to be addressed by HUD.

During our work covering the quarter ending December 31, 2020, we noted the QPR for the quarter ended December 31, 2020 was submitted March 1, 2021 and was not yet approved.

- As it relates to the **OIG Audit Finding Recommendation #1C**, with respect to the State’s oversight function for sub-recipient compliance with procurement, contract, and environmental requirements, the State must submit documentation showing: 1) Compliance with Environmental Regulations at 24 CFR 58.6 and NFIP requirements for CDBG-DR funds; 2) Subrecipient procurement contracts contain the applicable federal contract provisions found at Appendix II to 2 CFR 200 to include violation or breach of contract, termination for cause, and compliance with the (1) Clean Air and Water and (2) Anti-Kickback Acts. As well as, record retention and other *Federal Register* Notice requirements; 3) The use of the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program constituted fair and open competition for the purchase of fire equipment; and 4) The subrecipients complied with the Oklahoma Statute, Title 11 Cities and Town provisions, for the purchase of fire equipment including the use of a purchasing intermediary and the dates of approval for use of a purchasing intermediary for each city/town which used the H-GAC Cooperative Purchasing Program. Final resolution is expected to be addressed by HUD.

Recommendations:

We recommend the following:

- In relation to Finding #1, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to demonstrate compliance with 78 FR 14334.
- In relation to Finding #3, we recommend that ODOC continue to maintain communication with the appropriate HUD representatives.

- In relation to Finding #4, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to demonstrate compliance with 78 FR 14334.
- In relation to OIG Audit Finding Recommendation #1C, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to address the concerns described above.

Summary Status of Recommendations

This internal audit report is presented in a narrative format that addresses the procedures performed and recommendations made in the previous quarters along with the results of procedures performed in the current quarter with any unresolved recommendations from the previous quarters and any new recommendations from the current quarter being presented together. As recommendations are resolved, they are noted as such in the applicable quarterly report and the associated recommendation is removed and no longer carried forward.

The following is a summary of all pending recommendations, by procedure area, not yet resolved as of December 31, 2020:

Review and Follow-up on September 30, 2020 Quarterly Internal Audit Report:

We recommend that ODOC continue to communicate with HUD regarding the items below.

HUD Communications:

We recommend the following:

- In relation to Finding #1, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to demonstrate compliance with 78 FR 14334.
- In relation to Finding #3, we recommend that ODOC continue to maintain communication with the appropriate HUD representatives.
- In relation to Finding #4, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to demonstrate compliance with 78 FR 14334.
- In relation to OIG Audit Finding Recommendation #1C, we recommend that ODOC continue to work with HUD representatives in order to submit the necessary information needed to address the concerns described above.

Unless noted above, all previous findings in previous reports by Arledge & Associates, PC have been resolved to our satisfaction.
