

## RESOLUTION NO. 492

### FORWARDING THE COUNTY'S EFFORTS TO RECOUP FUNDS FROM CAPITAL DISTRICT BEGINNINGS, INC. AND ACHIEVEMENTS, PLLC

Introduced: 12/3/12

By Mss. Benedict and Lockart:

WHEREAS, The New York State Comptroller's Office is auditing various service providers in the State of New York, including companies providing services to the County of Albany, and

WHEREAS, The Comptroller, by Report No. 2011-S-1 issued in June of 2012, determined that the costs reported by Capital District Beginnings, Inc. were misstated by \$831,244 and included \$462,748 in disallowed personal service costs, and

WHEREAS, The Comptroller, by Report No. 2011-S-18 issued in November of 2012 determined that the costs reported by Achievements, PLLC, included \$182,590 in improper claimed costs, including \$68,072 in disallowed personal expenses for goods and services not related to Achievements' educational programs, and

WHEREAS, Albany County currently has agreements with both Capital District Beginnings, Inc. and Achievements, PLLC, for early intervention and special education programs, and

WHEREAS, It appears Albany County has overpaid for the services provided by Capital District Beginnings, Inc. and Achievements, PLLC, because the rates paid by the County are based upon financial information provided by these companies to the State Education Department which, in turn, determines the rate the County must pay, and

WHEREAS, This Honorable Body has an obligation to the taxpayers of this County to recoup any funds inappropriately paid to companies contracting with the County, now, therefore, be it

RESOLVED, That the County Comptroller be, and hereby is, authorized to assign a member of its department to represent the County as its liaison with the New York State Comptroller's Office in the latter's efforts to recoup monies due to the County of Albany and similarly situated municipal entities who have contracted with Capital District Beginnings, Inc., and Achievements, PLLC, and, be it further

RESOLVED, That County Comptroller provide a report to this Legislature as to the recoupment of the monies due to the County, and, be it further

RESOLVED, That the County Attorney review the agreements with Capital District Beginnings, Inc., and Achievements, PLLC, and, if permitted by contract or law, withhold monies from the County's contractual payments to those companies in an amount adequate to cover our losses until such time that the New York State Comptroller concludes its investigation of the amount of monies due to the County, and, thereafter, withhold an equivalent amount from any monies due to the aforesaid companies, and, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Law Committee. 12/3/12*