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Vice Chair
Education, Health, and
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Joint Audit Committee
Joint Committee on Federal Relations

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

May 13, 2021

Hon. Peter Franchot
Comptroller of Maryland
301 West Preston Street
Baltimore, MD 21201

Dear Comptroller Franchot:

When 9-1-1 fails, people die. As you may know, I established Maryland's Next Generation 9-1-1 (NG911) Commission after [Rockville activist Carl Henn](#) died when 9-1-1 failed. Proper funding for adequate resources might have made the difference. The [NG911 Commission](#), created in 2018, is composed of 9-1-1 Center directors; technology and telecommunications industry representatives; cybersecurity professionals; a bipartisan group of legislators; and other stakeholders— facilitating Maryland's transition to Next Generation 9-1-1.

Prior to the Commission's efforts, 9-1-1 fees covered only 39.7% of the costs of running the 9-1-1 Centers in our 24 jurisdictions. Counties were forced to pull resources from schools, transportation, and social services to fund their public safety centers. "[Carl Henn's Law](#)," enacted in 2019, included an intricate adjustment to the 9-1-1 fee structure to address this shortfall. In order to ensure that the fees were being collected and remitted accurately, I [sponsored emergency legislation](#) in 2020 (with your support), requiring the State Comptroller to perform audits. Because your office already examines the telecommunications providers' sales tax receipts, it made sense to have your staff review 9-1-1 fees as well. This has been **mandated by law** since May 8, 2020-- over a year ago!

Last Fall, I learned that 9-1-1 audits were not being performed. The excuse offered was the [Governor's Executive Order](#) that restricted activities during the Coronavirus pandemic. After confirming with the Attorney General that your staff was not prohibited from performing their jobs, [I sent you a letter](#), co-signed by the other legislators serving on the NG911 Commission. The [November 4th response](#) from Deputy Comptroller Bonardi indicated that you would inform the Governor of your intent to begin auditing 9-1-1 fees 30 days later.

It is shocking and deeply disappointing that **more than six months later**, the [9-1-1 Board still has not received any data](#).

I convened the NG911 Commission last week for our 4th and final year. We have an ambitious agenda that will support the counties as they transition to Next Generation 9-1-1 in order to save lives. **Without your audits, we simply cannot complete our mission.**

As the State of Maryland continues to reopen, I cannot fathom what possible excuse you have for not conducting these vitally important, legally required audits. In fact, the Office of Legislative Audits has continued its oversight work remotely since March of 2020 without any problems. I urge you to take time away from the campaign trail to ensure that your taxpayer-paid employees are fulfilling these responsibilities. This matter deserves your immediate attention, and I await your personal explanation and further plan of action not later than May 20, 2021.

Respectfully,

Cheryl Kagan

Cheryl C. Kagan
Chair, Next Generation 9-1-1 Commission
Maryland State Senate

cc: Hon. Bill C. Ferguson, Senate President
Hon. Adrienne A. Jones, Speaker of the House of Delegates
Governor Larry Hogan
Attorney General Brian E. Frosh
Vice Chair Steve Souder, Next Generation 9-1-1 Commission
Members of the NG911 Commission
Executive Director Victoria Gruber, Department of Legislative Services
Gregory Hook, Legislative Auditor, Office of Legislative Audits
Michael Powell, Office of Program Evaluation & Government Accountability