

## 4.7 RESPONDING TO GOVERNMENT AUDITS AND INVESTIGATIONS

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### POLICY

This policy serves to advise staff on how to respond to government requests of audits and investigations. It is expected that in most instances, the investigator will not have provided advance notice of the visit and will not have a warrant. It is the policy of the association to assign to the Chief Executive Officer (CEO) the primary responsibility of responding to Federal or State investigators. The Chief Operating Officer (COO) and the Finance Director shall be the backup staff members assigned with this responsibility in the event that the investigator shows up when the CEO is not in the office or is unavailable. The CEO shall notify the Board President as soon as is possible to alert them of the situation.

### PROCEDURE

The Finance Director or other staff member who receives the initial request from a Federal or State investigator will call the CEO. Staff should not answer questions.

The CEO, COO or Finance Director should ask the investigator for ID and copy down the name of the investigator and the name of the regulatory agency. The staff member should ask the investigator to explain the purpose of the visit and should make careful notes of what the investigator says.

The CEO, COO or Finance Director should then explain to the investigator that it is the policy of the organization to consult with legal counsel regarding all investigations. The investigator could be asked to wait while the CEO, COO or Finance Director contacts legal counsel.

It is expected that legal counsel will advise the CEO, COO or Finance Director on how to respond. Some Federal and State regulatory agencies such as OSHA, have the power to make certain inspections and interview employees during normal working hours. Other regulatory agencies, do not have such powers unless they have obtained a Court ordered subpoena. Association counsel will advise on how to proceed once counsel knows the identity of the regulatory agency and the purpose of the visit.

There are certain rare instances where an investigator may show up with a subpoena and demand immediate access to books, records, employees and computers. IAFN is entitled to a copy of the subpoena before providing access. In such a situation, there usually will be a team investigators and their initial objective will be to gain access to the hard drives of computers. If the subpoena provides the right to immediate access, let them in and immediately call counsel for advice. Have the subpoena in hand when you call counsel.