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Code: Section:

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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15990.3] (Division 3 added by Stats. 1945, Ch. 111.)

PART 5. DEPARTMENT OF TRANSPORTATION [14000 - 14463] (Heading of Part 5 amended by Stats. 1972, Ch. 1253.)

CHAPTER 5. Department of Transportation independent Office of Audits and Investigations [14460 - 14463] (Chapter 5 added by Stats. 2017, Ch. 5, Sec. 5.)

14460. (a) There is hereby created in the department the Independent Office of Audits and Investigations to ensure all of the following:

(1) The department, and external entities that receive state and federal transportation funds from the department, are spending those funds efficiently, effectively, economically, and in compliance with applicable state and federal requirements. Those external entities include, but are not limited to, private for profit and nonprofit organizations, local transportation agencies, and other local agencies that receive transportation funds either through a contract with the department or through an agreement or grant administered by the department.

(2) The department's programs are functioning consistent with applicable accounting standards and practices and are administered effectively, efficiently, and economically.

(3) The department's management is accomplishing departmental priorities, developing an annual audit plan, administering an effective enterprise risk management program, and is making efficient, effective, and financially responsible transportation decisions.

(4) The Secretary of Transportation, the Legislature, the California Transportation Commission, and the director and chief deputy director of the department are fully informed concerning fraud, improper activities, or other serious abuses or deficiencies relating to the expenditure of transportation funds or administration of department programs and operations.

(b) The Governor shall appoint the director of the Audits and Investigations Office, who shall serve a six-year term, have the title of Inspector General, and be subject to Senate confirmation. The Inspector General may not be removed from office during that term, except for good cause. The reasons for removal of the Inspector General shall be stated in writing and shall include the basis for removal. The writing shall be sent to the Secretary of the Senate and the Chief Clerk of the Assembly at the time of the removal and shall be deemed to be a public document.

(c) The Inspector General is vested with the full authority to exercise all responsibility for maintaining a full scope, independent, and objective audit and investigation program, including, but not limited to, those activities described in Section 14461.

(d) In order to achieve independence and objectivity pursuant to this section, the Independent Office of Audits and Investigation shall meet all of the following requirements:

(1) The Inspector General shall report all audit and confidential investigation findings and recommendations made under the Inspector General's jurisdiction to the Secretary of Transportation and the director and chief deputy director of the department on an ongoing and current basis.

(2) The Inspector General shall report at least annually, or upon request, to the Governor, the Legislature, and the California Transportation Commission with a summary of the Inspector General's investigation and audit findings and recommendations. The summary shall be posted on the office's internet website and shall otherwise be made available to the public upon its release to the Governor, commission, and Legislature. The summary shall include, but need not be limited to, significant problems discovered by the Inspector General and whether the Inspector General's recommendations relative to audits and investigations

have been implemented by the affected units and programs of the department or affected external entities. The report shall be submitted to the Legislature in compliance with Section 9795.

(Amended by Stats. 2019, Ch. 32, Sec. 3. (SB 87) Effective June 27, 2019.)

14461. (a) The Inspector General shall review policies, practices, and procedures and conduct audits and investigations of activities involving state transportation funds administered by the department in consultation with all affected units and programs of the department and external entities.

(b) The Independent Office of Audits and Investigations shall have access and authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the department and external entities that receive state and federal transportation funds from the department. The Independent Office of Audits and Investigations may enter any public office or institution in this state and access, examine, and reproduce during regular business hours all records, files, documents, accounts, reports, vouchers, correspondence files, and all other records for any audit or investigation. Any officer or employee of any agency or entity having these records or property in their possession, under their control, or otherwise having access to them, shall permit access to, and examination and reproduction thereof, upon the request of the Inspector General or the Inspector General's authorized representative.

(Amended by Stats. 2019, Ch. 32, Sec. 4. (SB 87) Effective June 27, 2019.)

14462. (a) The Inspector General may gain access to confidential records or property that are obtained in connection with any audit, evaluation, investigation, or review conducted pursuant to Section 14461 unless a law specifically refers to and precludes the Inspector General from accessing, examining, and reproducing any record or property pursuant to Section 14461. Information or documents obtained in connection with any audit, evaluation, investigation, or review conducted by the Inspector General are subject to any limitations on release of the information or documents as may apply to an employee or officer of the department or external entity subject to this chapter that provided the information or documents. Providing confidential information pursuant to this section, including, but not limited to, confidential information that is subject to a privilege, shall not constitute a waiver of that privilege.

(b) For purposes of this section, "confidential records or property" means records or property that may lawfully be kept confidential as a result of a statutory or common law privilege or any other law.

(c) The Independent Office of Audits and Investigations shall not destroy any papers or memoranda used to support a completed audit sooner than three years after the audit report is released to the public. All books, papers, records, and correspondence of the office pertaining to its work are public records subject to Division 10 (commencing with Section 7920.000) of Title 1 and shall be filed at any of the regularly maintained offices of the Inspector General, except that none of the following items or papers of which these items are a part shall be released to the public by the Inspector General or the employees of the Inspector General:

(1) Personal papers and correspondence of any person providing assistance to the Inspector General when that person has requested in writing that their papers and correspondence be kept private and confidential. Those papers and correspondence shall become public records if the written request is withdrawn, or upon the order of the Inspector General.

(2) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed.

(3) Papers, correspondence, or memoranda pertaining to any audit that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit.

(4) Any survey of public employees that the Inspector General determines should be kept confidential to deter retaliation if the public employees respond to the survey.

(5) Any record of an investigation, including, but not limited to, all investigative files and work product, except that the Inspector General, whenever the Inspector General determines it necessary to serve the interests of the state, may issue a public report of an investigation that has substantiated an improper governmental activity, as defined in Section 8547.2, keeping confidential the identity of the employee or employees involved. The Inspector General may also release any findings or evidence supporting any findings resulting from an investigation conducted pursuant to this chapter whenever the Inspector General determines it necessary to serve the interests of the state.

(Amended by Stats. 2021, Ch. 615, Sec. 180. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

14463. It is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine, to do any of the following:

(a) Fail or refuse to permit the examination of, access to, or reproduction of the records, files, documents, accounts, reports, correspondence, cash drawers, or cash of their office by the Inspector General or in any way interfere with such examination conducted pursuant to this chapter.

(b) Interfere, intend to deceive or defraud, or obstruct the Inspector General in the performance of an audit, evaluation, investigation, or review pursuant to this chapter.

(c) Manipulate, correct, alter, or change records, documents, accounts, reports, or correspondence before or during any audit, evaluation, investigation, or review conducted pursuant to this chapter.

(d) Distribute, reproduce, release, or fail to safeguard confidential draft documents exchanged between the Inspector General and the entity subject to the audit, evaluation, investigation, or review conducted pursuant to this chapter before the release of the final report and without the Inspector General's express permission.

(Amended by Stats. 2020, Ch. 370, Sec. 144. (SB 1371) Effective January 1, 2021.)