

To: File
From: Rebecca Binstock, Executive Director
Date: October 12, 2023
Re: Phone Call with Representative Emily O'Brien

On October 12, 2023, I spoke with Representative Emily O'Brien on the phone from 10:19 AM to 11:21 AM. I contacted Rep. O'Brien regarding two issues: (1) legislative travel and (2) actions to be taken by the Legislative Audit and Fiscal Review Committee (LAFRC). Rep. O'Brien serves as the Chair of LAFRC. The conversation only briefly touched on legislative travel and I indicated we could discuss that at a later date.

I inquired of Rep. O'Brien about the recent investigation and resulting report that was completed by the MT DCI related to cost overruns of the project on the Burlington Avenue building and the deletion of email in the AG's office. Specifically, I was seeking information regarding when LAFRC would review the report and what she, as Chair of LAFRC, has communicated to Attorney General Wrigley regarding referral of the matter for criminal prosecution. At the beginning of the phone call, I shared the pending complaints pending complaints filed with the Ethics Commission related to the building cost overruns with Rep. O'Brien. I also shared that I would like to better understand the process LAFRC was taking to ensure we do not hinder any actions. Similarly, I shared that the Commission is continuing to investigate complaints related to the matter. After the

discussing what has happened to date, I specifically asked Rep. O'Brien if she was okay with the Commission proceeding with our investigation. She responded that she was okay with us proceeding and well understood the Commission has a duty to investigate.

During the conversation, Rep. O'Brien shared the following information with me:

- LAFRC would take up the MT DCI report at its next meeting.
- Rep. O'Brien has requested the supporting documents for the report from the AG's office and was denied with the AG's office citing the confidentiality of investigative materials.
- Rep. O'Brien has exchanged communication with AG Wrigley regarding the criminal referral: she specifically asked Wrigley to wait to refer the matter for criminal prosecution because LAFRC has not reviewed the report (and LAFRC was the entity that requested the AG's office conduct an investigation). It was implied this conversation happened after Wrigley has already told the public he would refer the matter.
- Rep. O'Brien believes the report did not provide much additional information and was not put together well. She has many questions still and would like to review the documents relied upon in the report. This lead to her requesting documents from the AG's office. Rep. O'Brien shared that she has a lot of questions regarding the report.

When asked what LAFRC would do with the report at its meeting, Rep. O'Brien did not have any specifics. She speculated that LAFRC may request the AG refer it to a State's

Attorney for criminal prosecution, but was not certain regarding that course of action at this time.

I reminded Rep. O'Brien that any information I shared regarding complaints was for the purposes of determining how to proceed with our investigation, is confidential, and cannot be shared. While I shared with Rep. O'Brien that there were pending complaints, I did not share the name of the respondent or the underlying issue.