

Livingston County Regulatory Compliance Plan

10/08/2025

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I. Reporting Potential Non-Compliance or Violations

There are multiple confidential options available for you, including anonymous options, to report potential non-compliance or suspected violations. Complete reporting procedures are included within this document. Below are the various contact methods to reach the Compliance Officer.

1. Confidential Reporting Methods

Christine Studioso, Compliance Officer

In person:

Mount Morris - 1 Murray Hill, Room 246
Geneseo - 6 Court Street, Room 302

By mail:

Compliance Officer
6 Court Street, Room 302
Geneseo, NY 14454

By phone: (585) 243-7447

By e-mail: Compliance@livingstoncountyny.gov

2. Anonymous Reporting Methods

By mail:

Compliance Officer
6 Court Street, Room 302
Geneseo, NY 14454

By phone (County Compliance Hotline):

(585) 243-7107
(877) 496-7113

II. Definitions

- 1) **Affected Individuals** - All individuals who are affected by Livingston County's risk areas including Livingston County employees working in the Center for Nursing and Rehabilitation, for a certified home health agency program, for a program providing services to individuals with developmental disabilities and their caregivers, with a department providing mental health services, a Medical Assistance program (Medicaid, Child Health Plus, Medicare Saving Programs, Elderly Pharmaceutical Insurance Coverage), the Board of Supervisors, the County Administrator, the Compliance Officer, Department Heads of the above departments/programs, and County employees with access to data and systems used by the above departments/programs. Additionally, contractors who fall into one of the below categories are also included:
 - a) Any independent contractor, contractor, subcontractor, or other person who, on behalf of the County, furnishes or otherwise authorizes the furnishing of Medicare and/or Medicaid healthcare items or services, or performs billing or coding functions;
 - b) Any independent contractor, contractor, subcontractor, or other person who provides administrative or consultative services, goods, or services that are significant and material, are directly related to healthcare provision, and/or are included in or are a necessary component of providing items or services reimbursed by Medicare, Medicaid, or another federally-funded healthcare program; or
 - c) Any independent, contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by the County.
- 2) **False Claim** - A claim for payment or reimbursement which is in whole or in part false or fraudulent.
- 3) **Office of the Medicaid Inspector General (OMIG)** - The independent office within the New York State Department of Health, created to promote and protect the integrity of the Medicaid program in New York State. OMIG works closely with the federal Centers for Medicare and Medicaid Services (CMS), the Office of the Inspector General (OIG), the New York State Attorney General's Medicaid Fraud Control Unit (MFCU), the Bureau of Narcotic Enforcement (BNE), and law enforcement and other state agencies. OMIG has the authority to pursue civil and administrative enforcement actions against any individual or entity that engages in fraud, abuse, illegal or inappropriate acts, or unacceptable practices.
- 4) **Overpayment** - A payment of an amount greater than required or permitted by law, regulation or agreement.
- 5) **Whistleblower** - An individual within an organization who discloses insider information of wrongdoing.

III. Introduction

Livingston County (the County) is committed to providing services of the highest quality and to being in full compliance with all Federal, State and local laws and regulations. As part of that commitment, the County has adopted this Compliance Plan and the County Ethics and Disclosure Law as the basis of its efforts in fostering an organizational culture that promotes responsible and honest conduct, transparency in all business transactions, and adherence to the laws and regulations of the government oversight agencies and funders.

Compliance Policy

It is the policy of Livingston County to comply with all applicable Federal, State, and local laws and regulations, and payer requirements. It is also the County's policy to facilitate the prevention of improper or illegal activities, to provide mechanisms to detect any violations of laws and regulations and work to prevent, detect, and investigate issues related to fraud, waste, and abuse.

Commitment

Livingston County is committed to its responsibility to conduct its business affairs with integrity based on sound ethical and moral standards. It will hold all County employees to these same standards.

Livingston County is committed to maintaining and measuring the effectiveness of its Compliance Program and the County Ethics and Disclosure Law through monitoring and auditing systems reasonably designed to detect noncompliance.

Livingston County is committed to the prevention of improper or illegal activities and to provide mechanisms to detect noncompliance, including but not limited to, any violations of laws and regulations, healthcare program requirements, the County Ethics and Disclosure Law and the County's policies and procedures. The County is committed to the prompt investigation and resolution of reported or detected noncompliance.

Livingston County is committed to the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in Federal and State statutes, regulations, and program requirements, including those specific to healthcare.

Responsibility

All County employees and Affected Individuals acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor, the County Administrator, or the Compliance Officer without fear of retaliation, retribution, or intimidation. Failure to report known noncompliance or making reports that are not in good faith may be grounds for disciplinary action, up to and including termination of employment, contract, assignment, or appointment. Reports related to sexual harassment, workplace violence, or other workplace-oriented personnel issues will be referred to the appropriate department or committee.

Non-Retaliation, Non-Intimidation, and Whistleblower Protections

Livingston County will not take any retaliatory action against an employee who, in good faith, reports actual or suspected noncompliance or illegal activities or for good faith participation in the Compliance Program. No retaliatory action will be taken against an employee if the employee discloses certain information about the County's policies, practices, or activities as described in this document. Protected disclosures are those that assert that the County is in violation of a law or regulation that creates a substantial and specific danger to public health and safety; or that constitute healthcare fraud under the law; or assert that the employee, in good faith, believes constitutes improper quality of care.

IV. Element 1: Policies, Procedures, and Ethics and Disclosure Law

To support the operation of the County's Compliance Program, policies and procedures are established to provide direction to employees and address the following components of the Compliance Plan. Examples include but are not limited to:

- Livingston County Ethics and Disclosure Law
- Reporting and investigation of noncompliance or failure to report
- Federal and New York State False Claims Act, and Whistleblower Protections
- Anti-Kickback Statute (*Affected Individuals only*)
- Billing errors, overpayments and self-disclosure (*Affected Individuals only*)

All employees are expected to be familiar with and knowledgeable about the above items. These and other policies and procedures can be accessed on the employee intranet.

The County Ethics and Disclosure Law serves as a foundational document that describes the County's fundamental principles and values, and commitment to conduct its business in an ethical manner. The Ethics and Disclosure Law provides guidance on requirements for conduct related to employment, contract, assignment or association with Livingston County.

When any person knows or reasonably suspects that the expectations in the Ethics and Disclosure Law or the Compliance Program have not been met, this must be reported. See the Reporting Procedure in Element 4 for additional details.

V. Element 2: Compliance Program Oversight

The Livingston County Board of Supervisors has appointed Christine Studioso as the Compliance Officer. The Compliance Officer has primary responsibility for Compliance Program development, implementation, monitoring, and evaluation for effectiveness.

Reporting Relationship

The Compliance Officer has direct lines of communication to the County Administrator, the County Board of Supervisors, the Compliance Committee, and the County's legal counsel.

Role and Responsibilities

The Compliance Officer's primary responsibilities include:

- Overseeing and monitoring the adoption, implementation, and maintenance of the Compliance Program, policies and procedures, and Ethics and Disclosure Law;
- Developing, implementing, and monitoring the annual Compliance Work Plan.
- Reviewing and revising the Ethics and Disclosure Law, the Compliance Program, and policies and procedures, as changes occur within the County, and/or in the law, regulations, or governmental and third-party payers.
- Reporting to the County Board of Supervisors, County Administrator, and Compliance Committee on the progress of adopting, implementing, and maintaining the Compliance Program.
- Assisting the County Administrator, the Compliance Committee, and County departments with establishing methods to improve the County's quality of service and to reduce vulnerability to fraud, abuse, and waste.
- Independently investigating and acting on matters related to compliance, including the flexibility to design and coordinate internal investigations (e.g., responding to reports of problems or suspected violations) and any resulting corrective action with all departments, providers, and sub-providers, agents, and, if appropriate, independent contractors.

In addition to the above duties, the Compliance Officer will also:

- Evaluate the effectiveness of the Compliance Program, policies and procedures, and Ethics and Disclosure Law.
- Oversee the annual statement of financial disclosure, as prescribed in the Ethics and Disclosure Law.
- Assist in development of a Compliance training program that focuses on the elements of the Compliance Program and seeks to ensure that all employees are knowledgeable of, and comply with, pertinent Federal and State standards and the County's Ethics and Disclosure Law, specific to their roles and departments.
- Monitor the County Compliance Hotline and respond appropriately.
- Conduct periodic risk assessments to identify potential areas of noncompliance with the Compliance Program.
- Provide guidance to Department Heads, medical/clinical program personnel, and individual departments regarding policies and procedures and governmental laws, rules, and regulations.
- Act as a resourceful leader regarding regulatory compliance issues. Actively seeking up-to-date material and releases regarding regulatory compliance issues.

The Structure, Duties, and Role of the Compliance Committee

The Compliance Committee is appointed by Compliance Officer, in coordination with the County Administrator, to advise and assist the Compliance Officer with the implementation of the Compliance Program. The Compliance

Committee is chaired by the Compliance Officer and provides reports to the County Administrator and the County Board of Supervisors.

The Compliance Committee will meet regularly, at minimum on a quarterly basis. Meeting minutes will be maintained by the Compliance Officer or his/her designee.

The Compliance Committee is responsible for the following:

- Coordinating with the Compliance Officer to ensure that the Compliance Program and written policies and procedures are current, accurate, and complete.
- Coordinating with the Compliance Officer to ensure communication and cooperation by employees on compliance-related issues, internal or external audits, or any other function or activity.
- Advocating for sufficient funding, staff, and resources to be allocated to the Compliance Officer to carry out duties related to the Compliance Program.
- Ensuring that the County has appropriate systems and policies in place that effectively identify risks, overpayments, and other areas of concerns including fraud, waste, and abuse.
- Reviewing and monitoring Compliance Program training and education to ensure that they are effective and completed in a timely manner.
- Ensuring the development and implementation of an annual Compliance Work Plan.
- Implementing corrective and preventative action plans and follow-up to determine effectiveness.

Delegation of Substantial Discretionary Authority

Any Affected Individual or prospective Affected Individual is required to disclose any name changes and any involvement in non-compliant activities including healthcare-related crimes. In addition to Department level background and licensure checks, determination of the exclusion status of Affected Individuals is checked against the New York State Office of the Medicaid Inspector General Exclusion List at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions> and the Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities at <http://exclusions.oig.hhs.gov/>

The following resources may be queried when conducting background and licensure checks:

- a) The System for Award Management (SAM) available on the SAM website at <https://www.sam.gov>
- b) Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants) at <http://www.health.state.ny.us/nysdoh/opmc/main.htm>
- c) New York State Department of Education (other licensed professionals) at <http://www.op.nysed.gov/opsearches.htm>

VI. Element 3: Education and Training

Expectations

Education and training are critical elements of the Compliance Program. All employees are expected to be familiar with and knowledgeable about the County's Compliance Program and have a solid working knowledge of their responsibilities under the Compliance Program. Compliance Program policies, procedures and Ethics and Disclosure Law will be communicated to employees through required participation in training programs.

Training Topics – General

All employees will participate in Compliance Program training on the topics identified below:

- Livingston County's Compliance Plan;
- Livingston County's Ethics and Disclosure Law;
- Federal and New York State False Claims Act, and Whistleblower Protections, including non-retaliation and non-intimidation; and
- The role and responsibilities of the Compliance Officer and the Compliance Committee, and communication channels (name of Compliance Officer, reporting mechanisms, anonymous reporting mechanism).

All Affected Individuals will also participate in trainings on the topics identified below:

- Anti-Kickback Statute; and
- Livingston County's expectations for reporting known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State healthcare laws and regulations; improper acts in the delivery or billing of services; and other wrongdoing and how the County responds to such reports including the investigation process and corrective actions.

The County will maintain a training plan and employees will complete the Compliance Program training annually. The training plan will, at a minimum, outline the subjects or topics for compliance training and education, the timing and frequency of the training, which employees or Affected Individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated. The Compliance training plan will be reviewed annually by the Compliance Officer and Compliance Committee, and updated as needed.

Training Topics – Targeted

In addition to the above Compliance Program training, targeted training will be provided to employees whose job responsibilities include activities related to specific identified risk areas, such as documentation of services, coding and billing procedures. Department in-service training will be documented and maintained by the Department Head, who will report the status of the training to the Compliance Committee.

New Employee Orientation

As part of his/her new employee orientation, each employee will receive a copy of the Compliance Plan and Ethics and Disclosure Law, and be provided access to the Compliance Program, and applicable policies and procedures.

Attendance

All education and training relating to the Compliance Plan is mandatory and will be verified by virtual or in-person attendance, and an acknowledgement by the employee indicating completion of the Compliance Plan training.

VII. Element 4: Lines of Confidential Communication

Expectations

Open lines of communication between the County's Department Heads, the Compliance Officer, and each employee subject to this Compliance Plan are essential to the success of the County's Compliance Program and commitment to comply with all applicable laws and regulations and the prevention of fraud, waste, and abuse in both government and healthcare settings.

All employees must report compliance concerns. Failure to report is deemed misconduct and a violation of this requirement. Every employee has an obligation to refuse to participate in any wrongful course of action and to report the actions according to the procedure listed below.

Reporting Procedure

If an employee witnesses, learns of, or is asked to participate in any activities that are potentially in violation of this Compliance Plan, the County Ethics and Disclosure Law, or any County policy or procedure, he/she should contact the Compliance Officer, immediate supervisor, his/her Department Head, or a member of the Compliance Committee. Any supervisor or Department Head receiving a report of a potential violation must promptly notify the Compliance Officer. If the suspected violation involves the Compliance Officer, the report should be made directly to the County Administrator or the Compliance Committee.

Confidential reports to the Compliance Officer may be made:

In person:

Mount Morris - 1 Murray Hill, Room 246
Geneseo - 6 Court Street, Room 302

By mail:

Compliance Officer
6 Court Street, Room 302
Geneseo, NY 14454

By phone: (585) 243-7447

By e-mail: Compliance@livingstoncountyny.gov

Anonymous reports to the Compliance Officer may be made:

By mail:

Compliance Officer
6 Court Street, Room 302
Geneseo, NY 14454

By phone (County Compliance Hotline):

(585) 243-7107
(877) 496-7113

The Compliance Officer will record the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Compliance Plan, County's Ethics and Disclosure Law, any compliance policy or procedure, the Compliance Officer will record the facts of the inquiry, along with the nature of the information sought and respond as appropriate.

Protections

Livingston County will protect the anonymity or identity of the employee who reports a compliance concern or raises a question about the County's Compliance Program and the County Ethics and Disclosure Law. Strict confidentiality regarding the reporting of compliance concerns will be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by Federal, State, or local law enforcement, or disclosure is required during a legal proceeding.

Policy of Non-Retaliation and Non-Intimidation

The County will not take any retaliatory action against an employee who, in good faith, reports a compliance concern, as defined by this Compliance Plan or for good faith participation in the Compliance Program, including but not limited to:

- Reporting potential issues;
- Investigating issues;
- Self-evaluations;
- Audits;
- Remedial actions; and
- Reporting to appropriate officials as provided in sections 740 and 741 of the New York State Labor Law.

Any threat of retribution, retaliation, or intimidation against a person who acts in good faith pursuant to his/her responsibilities under the Compliance Plan is acting against the County's Compliance Policy. Discipline, up to and including termination of employment, contract, appointment, or assignment, may result if such retribution, retaliation, or intimidation is proven.

Employees who believe they have been subject to retribution, retaliation, and/or intimidation for reporting a compliance concern or for good faith participation in the Compliance Program will report the actions to the Compliance Officer who will investigate the allegation.

Guidance

Any employee may seek guidance about the Compliance Plan or the County Ethics and Disclosure Law at any time by following the reporting mechanisms outlined above.

VIII. Element 5: Discipline and Enforcement of Compliance Standards

Disciplinary Action – General

Employees who fail to comply with the County’s Compliance Program and the County Ethics and Disclosure Law, or who, upon investigation, are found to have committed illegal or unethical acts or violations of applicable Federal and State laws and regulations, the Compliance Program, the County Ethics and Disclosure Law, or the County’s policies and procedures, may be subject to appropriate disciplinary action, up to and including termination of employment, contract, assignment, or appointment with the County.

When the determination is made that a compliance violation occurred involving a contractor or vendor of an Affected Individual, the Compliance Officer will notify the County Administrator, or his/her designee, and work collaboratively to determine and execute the appropriate corrective action.

The County will apply discipline consistent with any applicable collective bargaining agreement and HR guidelines, with final disciplinary decisions made by the Department Head, County Administrator, or his/her designee. Examples of the disciplinary action that may be taken in accordance with the nature and scope of the infraction include but are not limited to: verbal warning; written warning; retraining; reassignment or demotion; or termination of employment, contract, assignment, or appointment. The County will consider intentional or reckless behavior as being subject to more significant discipline.

The following actions may result in more significant disciplinary action:

- Authorization of or participation in actions that violate Federal or State laws, regulations, the Compliance Program, the County Ethics and Disclosure Law, or any related policies and procedures;
- Failure to comply with the County’s policies governing the prevention, detection, or reporting of fraud and abuse;
- Falsification of records;
- Submitting or causing to submit a false claim;
- Failure to report a violation by a peer or subordinate;
- Failure to cooperate in an investigation; and
- Retaliation/intimidation against an individual for reporting a possible violation or participating in an investigation.

The Livingston County Human Resources Department will maintain a written record of all disciplinary actions taken against employees related to non-compliance and violations, including verbal warnings, and will reference these records when necessary to ensure consistency in application of disciplinary measures. Any discipline will be appropriately documented in the employee’s file, along with a written statement of reason(s) for imposing such discipline. A report will be provided annually to the Compliance Committee and the Board regarding any related disciplinary actions taken.

Disciplinary Action – Supervisory

Department Heads, directors and supervisors may be disciplined for failure to adequately instruct their subordinates or failure to detect noncompliance with applicable policies and procedures and legal requirements when reasonable diligence on the part of the Department Head, director, or supervisor would have led to the earlier discovery of any problems or violations, and would have provided the County with the opportunity to correct the problem or violation.

IX. Element 6: Auditing and Monitoring

Internal Audits

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of the County's Compliance Program. An ongoing auditing and monitoring system, implemented by the Compliance Officer and in consultation with the Compliance Committee, is an integral component of the County's auditing and monitoring systems.

On an annual basis, the Compliance Officer, in conjunction with the Compliance Committee, will develop an internal audit plan based on an organizational risk assessment.

This ongoing auditing and monitoring may evaluate the following risk areas:

- Billings;
- Payments;
- Ordered services;
- Medical necessity;
- Quality of care;
- Governance;
- Mandatory reporting;
- Credentialing;
- Contractor, subcontractor, agent, or independent contract oversight;
- Review of documentation and billing relating to claims made to Federal, State, and third-party payers for reimbursement; and
- Compliance training and education.

The audits and reviews will examine the County's compliance with specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and record reviews.

Results of all auditing and monitoring activities will be reported to the Compliance Committee and the County Board of Supervisors.

Compliance Plan Integrity

Additional steps to ensure the integrity of the Compliance Plan will include:

- The Compliance Officer will be notified in the event of any visits, audits, investigations, or surveys by any Federal or State agency or authority over an Affected Individual's department, and will receive a copy of any correspondence from any regulatory agency charged with licensing the County and/or administering a Federally or State-funded program or County-funded program with which the County participates. For visits, audits, investigations, or surveys involving County departments with non-Affected Individuals, the Department Head is not required to notify the Compliance Officer, but may request Compliance support, if needed.
- Establishment of a process detailing ongoing notification by the Compliance Officer to all appropriate personnel of any changes in laws, regulations, or policies, as well as appropriate training to assure continuous compliance.

X. Element 7: Response to Compliance Issues

Violation Detection

Livingston County maintains a formal confidential and anonymous compliance reporting process to encourage the reporting of any compliance concerns. Employees must promptly report any compliance concerns to the Compliance Officer, their immediate supervisor, a Department Head, or a member of the Compliance Committee. Service recipients, vendors, and any party conducting business with the County may report compliance concerns to the Compliance Officer through the confidential or anonymous reporting process.

As part of its Compliance Program, the County will ensure that all reports of compliance concerns are immediately and objectively investigated and resolved promptly. Such investigations may be conducted by the Compliance Officer, members of the Compliance Committee, other employees or external parties as indicated or recommended by the Compliance Officer, the County Administrator, or legal counsel.

The Compliance Officer will take immediate measures to secure relevant evidence or documentation and will ensure the confidentiality of any information obtained from a report, interview or through an investigation, unless otherwise required by law.

Unless a potential conflict of interest exists, the Compliance Officer will inform the County Administrator of any pending investigations. The Compliance Officer or County Administrator will arrange to retain legal counsel, as deemed appropriate.

Reporting

The results of an investigation and remedial actions will be communicated confidentially to the County Administrator, members of the County Board of Supervisors, and other employees based on a need-to-know basis. The Compliance Officer will report to the Compliance Committee regarding each investigation conducted, unless conducted under attorney privilege.

At the conclusion of an investigation involving legal counsel, counsel will issue a report to the Compliance Officer, County Administrator, and Compliance Committee summarizing his/her findings, conclusions, and recommendations and will render an opinion as to whether a violation of the law has occurred. The report will be reviewed with legal counsel in attendance. Any additional action will be on the advice of counsel.

Rectification

If the Compliance Officer, in consultation with legal counsel, identifies credible evidence or credibly believes that a State or Federal law, rule, or regulation has been violated, the Compliance Officer will promptly report such violation to the appropriate governmental entity, where such reporting is otherwise required by law, rule, or regulation.

If the County identifies that an overpayment was received from any third-party payer, the appropriate regulatory (funder) and/or prosecutorial (attorney general/police) authority will be appropriately notified with the advice and assistance of counsel.

It is the County's policy to not retain any funds received from overpayments. Overpayments will be reported and refunded to Medicaid and Medicare in accordance with the appropriate self-disclosure protocols and any required time frames.

In instances where it appears that an affirmative fraud may have occurred, appropriate amounts will be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems will also be put in place to prevent such overpayments in the future.

Recordkeeping

Regardless of whether a report is made to a governmental agency, the Compliance Officer will maintain a record of the investigation, including copies of all pertinent documentation. The Compliance Officer will organize the information so that the County can determine if an issue of noncompliance occurred. The Compliance Officer will securely maintain all notes of any interviews, and all evidence and review of documents as part of the investigation file. This record will be considered confidential and not released without the approval of the County Administrator or legal counsel.