

**REPORT OF THE AUDIT OF THE
FORMER LETCHER COUNTY
SHERIFF**

**For The Year Ended
December 31, 2017**



**MIKE HARMON
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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Terry Adams, Letcher County Judge/Executive
The Honorable Danny Webb, Former Letcher County Sheriff
The Honorable Mickey Stines, Letcher County Sheriff
Members of the Letcher County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the accompanying Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the former Sheriff of Letcher County, Kentucky, for the year ended December 31, 2017, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Guide for County Fee Officials* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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The Honorable Danny Webb, Former Letcher County Sheriff
The Honorable Mickey Stines, Letcher County Sheriff
Members of the Letcher County Fiscal Court

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statement, the financial statement is prepared by the former Letcher County Sheriff on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the former Letcher County Sheriff, as of December 31, 2017, or changes in financial position or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the former Letcher County Sheriff for the year ended December 31, 2017, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated May 8, 2019, on our consideration of the former Letcher County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the former Letcher County Sheriff's internal control over financial reporting and compliance.

The Honorable Terry Adams, Letcher County Judge/Executive
The Honorable Danny Webb, Former Letcher County Sheriff
The Honorable Mickey Stines, Letcher County Sheriff
Members of the Letcher County Fiscal Court

Other Reporting Required by *Government Auditing Standards* (Continued)

Based on the results of our audit, we have presented the accompanying Schedule of Findings and Responses, included herein, which discusses the following report comments:

- 2017-001 The Former Sheriff's 2011 Fee Account Has A Deficit Of \$23,004 That Has Not Been Settled
- 2017-002 The Former Sheriff Has Not Settled His 2012 Fee Account
- 2017-003 The Former Sheriff Did Not Deposit Personal Funds To The Drug Fund For Disallowed Disbursements
- 2017-004 The Former Sheriff Did Not Deposit Federal Forfeiture Funds In A Separate Account
- 2017-005 The Former Sheriff Did Not Make Daily Deposits
- 2017-006 The Former Sheriff's Office Lacked Adequate Internal Controls Over Payroll Disbursements And Reconciliations
- 2017-007 The Former Sheriff Was Underpaid His Statutory Maximum for Calendar Year 2017
- 2017-008 The Former Sheriff's Office Lacked Adequate Segregation Of Duties

Respectfully submitted,



Mike Harmon
Auditor of Public Accounts

May 8, 2019

LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2017

Receipts

State - Kentucky Law Enforcement Foundation Program Fund (KLEFPF)	\$	16,697
State Fees For Services:		
Finance and Administration Cabinet	\$	36,645
Sheriff Security Service		<u>4,823</u>
		41,468
Circuit Court Clerk:		
Fines and Fees Collected		1,030
Board of Education - School Resource Officer		48,783
County Clerk - Delinquent Taxes		67,410
Commission On Taxes Collected		345,569
Fees Collected For Services:		
Add-On Fees	33,586	
Auto Inspections	2,974	
Accident and Police Reports	203	
Serving Papers	28,300	
Fingerprints	740	
Carry Concealed Deadly Weapon Permits	6,075	
Copy Fees	245	
Sheriff Bond	102	
Juror Expense	370	
Transport Prisoners	4,019	
Miscellaneous	<u>671</u>	77,285
Other:		
Estates		455
Interest Earned		135
Borrowed Money:		
State Advancement		<u>110,000</u>
Total Receipts		708,832

The accompanying notes are an integral part of this financial statement.

LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
For The Year Ended December 31, 2017
(Continued)

Disbursements

Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Gross Salaries	\$	65,156
Court Security		39,900
Office Gross Salaries		69,362
KLEFPF		14,369
School Resource Officer		34,198

Employee Benefits-

Employer's Share Social Security		23,763
Employer's Share Retirement		87,214
Employer Paid Health Insurance		35,087
Unemployment Insurance		4,659

Contracted Services-

Accounting Service		2,847
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Materials and Supplies-

Office Materials and Supplies		7,119
Uniforms		1,355

Auto Expense-

Gasoline		16,652
Maintenance and Repairs		14,921

Other Charges-

Dues		645
Postage		9,521
Bond		5,515
Carry Concealed Deadly Weapons		295
Phone/TV		11,250
Transport Prisoners		1,000
Property Tax Expense		966
Juror Expense		502
Computer Software		3,650
Training		2,997
Radios		1,140
Miscellaneous		947

Capital Outlay-

Vehicles		<u>13,500</u>	\$	468,530
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Debt Service:

State Advancement				<u>110,000</u>
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Total Disbursements

\$ 578,530

The accompanying notes are an integral part of this financial statement.

LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
For The Year Ended December 31, 2017
(Continued)

Net Receipts	\$ 130,302
Less: Statutory Maximum*	<u>91,163</u>
Excess Fees	39,139
Less: Training Incentive Benefit	<u>4,052</u>
Excess Fees Due County for 2017	35,087
Payment to Fiscal Court - January 30, 2018	<u>35,000</u>
Balance Due Fiscal Court at Completion of Audit	<u>\$ 87</u>

* The former sheriff's statutory maximum for calendar year 2017 was \$91,163 as noted above. The former sheriff received \$89,360 in salary for calendar year 2017 and is due the additional statutory maximum of \$1,803.

LETCHER COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2017

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the sheriff as determined by the audit. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement with the fiscal court on or before September 1 of each year. KRS 64.830 requires an outgoing sheriff to settle excess fees with the fiscal court of his county by March 15 immediately following the expiration of his term of office.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Under this regulatory basis of accounting, receipts and disbursements are generally recognized when cash is received or disbursed, with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2017 services
- Reimbursements for 2017 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2017

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the county treasurer in the subsequent year.

C. Cash and Investments

KRS 66.480 authorizes the sheriff's office to invest in obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System and Other Post-Employment Benefits

The county official and employees have elected to participate, pursuant to KRS 78.530, in the County Employees Retirement System (CERS), which is administered by the Board of Trustees of the Kentucky Retirement Systems (KRS). This is a cost-sharing, multiple-employer, defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members. Benefit contributions and provisions are established by statute.

LETCHER COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2017
(Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits (Continued)

The former sheriff's contribution for calendar year 2015 was \$55,518, calendar year 2016 was \$100,959, and calendar year 2017 was \$87,214.

Nonhazardous

Nonhazardous covered employees are required to contribute five percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008, are required to contribute six percent of their salary to be allocated as follows: five percent will go to the member's account and one percent will go to the KRS insurance fund.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Nonhazardous members contribute five percent of their annual creditable compensation and one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the Board based on an actuarial valuation. The employer contributes a set percentage of the member's salary. Each month, when employer contributions are received, an employer pay credit is deposited to the member's account. A member's account is credited with a four percent employer pay credit. The employer pay credit represents a portion of the employer contribution.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008, must meet the rule of 87 (member's age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

The county's contribution rate for nonhazardous employees was 18.68 percent for the first six months and 19.18 percent for the last six months.

Hazardous

Hazardous covered employees are required to contribute eight percent of their salary to the plan. Hazardous covered employees who begin participation on or after September 1, 2008, are required to contribute nine percent of their salary to be allocated as follows: eight percent will go to the member's account and one percent will go to the KRS insurance fund.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Hazardous members contribute eight percent of their annual creditable compensation and one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the Board based on an actuarial valuation. The employer contributes a set percentage of the member's salary. Each month, when employer contributions are received, an employer pay credit is deposited to the member's account. A hazardous member's account is credited with a seven and one-half percent employer pay credit. The employer pay credit represents a portion of the employer contribution.

LETCHER COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2017
 (Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits (Continued)

Hazardous (Continued)

Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55. For hazardous employees who begin participation on or after September 1, 2008, aspects of benefits include retirement after 25 years of service or the member is age 60, with a minimum of 60 months of service credit.

The county's contribution rate for hazardous employees was 31.06 percent for the first six months and 31.55 percent for the last six months.

Health Insurance Coverage

CERS also provides post-retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

Years of Service	% Paid by Insurance Fund	% Paid by Member through Payroll Deduction
20 or more	100%	0%
15-19	75%	25%
10-14	50%	50%
4-9	25%	75%
Less than 4	0%	100%

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003, earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. This dollar amount is subject to adjustment annually based on the retiree cost of living adjustment, which is updated annually due to changes in the Consumer Price Index.

Hazardous employees whose participation began on or after July 1, 2003, earn 15 dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. Upon the death of a hazardous employee, the employee's spouse receives ten dollars per month for insurance benefits for each year of the deceased employee's hazardous service. This dollar amount is subject to adjustment annually based on the retiree cost of living adjustment, which is updated annually due to changes in the Consumer Price Index.

KRS issues a publicly available annual financial report that includes financial statements and required supplementary information on CERS. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

LETCHER COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2017
(Continued)

Note 3. Deposits

The former Letcher County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240, the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the sheriff's deposits may not be returned. The former Letcher County Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 66.480(1)(d) and KRS 41.240. As of December 31, 2017, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Kentucky Law Enforcement Foundation Program Fund (KLEFPF)

The former Letcher County Sheriff's office was awarded a grant under the Kentucky Law Enforcement Foundation Program Fund from the Commonwealth of Kentucky Department of Criminal Justice Training. Under the program, eligible officers received up to \$3,100 annually as provided in KRS 15.460. During the calendar year ended December 31, 2017, the former Letcher County Sheriff's office received \$16,697.

Note 5. Drug Forfeiture Account

The former Letcher County Sheriff had a drug forfeiture account with a beginning balance of \$8,502. The former sheriff received funds of \$505 and disbursed \$8,459 during calendar year 2017. The cash balance at December 31, 2017 was \$548.

Note 6. Donation Account

The former Letcher County Sheriff has a donation account with a beginning balance of \$843. The former sheriff disbursed funds \$843 during calendar year 2017. The cash balance at December 31, 2017 was \$0.

Note 7. Escrow Account

The former Sheriff's office had an escrow account for outdated outstanding checks which did not clear the bank. The beginning balance was \$1,743. Additional escrow funds of \$230 were deposited and interest of \$2 was earned. The cash balance of December 31, 2017 is \$1,975. The unclaimed escrow monies will need to be paid to the Kentucky State Treasurer after three years.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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The Honorable Danny Webb, Former Letcher County Sheriff
The Honorable Mickey Stines, Letcher County Sheriff
Members of the Letcher County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With *Government Auditing Standards*

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the former Letcher County Sheriff for the year ended December 31, 2017, and the related notes to the financial statement and have issued our report thereon dated May 8, 2019. The former Letcher County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statement, we considered the former Letcher County Sheriff's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the former Letcher County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Letcher County Sheriff's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control that we consider to be material weaknesses and another deficiency that we consider to be a significant deficiency.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying Schedule of Findings and Responses as items 2017-001, 2017-002, 2017-005 and 2017-008 to be material weaknesses.

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Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With *Government Auditing Standards*
(Continued)

Internal Control over Financial Reporting (Continued)

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiency described in the accompanying Schedule of Findings and Responses as item 2017-006 to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the former Letcher County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying Schedule of Findings and Responses as items 2017-001, 2017-002, 2017-003, 2017-004, 2017-005 and 2017-007.

Views of Responsible Official and Planned Corrective Action

The former Letcher County Sheriff's views and planned corrective action for the findings identified in our audit are described in the accompanying Schedule of Findings and Responses. The former Letcher County Sheriff's responses were not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,



Mike Harmon
Auditor of Public Accounts

May 8, 2019

SCHEDULE OF FINDINGS AND RESPONSES

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LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2017

FINANCIAL STATEMENT FINDINGS:

2017-001 The Former Sheriff's 2011 Fee Account Has A Deficit Of \$23,004 That Has Not Been Settled

This is a repeat finding and was reported in the prior year audit report as finding 2016-005. The former sheriff's deficit for the 2011 fee account has not been resolved. The deficit is personally due from the former sheriff and has not been paid. Good internal controls dictate that all receivables and liabilities are settled for each fee year when an official makes their annual settlement with the fiscal court. By not doing so, the former sheriff is denying the fiscal court excess fees. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement. We recommend the former sheriff open an escrow account and deposit \$3,720 receivable due from the payroll account and personal funds of \$23,004 to cover the deficit in the 2011 fee account. The liabilities will need to be paid once all funds are deposited, which include \$16,302 due to the 2012 fee account and \$10,422 excess fees due to the fiscal court. This finding will be referred to the Letcher County Attorney.

Former Sheriff's Response: The sheriff did not provide a response.

2017-002 The Former Sheriff Has Not Settled His 2012 Fee Account

This is a repeat finding and was reported in the prior year audit report as finding 2016-006. The former sheriff's 2012 fee account has not been settled and excess fees due to the fiscal court total \$26,163. The 2012 fee account balance was \$11,485, received \$8 interest, and had an outstanding liability of \$1,968 due to the 2012 tax account that has been paid. The former sheriff made a partial payment of \$9,525 to the fiscal court for 2012 excess fees due, which included interest of \$8 earned since the prior year. The 2012 fee account was closed. The 2012 fee account has a receivable due from the 2011 fee account of \$16,302. In addition, \$344 is due from the 2013 fee account. The former sheriff has not personally deposited funds to the 2011 fee account to cover the deficit in order to have funds available to settle the 2012 fee account. When these funds are received, \$16,646 is due to the fiscal court for the balance of excess fees. Good internal controls dictate that all receivables and liabilities are settled for each fee year when an official makes their annual settlement with the fiscal court. By not doing so, the former sheriff is denying the fiscal court excess fees. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement. We recommend the former sheriff deposit personal funds to cover the deficit in the 2011 fee account and transfer \$16,302 to an escrow account for 2012 fees. In addition, \$344 is due from the 2013 fee account. Once all funds are deposited to the 2012 escrow account, we also recommend the former sheriff pay \$16,646 excess fees due to the fiscal court for the calendar year ended December 31, 2012.

Former Sheriff's Response: The sheriff did not provide a response.

LETCHER COUNTY
 DANNY WEBB, FORMER SHERIFF
 SCHEDULE OF FINDINGS AND RESPONSES
 For The Year Ended December 31, 2017

FINANCIAL STATEMENT FINDINGS: (Continued)

2017-003 The Former Sheriff Did Not Deposit Personal Funds To The Drug Fund For Disallowed Disbursements

This is a repeat finding and was included in the prior year audit report as finding 2016-003. The former sheriff paid \$111 in late fees to PNC bank from the drug account. In addition, the former sheriff's prior year audit report recommended the former sheriff deposit personal funds of \$1,466 for disallowed disbursements made from the drug forfeiture fund account for calendar year ended December 31, 2014. The former sheriff paid \$111 disallowed late fees for a vehicle lease. The drug fund disbursements are to be used for direct law enforcement purposes. In a prior year, the former sheriff's office purchased books totaling \$1,402 that included the sheriff's name from the drug forfeiture account. In addition, \$44 was spent for coffee supplies. The former sheriff stated that his name being on the books was an error made by the company they have used for many years. The former sheriff indicated that the books should not be disallowed since they are for "support of community-based program." He also stated that the coffee supplies were available to the public and to juveniles who are detained for long periods of time. The former sheriff did not question whether or not coffee supplies are an allowable supply expense. When drug forfeiture is spent on disallowed disbursements, the money is not available for its intended purpose, which is to be spent for "direct law enforcement purposes" pursuant to KRS 218A.420.

We recommend the former sheriff reimburse the drug forfeiture account \$1,577 with personal funds for these disallowed disbursements.

Former Sheriff's Response: The sheriff did not provide a response.

2017-004 The Former Sheriff Did Not Deposit Federal Forfeiture Funds In A Separate Account

This is a repeat finding and was included in the prior year audit report as finding 2016-004. The former sheriff's office received \$35,279 from the Federal Bureau of Investigations for federal forfeiture funds in calendar year 2015 and \$4,709 in calendar year 2016. These funds are restricted and are to be deposited in a fund separate from other drug funds received. Since both state and federal monies were deposited to the same account, the auditor was unable to distinguish federal expenditures from state expenditures. The former sheriff stated that he was not aware that the federal funds had to be deposited in a separate account. The sheriff did submit annual forfeiture reports to the state and federal agencies as required. By not depositing federal forfeiture funds in a separate account, the former sheriff's office is in violation of state law. In addition, federal guidelines were not followed and disbursements may have not been allowed, resulting in noncompliance. Restrictions and practices differ on the use of the two funds. State funds are governed by state law. Federal funds are governed by the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies* published by the Department of Justice (April 2009) which requires law enforcement agencies receiving federal forfeiture funds to maintain separate accounts for assets forfeited pursuant to state law and proceeds of the federal equitable sharing program. We recommend the sheriff's office deposit federal forfeiture funds in a separate account.

Former Sheriff's Response: After being made aware of this change this was corrected.

LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES
For The Year Ended December 31, 2017
(Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2017-005 The Former Sheriff Did Not Make Daily Deposits

This is a repeat finding and was included in the prior year audit report as finding 2016-001. The former sheriff did not make deposits on a daily basis as required. The sheriff's office does not collect large amounts of receipts on a daily basis. The daily receipts not deposited are kept in a secure location. The former sheriff's office made deposits when receipts totaled at least \$500. The receipts were batched and posted to a daily checkout sheet when deposits were made. Making daily deposits reduces the risk of misappropriation of cash, which is the asset most susceptible to theft. The Department for Local Government (DLG) was given the authority by KRS 68.210 to prescribe a uniform system of accounts. The minimum requirements for handling public funds as stated in the *County Budget Preparation and State Local Finance Officer Policy Manual* requires deposits to be made daily. We recommend the sheriff's office implement procedures to ensure receipts are batched daily, posted to a daily checkout sheet, and deposits are made on a daily basis.

Former Sheriff's Response: The sheriff did not provide a response.

2017-006 The Former Sheriff's Office Lacked Adequate Internal Controls Over Payroll Disbursements And Reconciliations

This is a repeat finding and was reported in the prior year audit report as finding 2016-007. Payroll checks were signed only by the bookkeeper, monthly bank reconciliations were not prepared, and the account was not reconciled to zero at year end. The payroll is prepared by an outside CPA firm. The former sheriff did not have access to the checks prepared by the firm, and the bank statements were not reconciled at the former sheriff's office. Not having strong internal controls in place that require two signatures for payroll distribution and preparation of monthly bank reconciliations could result in improper checks issued and excess funds not paid to the fiscal court. Strong internal controls over the payroll process, or the implementation of compensating controls, is essential for accurate payroll recording and reporting.

We recommend the sheriff's office ensure adequate internal controls over the payroll process by requiring two signatures on all payroll checks, one being the sheriff. In addition, bank reconciliation procedures should be put in place to balance the account monthly and after review, initialed by the sheriff. At year end, the payroll bank account should be balanced to zero.

Former Sheriff's Response: The CPA has these checkbooks, therefore they balance these books monthly after we fax the statements to them.

LETCHER COUNTY
DANNY WEBB, FORMER SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES
For The Year Ended December 31, 2017
(Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2017-007 The Former Sheriff Was Underpaid His Statutory Maximum For Calendar Year 2017

The maximum salary set for the former Letcher County Sheriff in calendar year 2017 was \$91,163. The former sheriff was also due \$4,052 for training incentive in accordance with KRS 64.5275(6). The former sheriff should have been paid a total of \$95,215. The former sheriff was paid \$93,412, which is \$1,803 less than what he should have received for calendar year 2017. As stated in comment 2017-006, the payroll is prepared by an outside CPA firm. The former sheriff did not examine the payroll to determine if he was being paid the correct salary each pay period. By not having strong internal controls over payroll, the former sheriff was underpaid \$1,803 for calendar year 2017. Per KRS 64.5275, the sheriff shall receive an annual salary pursuant to the salary schedule set by the Kentucky Department for Local Government (DLG). We recommend the former sheriff receive the additional salary he is due for calendar year 2017 in the amount of \$1,803.

Former Sheriff's Response: This will be taken care of.

2017-008 The Former Sheriff's Office Lacked Adequate Segregation Of Duties

This is a repeat finding and was reported in the prior year audit report as finding 2016-008. The former sheriff's bookkeeper collected payments from customers and prepared receipts, prepared deposits, and posted receipts to the receipts ledger. In addition, the bookkeeper prepared disbursement checks, distributed payroll checks, posted checks to the disbursements ledger, and prepared the monthly bank reconciliations. The former sheriff does not have enough funds to hire additional personnel to segregate duties. The former sheriff did not address the increased risk of having one person responsible for so many accounting functions without sufficient oversight. There was not sufficient evidence available that would show that the sheriff, or another employee, periodically reviewed deposits, ledgers, invoices, or the bank reconciliations to offset the risk caused by the lack of segregation of duties. Lack of oversight could result in undetected misappropriation of assets and inaccurate financial reporting to external agencies such as the Department for Local Government.

The segregation of duties over various accounting functions such as preparing deposits, recording receipts and disbursements, and preparing bank reconciliation, or the implementation of compensating controls, is essential for providing protection from asset misappropriation and inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

To adequately protect employees, and prevent inaccurate financial reporting or misappropriation of assets, we recommend the sheriff's office implement strong oversight over these areas, either by an employee independent of those functions or by the sheriff, such as:

- The sheriff should compare the daily bank deposit to the daily checkout sheet and then compare the daily cash settlement sheet to the receipts ledger. Any differences should be reconciled. The sheriff could document this by initialing the settlement sheet, daily deposit, and receipts ledger.
- The sheriff should compare supporting documentation to payments. The sheriff could document this by initialing the supporting documentation.
- The sheriff should compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The sheriff could document this by initialing the bank reconciliation.

Former Sheriff's Response: The sheriff did not provide a response.