STATE OF WEST VIRGINIA AUDIT REPORT

OF

WEST VIRGINIA STATE BOARD OF INVESTMENTS

FOR THE PERIOD

JULY 1, 1978 - JUNE 30, 1987



OFFICE OF LEGISLATIVE AUDITOR

CAPITOL BUILDING

CHARLESTON, WEST VIRGINIA 25305

WEST VIRGINIA STATE BOARD OF INVESTMENTS

FOR THE PERIOD

JULY 1, 1978 - JUNE 30, 1987



LEGISLATIVE AUDITOR

CHARLESTON

The Honorable Encil Bailey Legislative Auditor State Capitol - West Wing Charleston, West Virginia

Sir:

In compliance with your instructions and the provisions of the West Virginia Code, Chapter 4, Article 2, as amended, we have examined the accounts of the West Virginia State Board of Investments.

Our examination covers the period July 1, 1978 through June 30, 1987. The results of this examination are set forth on the following pages of this report. However, only the financial statements for the years ended June 30, 1987 and June 30, 1986 are included in this report. The financial statements covering the period July 1, 1978 through June 30, 1985 are included in the audit workpapers.

Respectfully submitted,

Thedford L. Shanklin, CPA, Director

Legislative Postaudit Division

TLS/tb

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WEST VIRGINIA STATE BOARD OF INVESTMENTS EXIT CONFERENCE

e held an exit conference on November 21, 1988 with the Associate Treasurer of tate - Investments of the West Virginia State Treasurer's Office and all findings nd recommendations were reviewed and discussed. The above official's responses re included in italics in the Summary of Findings, Recommendations and Responses nd after our recommendations in the General Remarks section of this report.

WEST VIRGINIA STATE BOARD OF INVESTMENTS INTRODUCTION

The State Board of Investments was created by Chapter 162, Acts of the 67 Legislature (Chapter 12, Article 6, Sections 1-17, of the West Virginia Code amended.)

The Board consists of three members: the Governor serves as Chairman; e State Treasurer serves as Executive Secretary and custodian of all funds, curities and assets of the Board; and the State Auditor.

The primary function of the Board is to formulate and adopt rules and gulations for the protection of State funds invested; obtain consultant services rethe proper management and investment of such funds; maintain accounts with nks, securities dealers, and financial institutions; engage in financial transtions whereby securities are bought and sold; and enters into agreements with litical subdivisions for investment of their monies.

WEST VIRGINIA STATE BOARD OF INVESTMENTS

BOARD MEMBERS AND STAFF

AS OF JUNE 30, 1987

Board Members

	Arch A. Moore, Jr. Governor Chairman	.on
	A. James Manchin State Treasurer Secretary	.on
	Glen B. Gainer, Jr. State Auditor Member	.on
<u>St</u>	aff	
	Arnold Margolin	ts ts ts er
	Rockland Poole Investment Offic Celeta Wade Investment Offic Mary Jane Lopez	er

WEST VIRGINIA STATE BOARD OF INVESTMENTS SUMMARY OF FINDINGS, RECOMMENDATIONS AND RESPONSES

REAS OF NONCOMPLIANCE

Unapportioned Investment Income Totaling \$53,393,618.36

1. During our examination, we noted the State Board of Investments had not apportioned a total of \$53,393,618.36 of net investment income earned by several pools within the Consolidated Fund during the period August 1984 through December 1986. Our examination of minutes of meetings of the State Board of Investments showed no indication the Board had voted to establish a reserve within the Consolidated Fund although the Board has had such power since 1978.

We recommend the Board apportion any accumulated investment income in those affected pools among the participants in accordance with the Board's earnings distribution formula.

We will make a recommendation to the Board that the provisions allowing the establishment of a reserve for losses in the Consolidated Fund be implemented. (See pages 6-10)

Payment of Expenses from Inappropriate Funds

2. During our examination, we noted various costs were paid from the Investment Services Fees Account (8004-08) which benefitted divisions of the State Treasurer's Office other than the Investments Division. The expenditures in question consisted of \$952,225.00 of personal services and a combined total of \$186,426.15 in expenditures for Current Expense items, Repair and Alterations items and Equipment items.

We recommend the Board comply with Chapter 12, Article 6, Section 6 of the West Virginia Code, as amended.

We do not agree with this audit finding. (See pages 10-11)

Payment for Services Not Received

3. We noted during our review of annual and sick leave records that one employee was allowed to maintain a substantial negative sick leave balance but was not removed from the Board's payroll. The employee left the State Treasurer's employment in July 1987 with a negative sick leave balance of 32 days.

We recommend the Board comply with Chapter 12, Article 3, Section 13 of the West Virginia Code as amended.

We will continue to attempt to recover these funds. (See pages 11-12)

)verexpenditures of Approved Expenditure Schedule

4. During our examination, we noted expenditures from the Investment Service Fees Account (8004-08) exceeded the limits set in the approved expenditure schedule. The amount expended over the approved budget for the fiscal year ending June 30, 1986 was \$232,387.74.

We recommend the Board comply with Chapter 5A, Article 2, Section 20 of the West Virginia Code, as amended.

We are now in compliance with this audit recommendation. (See pages 12-13)

WEST VIRGINIA STATE BOARD OF INVESTMENTS

GENERAL REMARKS

ITRODUCTION

We have completed a financial and compliance audit of the West Virginia tate Board of Investments. The audit covered the period July 1, 1978 through one 30, 1987.

'ECIAL REVENUE ACCOUNT

During the audit period, the West Virginia State Board of Investments erated from the following special revenue accounts:

Number	Description	
8004-07	Investment Interest - Escrow Account Investment Interest; held in escrow for investment services.	
8004-08	Investment Service Fees Earned Interest and Charges against the Earnings of Various Funds; to pay investment costs.	

EAS OF NONCOMPLIANCE

Chapter 12, Article 6, of the West Virginia Code generally governs the st Virginia State Board of Investments. We tested applicable sections of the overplus the State Treasurer's regulations and other applicable chapters, ticles and sections of the West Virginia Code as they pertain to fiscal matters. It findings are discussed below.

apportioned Investment Income Totaling \$53,393,618.36

During our examination, we noted the State Board of Investments had not portioned a total of \$53,393,618.36 of net investment income earned by several pls within the Consolidated Fund during the period August 1984 through December 36. Based on records supplied to us, we determined the Board had not allocated portion of the net investment income earned by Pool 100 - Consolidated Fund restricted - Account 7600-05; Pool 110 - Workers' Compensation Fund -

ccount 7645-12; Pool 115 - Local Government Pension - Account 7605-13; Pool 140 - onsolidated Fund Restricted - Account 7610-05 and Pool 3300 - Retirement System perating Account - Account 7649-13.

Specifically, records supplied to us showed the abovementioned pools uring the period August 1984 through December 1986 had net investment income, net nvestment income apportioned to the various subaccounts and unapportioned net nvestment income as follows:

Description	Income	Net Investment Apportioned Income	Unapportioned Income
State General Revenue Fund Political Subdivisions State Agency Trust Funds State Board of Regents Other State Spending Units	\$ 91,435,252.69 113,176,082.47 3,323,078.97 37,608,254.39 47,703,806.35	\$ 84,422,210.34 104,624,151.30 3,044,632.68 34,323,323.36 43,852,620.18	\$ 7,013,042.35 8,551,931.17 278,446.29 3,284,931.03 3,851,186.17
Pool 100 - Consolidated Fund Unrestricted	293,246,474.86	27 0,266,937.86	22,979,537.00
Workers' Compensation Operating Fund	49,045,185.27	45,681,364.64	3,363,820.63
Workers' Compensation Pnemoconiosis Fund	96,707,695.51	89,952,693.59	6,755,001.92
Pool 110 - Workers' Compen- sation Fund Pool	145,752,880.78	135,634,058.23	10,118,822.55
Pool 115 - Local Government Pension	17,838,866.39	15,238,789.97	2,600,076.42
Department of Highways Municipal Bond Commission State General Revenue Fund Housing Development Fund Water Development Authority State Board of Regents Department of Finance and Administration State School Building Bond	17,361,789.12 45,946,068.31 (259,834.35) 61,547,308.47 620,381.51 7,900,176.42 396,295.47	16,726,036.53 42,715,931.36 (244,567.42) 58,098,554.02 581,387.50 8,423,817.36 454,234.70	635,752.59 3,230,136.95 (15,266.93) 3,448,754.45 38,994.01 (523,640.94) (57,939.23)
Fund Pool 140 - Consolidated Fund Restricted	798,889.69	743,665.99 127,499,060.04	55,223.70 6,812,014.61

		Net Investment	
Description	Income	Apportioned Income	Unapportioned Income
Judges' Retirement Public Safety Retirement Public Employees Retirement Teachers' Retirement	141,113.86 5,978,186.75 51,251,566.27 14,889,676.09	118,615.00 5,096,860.75 43,491,031.96 12,670,867.48	22,498.86 881,326.00 7,760,534.51 2,218,808.61
Pool 3300 - Retirement System Operating Accounts	72,260,542.97	61,377,375.19	10,883,167.78
	\$663,409,839.65	\$610,016,221.29	\$53,393,618.36

We reviewed applicable sections of the West Virginia Code as well as rmally adopted rules and regulations of the State Board of Investments to deterne whether the Board is required to apportion the earnings of a pool in their tirety among the participants of the individual pools. Our review shows the ate Board of Investments adopted administrative rules and regulations concerning e Consolidated Fund in 1978 which were last amended in 1983. Section 6.01 of ules for the Administration of the Consolidated Fund by the West Virginia State and of Investments", 1983 amendment states, "The board may create a reserve for sses in the Consolidated Fund if the board determines that the one-year ortization of gains and losses is inappropriate or inadequate for unusual sses." Our examination of minutes of meetings of the State Board of Investments owed no indication the Board had voted to establish a reserve within the Conlidated Fund although the Board has had such power since 1978.

Moneys invested with the West Virginia State Board of Investments are oled for investment purposes. Section 5.01 of the "Rules for the Administration the Consolidated Fund by the West Virginia State Board of Investments" as ended in 1983 defines the measurement of ownership in the fund and states in rt, "Each participant shall own an undivided interest in the portfolio of the nsolidated Fund based on the participant's pro rata contribution of assets at y time. Ownership shall be expressed in terms of units. One dollar shall equal e unit of ownership" The investment income earned by a particular pool is

oportioned among the participants by use of a formula based on the amount of whership the participant has in the pool.

The State Board of Investments under Section 4.02, Subsection (e) is lowed to charge an investment service fee for providing investment services. Ection 4.02, Subsection (e) of the abovementioned rules states, "The Treasurer by collect a fee of up to one percent of the earnings of the Local Government acount as a charge for the investment services being provided to local governments." The Board has charged a fee of three-fourths of one percent of earnings ince March 1983. The Board does not transfer the earned service fees until the exceeding provided to local governments income is apportioned among the participants in the pool. Accordingly, the gross investment income of the pool will exceed the net investment income by the amount of applicable investment service fees.

As stated earlier, the Board does not transfer earned investment service ses until the investment income is apportioned among the participants in the pol. As such, based on records examined by us the Board has earned but not ransferred \$403,478.22 of investment service fees to their Investment Service sees Account (8004-08) as follows during the period from January 1984 through exember 1986:

Pool	Service Fees Earned	Service Fees Transferred	Untransferred Service Fees
Fund Unrestricted	\$2,516,478.72	\$2,342,829.82	\$173,648.90
Pool 110 - Workers' Com- pensation Fund Pool	1,257,678.77	1,181,214.04	76,464.73
Pool 115 - Local Government Pension	134,802.52	115,154.66	19,647.86
Pool 140 - Consolidated Fund Restricted	1,123,391.58	1,071,915.41	51,476.17
Pool 3300 - Retirement System Operating Account	603,745.33	521,504.77	82,240.56
	\$5,636,096.92	\$5,232,618.70	\$403,478.22

Further, we determined the amounts of net investment income that had not een apportioned to the various participants by examining several records produced y the State Board of Investments. We were unable to locate accounting records aintained by the Board which would have allowed us to trace into the Board's ecords the unapportioned net investment income and thereby confirm the accuracy f the amounts calculated by us.

We recommend the Board apportion any accumulated investment income in hose affected pools among the participants in accordance with the Board's arnings distribution formula.

The West Virginia Treasury, acting in its capacity as staff agency for he State Board of Investments, will make a recommendation to the Board that the rovisions of sections 5.03 and 6.01 of the Administrative Regulations for the anagement of the Consolidated Fund be implemented.

ayment of Expenses from Inappropriate Funds

Chapter 12, Article 6, Section 6 of the West Virginia Code, as amended, tates, "All costs and expenses of the board including fees of professional conultants, advisors and auditors, brokerage commissions and all other necessary expenses of the board incurred in the performance of its functions shall be proper harges against, and payable on a pro rata basis from, the earnings of the various unds managed by the board."

The office of the State Treasurer serves as staff agency for the Board of Investments. According to the payroll register for the period ended June 30, 987, a total of 45 full time equivalent employees were being paid from the loard's Investment Service Fees Account (8004-08). Based on our review of the job escriptions and organizational chart, we noted that 11 of the 45 employees paid from the Investment Service Fees Account are involved directly with the functions of the Board. The remaining 34 employees are indirectly involved in performing

rious activities pertaining to investments as well as other Treasury Office notions at an annual cost of \$952,225.00. Since employees of the Treasurer's fice do not submit detailed time sheets indicating how much time is spent on any rticular function, we were unable to determine the amount of time the 34 ployees spent on investment related duties.

Also, we noted, various expenditures for Current Expense items, Repairs d Alterations and Equipment items, in the amount of \$186,426.15 which appear to ve been expenditures benefiting divisions of the State Treasurer's Office other an the Investments Division. The expenditures paid from the Board's account re used by the following divisions of the State Treasurer's Office:

TEDDI Program	\$ 6,364.47
Abandoned and Unclaimed Property	81,827.00
Treasurer's Office	98,234.68
	\$186,426.15

lmary purpose of this office is effective and efficient cash management of all ite dollars. The more efficient we are in this area, the more interest income be generated for the People of West Virginia through our sound investment igram. Therefore, virtually all expenditures of funds by this office are reted to this investment activity." In our opinion, these expenditures should be been paid from other funds within the Treasurer's Office or prorated between Board and the Treasurer's Office.

We recommend the Board comply with Chapter 12, Article 6, Section 6 of West Virginia Code, as amended.

The Treasurer of State reaffirms the same position as stated in his uary 15, 1988, letter.

ment for Services Not Received

We noted during our review of the annual and sick leave records of -11 -

employees paid from the Investment Service Fees Account (8004-08) one employee was allowed to maintain a substantial negative sick leave balance but was not removed from the Board's payroll. We were informed by State Treasury Office personnel that the employee in question had a series of medical problems during the tenure of his employment. The employee left the State Treasurer's employment in July 1987 with a negative sick leave balance of 32 days.

Chapter 12, Article 3, Section 13 of the West Virginia Code, as amended "No money shall be drawn from the treasury to pay the salary of any officer or employee before his services have been rendered." Based on the aforenentioned Code section, the employee should have been removed from the payroll once all available annual and sick leave was exhausted.

We recommend the Board comply with Chapter 12, Article 3, Section 13 of the West Virginia Code, as amended.

Extended sick leave was granted to this profoundly handicapped, former imployee for manifestly humanitarian reasons. We have pursued and will continue to pursue the recovery of these funds in an effort that can only be classified as assive and titanic and that will make all other recovery attempts even undertaken eem minuscule in comparison.

verexpenditure of Approved Expenditure Schedule

During our examination, we noted expenditures from the Investment Serice Fees Account (8004-08) exceeded the limits set in the approved expenditure chedule. The amount expended over the approved budget for the fiscal year ending une 30, 1986 was \$232,387.74.

Chapter 5A, Article 2, Section 20 of the West Virginia Code, as amended tates, "If the amount actually collected by a spending unit exceeds the amount hich it is authorized to expend from collections, the excess in collections shall e set aside in a special surplus fund for the spending unit. Expenditures from his fund shall be made only in accordance with the following procedures:

"The spending officer shall submit to the commissioner (of the Department of Finance and Administration):

- 1. A plan of expenditure showing the purpose for which the surplus is to be expended, and
- 2. A justification statement showing the reasons why the expenditure is necessary and desirable.

"The commissioner shall submit the request to the governor with his recommendation.

"If the governor approves the plan of expenditure and justification statement, and is satisfied that the expenditure is required to defray the additional cost of the service or activity of the spending unit and that the expenditure is in accordance with sound fiscal policy, he may authorize the use of the surplus during the current fiscal year

"An expenditure from a special surplus fund without the authorization of the governor, or other than in accordance with this section, shall be an unlawful use of public funds."

We recommend the Board comply with Chapter 5A, Article 2, Section 20 of the West Virginia Code, as amended.

Due to an inadequate system of monitoring expenditures that was in place then A. James Manchin assumed office, this overexpenditure occurred in the first full fiscal year of his term. Since that time, administrative changes and a new internal accounting system have been put in place to eliminate the possibility of this occurring again.

AUDITORS' OPINION

The Honorable Encil Bailey Legislative Auditor State Capitol - West Wing Charleston, West Virginia

Sir:

We have examined the statement of revenues, expenditures and changes in cash balance of the West Virginia State Board of Investments for the years ended June 30, 1987 and June 30, 1986. Our examination was made in accordance with generally accepted auditing standards and accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As more fully described in Note A, the financial statement was prepared using the cash basis of accounting. Accordingly, the financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the statement of revenues, expenditures and changes in cash balance of the West Virginia State Board of Investments presents fairly the cash transactions for the years ended June 30, 1987 and June 30, 1986 on a basis consistent with the preceding year.

Our examination was made for the purpose of forming an opinion on the basic financial statement taken as a whole. The supplemental information is presented for purposes of additional analysis and is not a required part of the basic financial statement. Such information has been subjected to the auditing procedures applied in the examination of the basic financial statement and, in our opinion, is fairly stated in all material respects in relation to the basic financial statement taken as a whole.

Repsectfully submitted,

Medfael L. Shanklin, CPA, Director

Legislative Postaudit Division

April 26, 1988

Auditors: Michael E. Sizemore, CPA, Supervisor

Harvey R. Burke, Auditor-in-Charge

Ronald F. Osmianski

WEST VIRGINIA STATE BOARD OF INVESTMENTS

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES

IN CASH BALANCE - BUDGET AND ACTUAL

	Year Ended June 30, 1987		
	Budget	Actual	(Over) Under Budget
Revenues: Management Service Fees	\$3,375,000.00	\$3,436,620.79	(\$ 61,620.79)
Expenditures: Personal Services Current Expenses Repairs and Alterations Equipment Interest Expense Costs of Investments	1,152,484.00 1,848,070.00 -0- 60,000.00 -0- -0- 3,060,554.00	1,111,451.05 1,708,393.58 2,480.95 68,556.78 708.75 75,396.24 2,966,987.35	41,032.95 139,676.42 (2,480.95) (8,556.78) (708.75) (75,396.24) 93,566.65
Revenues Over (Under) Expenditures	314,446.00	469,633.44	(155,187.44)
Beginning Balance	500,000.00	1,485,711.16	(985,711.16)
Transfers to State General Revenue Fund	-0-	(849,948.90)	(849,948.90)
Ending Balance	\$ 814,446.00	\$1,105,395.70	(<u>\$ 290,949.70</u>)

	Year	Ended	June 3	0, 1986	
				(Over)	Under
ludget		Ac-	tual	Bud	get
0,000	.00	\$3,746	,587.90	(\$1,49	6,587.90)
12,702 17,298 -0-	.00	1,385	,157.36 ,349.22 -0-	(18	544.64 8,051.22) -0-
50,000			,727.38		3,727.38)
-0-			-0-		-0-
-0-		41	,153.78	(4	<u>1,153.78</u>)
000,000	.00	2,532	,387.74	(23	2,387.74)
50,000	.00)	1,214	,200.16	(1,26	4,200.16)
00,000	.00	771	,746.44	(27	1,746.44)
-0-					0,235,44)
50,000	.00	\$1,485	,711.16	<u>(\$1,03</u>	<u>85,711.16</u>)

WEST VIRGINIA STATE BOARD OF INVESTMENTS NOTES TO FINANCIAL STATEMENT

ote A - Accounting Policies

ccounting Method: The cash basis of accounting is followed for all funds. herefore, certain revenue and the related assets are recognized when received ather than when earned, and certain expenses are recognized when paid rather than hen the obligation is incurred. Accordingly, the financial statement is not ntended to present financial position and results of operations in conformity ith generally accepted accounting principles.

ote B - Pension Plan

ll eligible employees are members of the West Virginia Public Employees' etirement System. Employees' contributions are $4\frac{1}{2}$ % of their compensation and mployees have vested rights under certain circumstances. Contributions by the oard are $9\frac{1}{2}$ % of the employees' compensation. The Board's pension expenditures ere as follows:

<u>Year Ended June 30.</u> 1987 1986

\$100,228.72 **\$ 91,801.64**

ote C - Reserve Fund

he State Treasurer's Office, acting as the staff agency for the State Board of prestments established, in August 1984, a reserve for losses within the possibility of the preserve, which was not approved prior to its establishent, grew to a total of \$53,797,096.58 by June 30, 1987. The reserve represents ands which should have been apportioned to various investment pools within the possibility of the preserves were not apportioned the earnings opplicable to them were not apportioned either. During the period \$403,478.22 of arnings were not apportioned. If they had been the Board would have earned 12,724.51 and \$15,780.43 for the years ended June 30, 1986 and 1987, aspectively and \$174,973.28 for the period prior to July 1, 1985.

SUPPLEMENTAL INFORMATION

WEST VIRGINIA STATE BOARD OF INVESTMENTS STATEMENTS OF CASH RECEIPTS, DISBURSEMENTS

AND CHANGES IN CASH BALANCE

restment Interest - Escrow Account - count 8004-07	Year Ende 1987	d June 30, 1986
Cash Receipts	\$ -0-	\$ -0-
)isbursements	-0-	-0-
Beginning Balance	49,948.90	49,948.90
Transfers to State General Revenue Fund	(49,948.90)	-0-
Ending Balance	\$ -0-	\$ 49,948.90
vestment Service Fees - count 8004-08 Cash Receipts: Management Service Fees Interest	\$3,436,620.79 -0- 3,436,620.79	24.13
Disbursements: Personal Services Current Expenses Repairs and Alterations Equipment Interest Expense Costs of Investments	1,111,451.05 1,708,393.58 2,480.95 68,556.78 608.75 75,396.24 2,966,987.35	1,042,157.36 1,385,349.22 -0- 63,727.38 -0- 41,153.78
Cash Receipts Over Disbursements	469,633.44	1,214,200.16
Beginning Balance	1,435,762.26	721,797.54
Transfers to State General Revenue Fund	(800,000.00) (500,235.44)
Ending Balance	\$1,105,395.70	\$1,435,762.26

WEST VIRGINIA STATE BOARD OF INVESTMENTS STATEMENT OF CHANGES IN INVESTMENT BALANCE

	YEAR ENDED	
restments - Account 8004-08	<u>1987</u>	<u>1986</u>
Additions: Interest Reinvested	\$ -0-	\$ 24.13
<pre>)eductions: Withdrawals from the Board of Investments</pre>	<u> </u>	<u>243.12</u> (218.99)
ginning Balance	-0-	218.99
ding Balance	<u>\$ -0-</u>	\$ -0-

WEST VIRGINIA STATE BOARD OF INVESTMENTS RECONCILIATION

JUNE 30, 1987

vestment Service Fees - Account (8004-08)

Balance per State Treasury and Agency

\$1,105,395.70

TATE OF WEST VIRGINIA

FICE OF LEGISLATIVE AUDITOR, TO WIT:

I, Encil Bailey, Legislative Auditor, do hereby certify nat the report of audit appended hereto was made under my directon and supervision, under the provisions of the West Virginia ode, Chapter 4, Article 2, as amended, and that the same is true and correct copy of said report.

Given under my hand this 5th day of <u>December</u>, 188.

Emil Bailey

Encil Bailey, Legislative Auditor

Copy forwarded to the Commissioner of the Department of Inance and Administration to be filed as a public record. Copies prwarded to the Members of the West Virginia State Board of exestments and Attorney General.