

LEGISLATIVE AUDIT REPORT
WEST VIRGINIA BOARD OF ACCOUNTANCY

FOR THE PERIOD JULY 1, 2006 - JUNE 30, 2008

AUDIT OVERVIEW

The Board of Accountancy did not deposit moneys within
24 hours of receipt.



WEST VIRGINIA LEGISLATIVE AUDITOR
POST AUDIT DIVISION



Aaron Allred - *Legislative Auditor*
Stacy Sneed, CPA - *Director*

Room 329 W, Building I
1900 Kanawha Boulevard East
Charleston, West Virginia 25305
phone: (304) 347-4880

LEGISLATIVE POST AUDIT SUBCOMMITTEE

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President Earl Ray Tomblin, Chairman
Walt Helmick
Don Caruth

House

Speaker Richard Thompson, Chairman
Harry Keith White
Tim Armstead

WEST VIRGINIA LEGISLATIVE AUDITOR LEGISLATIVE POST AUDIT DIVISION

Aaron Allred
Legislative Auditor

Stacy L. Sneed, CPA, CICA
Director

Stanley D. Lynch, CPA
Audit Manager

Alla A. Long, CICA
Auditor-in-Charge

Melissa A. Hall, Auditor I
Staff Auditor

Legislative Post Audit Division
Building 1, Room W-329
1900 Kanawha Blvd., East
Charleston, WV 25305-0610
(304) 347-4880

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WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance

Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division
Building 1, Room W- 329
1900 Kanawha Blvd., E
Charleston, West Virginia 25305-0610



Area Code (304)
Phone: 347-4880
Fax: 347-4889

May 20, 2009

The Joint Committee on Government and Finance:

In compliance with the provisions of the West Virginia Code, Chapter 4, Article 2, as amended, we have conducted a post audit over the collection and deposit of revenues of the West Virginia Board of Accountancy for the period July 1, 2006 through June 30, 2008.

We conducted our audit in accordance with Government Auditing Standards, issued by the Comptroller General of the United States. Our audit disclosed one finding which is detailed in this report. The West Virginia Board of Accountancy's response to the finding is included unedited and in its entirety immediately following the finding.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacy L. Sneed".

Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division

SLS/cdo

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

TABLE OF CONTENTS

Independent Auditor’s Report	2
Internal Controls.....	2
Compliance and Other Matters.....	3
Executive Summary	4
Introduction	5
Post Audit Authority	5
Background.....	5
Board Members and Administrative Staff	6
Audit Scope	7
Objectives and Methodologies	7
Conclusion	8
Exit Conference	8
Fund Listing	9
Finding – Excessive Delay in Depositing Payments	10
Supplemental Information	12
Statement of Cash Receipts and Disbursements and Changes in Cash Balance	
Special Revenue	13
Certificate of Director,	
Legislative Post Audit Division	15

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

Independent Auditor's Report

Post Audit Subcommittee,

We have conducted a post audit of the West Virginia Board of Accountancy's collection and deposit of revenues for the period July 1, 2006 – June 30, 2008. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Controls

In planning and performing our audit, we considered the spending unit's internal control over the collection and deposit of revenues and compliance with the applicable compliance requirements related to the collection and deposit of revenues as a basis for designing our auditing procedures for expressing our opinion on the compliance, but not for an opinion on the effectiveness of the spending unit's internal control. Accordingly, we do not express an opinion on the effectiveness of the spending unit's internal control over the collection and deposit of revenues. Management of the spending unit is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, rules, and provisions of contracts and grant agreements.

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 significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies or material weaknesses have been identified. However, as discussed below, we identified a certain deficiency in internal control that we consider to be a significant deficiency.

A control deficiency 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 or noncompliance on a timely basis. A deficiency in design exists when a control necessary to meet the control objective is missing or an existing control is not properly designed so that, even if the control operates as designed, the control objective would not be met. A deficiency in operation exists when a properly designed control does not operate as designed or the person performing the control does not possess the necessary authority or competence to perform the control effectively.

A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis or that results in a reasonable possibility that material noncompliance with a compliance requirement will not be prevented or detected and corrected on a timely basis. We found no deficiencies that we consider to be material deficiencies.

A significant deficiency is a deficiency, or 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 in finding number 1 to be significant deficiency.

Compliance and Other Matters

As part of conducting our post audit, we performed tests of the West Virginia Board of Accountancy 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. Compliance with applicable compliance requirements is the responsibility of the entity's management. Our responsibility is to express an opinion on the entity's compliance with the applicable compliance requirements based on the audit.

The audit included examining, on a test basis, evidence about the spending unit's compliance with those requirements and performing such other procedures as the auditor considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. This audit does not provide a legal determination of the entity's compliance.

In our opinion, the spending unit has complied with the provisions of laws, regulations, contracts and grant agreements that they are governed by, except for Finding 1.

This report is intended for the information and use of the Post Audit Subcommittee, the members of the WV Legislature, management of the spending unit and others within the spending unit. However, once released by the Post Audit Subcommittee, this report is a matter of public record and its distribution is not limited.



*Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division*

May 20, 2009

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

EXECUTIVE SUMMARY

Finding 1 Excessive Delay in Depositing Receipts

- The WVBOA did not deposit moneys within 24 hours of receipt as stipulated by Chapter 12, Article 12, Section 2 of the West Virginia Code, as amended. During our audit period, the WVBOA's deposits totaled \$341,039.90 and \$295,584.00 for fiscal year 2008 and 2007, respectively. We tested 158 of these cash receipt transactions totaling \$11,805.00. None of the receipts we tested were deposited within one business day and the moneys were held an average of 13 business days from receipt until deposit. After discussing the late deposit of moneys with Board personnel, the Board changed their policy in an effort to deposit receipts more timely. Subsequent to our audit period, and after the Board's new deposit policy was implemented, we tested an additional 68 receipts totaling \$5,610.00 and noted six receipts, or 9.5%, were deposited in excess of one business day after receipt. However, all six receipts were deposited on the second business day after their receipt.

Auditor's Recommendation

We recommend the WVBOA comply with Chapter 12, Article 2, Section 2 of the West Virginia Code, as amended, and deposit moneys collected within 24 hours of their receipt.

Spending Unit's Response

Please be advised that it is the Intent of the West Virginia Board of Accountancy to comply with Chapter 12, Article 2, Section 2 of the West Virginia Code, as amended, to the best of its ability.

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

INTRODUCTION

POST AUDIT AUTHORITY

This report is on the post audit of the West Virginia Board of Accountancy. The audit was limited to receipt and deposit of revenues. The audit was conducted pursuant to Chapter 4, Article 2 of the West Virginia Code, which requires the Legislative Auditor to “make post audits of the revenues and expenditures of the spending units of the state government, at least once every two years, if practicable, to report any misapplication of state funds or erroneous, extravagant or unlawful expenditures by any spending unit, to ascertain facts and to make recommendations to the Legislature concerning post audit findings, the revenues and expenditures of the state and of the organization and functions of the state and its spending units.”

BACKGROUND

The West Virginia Board of Accountancy was created by Chapter 128, Acts of the Legislature, under House Bill Number 51. The bill was passed February 26, 1959, and became effective ninety days from passage. The 1959 law provided for the first recognition of the “public accountant” and defined the term in plain language. It provided for the registration of all public accountants who were in practice when the law became effective.

The purpose of the Board is to regulate the practice of public accounting, provide for the certification and registration of persons engaged in accounting and the issuance of certificates and registration cards to such persons. The Board is composed by the seven members appointed by the Governor, by and with the advice and consent of the Senate.

The Executive Director of the West Virginia Board of Accountancy is empowered to administer and enforce such provisions of Chapter 30, Article 1 of the West Virginia Code, as amended, relating to all examination and registration. The fundamental purpose of licensure and registration is to protect the public, and any license, registration, certificate or other authorization to practice issued pursuant to Chapter 30, Article 9 of the West Virginia Code, as amended, is a revocable privilege. The Board is required to make a report annually to the Governor on or before the first day of January, and the secretary of the Board is required to prepare and maintain a complete roster of all persons licensed or registered by it.

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

**BOARD MEMBERS AND ADMINISTRATIVE STAFF
AS OF JUNE 30, 2008**

Board Members

Reed Spangler, CPA CVA President (2006 - Present)

James Sturgeon, CPA..... Vice President (2006 - Present)

Harold Davis, CPA..... Secretary (2006 - Present)

Lee Fisher, Public Member.....Assistant Secretary (2006 - Present)

John S. Bodkin, Jr., CPA Member (2003 - Present)

Robert S. Maust, CPA Member (2006 - Present)

William Ellis, CPA..... Member (2006 - Present)

Don Nestor, CPA..... Member (2008 - Present)

Administrative Staff

Jo Ann WalkerExecutive Director

Joyce Kay BrownExam/Licensing Coordinator

Brenda S. Turley CPE/Data Coordinator

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

AUDIT SCOPE

We have audited the West Virginia Board of Accountancy (WVBOA) for the period July 1, 2006, through June 30, 2008. Our audit scope included a review of internal controls and compliance with laws and regulations as they relate to the collection and deposit of WVBOA revenues. The audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States.

OBJECTIVES AND METHODOLOGIES

The objectives of our post audit were to audit the revenues of the WVBOA, to report any misapplication of State funds and to make recommendations to the Legislature concerning our post audit findings. We were to determine whether revenue transactions were reasonable and recorded properly in the WVBOA's accounting systems. We were to determine whether WVBOA receipts were accounted for in accordance with the West Virginia Code, applicable rules and regulations, and Legislative intent and to determine if the moneys received for licenses and applications were properly deposited to the credit of the WVBOA's Operating Fund (8552). In addition, we had an objective of determining whether or not the WVBOA's internal controls over the receipt and deposit of revenues were functioning as described to us.

In preparation for our testing, we reviewed legislation, applicable sections of the West Virginia Code, applicable rules and regulations, and the policies of the spending unit. Provisions that we considered significant were documented and compliance with those requirements was verified by interviews, observations of the spending unit's operations, and through inspections of documents and records. We also tested transactions and performed other auditing procedures that we considered necessary to achieve our objectives. Additionally, we interviewed spending unit personnel to obtain an understanding of the programs and the internal controls. In planning and conducting our post audit, we focused on the major financial-related areas of operations based on assessments of materiality and risk.

We used a computer software program to select random and statistical valid samples for our audit tests. Our samples of transactions were designed to provide information so we could form statistically valid conclusions about the legitimacy of transactions, the effectiveness of agency internal control and whether or not the agency is complying with the West Virginia Code, the Code of State Rules (CSR) and other agency governing instruments including internal policies and procedures of the agency.

The WVBOA's written response to the significant deficiency identified in our audit has not been subjected to the auditing procedures applied in the audit of the WVBOA and, accordingly, we express no opinion on it.

The WVBOA management is responsible for establishing and maintaining effective internal control. Internal control is a process designed to provide reasonable assurance that objectives pertaining to the reliability of financial records, effectiveness and efficiency of operations including safeguarding of assets, and compliance with applicable laws, rules, and regulations are achieved. Because of inherent limitations in internal control, errors or fraud may nevertheless occur and not be detected. Also, projections of any evaluation of internal control to future periods are subject to the risk that conditions may change or compliance with policies and procedures may deteriorate.

Our reports are designed to assist the Post Audit Subcommittee in exercising its legislative oversight function and to provide constructive recommendations for improving State operations.

CONCLUSIONS

For our audit period of July 1, 2006 through June 30, 2008, none of the 158 receipt transactions tested were deposited within one business day of their receipt as required by State statute. According to the WVBOA, the reason for the untimely deposits was an internal policy which required the WVBOA office staff to receive the approval of two Board members before depositing payments. After inquiries were made to the WVBOA office staff regarding the policy, the deposit policy was changed effective January 1, 2009 and, as of that date, the WVBOA no longer requires the approval of applications by two Board members before checks are deposited.

We also performed tests to determine if the moneys collected by the WVBOA were deposited to the WVBOA's Special Revenue Fund, as required by State statute, and if WVBOA's accounting records properly documented WVBOA's receipt transactions. Based on the results of our audit tests, the WVBOA receipts were deposited, as required, to the WVBOA special revenue fund and WVBOA receipts were properly recorded in the WVBOA's accounting records and these accounting records were both sufficient and complete.

As part of our audit we evaluated WVBOA's internal control over receipts and deposits. Except for failure of the WVBOA to promptly deposit receipts, we determined WVBOA's internal control over receipts and deposits to be adequate for a small agency. Small agencies have additional impediments over larger agencies in formulating a well-designed internal control structure. This is primarily due to the limits on their ability to segregate incompatible accounting functions. Even well-designed internal control structures have inherent limitations and, therefore, may not prevent or detect errors or fraud. Also, projections of any evaluation of internal control to future periods are subject to the risk that conditions may change or compliance with policies and procedures may deteriorate.

Our report includes one finding that we consider to be a significant instance of noncompliance with applicable laws.

EXIT CONFERENCE

We discussed this report with the WVBOA's current President, Executive Director and the Data Coordinator on August 12, 2009. The finding and recommendation were reviewed and discussed. The WVBOA's response has been included at the end of the finding.

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008**

FUND LISTING

We have completed a post audit of The Collection and Deposit of Revenues of the West Virginia Board of Accountancy (WVBOA). The audit covered the period of July 1, 2006 through June 30, 2008. We also performed a subsequent events review for the period of January 1, 2009 through April 30, 2009. We conducted our audit on the following account:

SPECIAL REVENUE ACCOUNT

The WVBOA operates from one special revenue account. Except for fines levied for disciplinary action, which are deposited into the State's general revenue fund, all WVBOA revenues are deposited into and all WVBOA disbursements are made from this special revenue account:

<u>Fund Number</u>	<u>Fund Name</u>
8552	Operating Funds

Operating Fund – Fund 8552

The revenues for this fund are from payments received for CPA Licenses and Renewals, CPA Certification Exam Fees and Other Fees Related to the Practice of Accountancy. All of WVBOA's operating expenses are paid from this fund.

WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
July 1, 2006 – June 30, 2008

FINDING

Finding 1 Excessive Delay in Depositing Payments

Condition: The WVBOA did not deposit all moneys within 24 hours of receipt as required by State statute. During our audit period, the WVBOA's deposits totaled \$341,039.90 and \$295,584.00 for fiscal year 2008 and 2007, respectively. We tested 158 of these cash receipt transactions totaling \$11,805.00. We found none of these moneys were deposited within the required 24-hour statutory requirement. The number of business days (excluding holidays and weekends) from the time payments were received until the payments were deposited averaged 13 and ranged from a minimum of 2 to a maximum of 37.

After discussing the late deposit with Board personnel, the Board changed their policy in an effort to deposit receipts more timely. Subsequent to our audit period, and after the Board's new deposit policy was implemented, we tested an additional 68 receipts totaling \$5,610.00 and noted six receipts, or 9.5%, were deposited in excess of one business day after receipt. However, all six receipts were deposited on the second business day after their receipt.

Criteria: Chapter 12, Article 2, Section 2 of the West Virginia Code, as amended, states in part:

“... (a) All officials and employees of the state authorized by statute to accept moneys due the state of West Virginia shall keep a daily itemized record of moneys so received for deposit in the state treasury and **shall deposit within twenty-four hours with the state treasurer all moneys received or collected** by them for or on behalf of the state for any purpose whatsoever...” **(Emphasis Added)**

Cause: The WVBOA Director explained that the WVBOA receipt policy has always required the approval of two Board members before payments are deposited. Only after two Board members approved the applications, were checks removed from the fireproof safe and deposited.

After discussing the late deposit of moneys with Board personnel, the deposit policy was amended effective January 2009. This new WVBOA policy (1) no longer requires that two members of the Board approve applications before the receipts for the application are deposited, and (2) requires that all moneys be deposited within 24 hours of receipt, if possible.

Effect: Although receipts were kept in a fire proof safe prior to deposit, the risk of moneys being damaged, destroyed, lost or stolen is increased when the moneys are not promptly deposited to either a State depository at a bank or to the State Treasurer's Office. Further, in some instances the considerable lapse of time from receipt to deposit of payments received by the WVBOA may cause the remitters of those payments concern as to why their checks have not cleared their bank within a reasonable time frame. This may result in the remitters contacting the WVBOA in order to determine the status of their payments. The infringement upon WVBOA staff in dealing with these inquiries of concerned remitters of payments could be avoided if payments were promptly deposited. Finally, only those deposited moneys are included in the State's WVFIMS accounting system; therefore, if a significant amount of WVBOA's receipts have not been deposited, someone reviewing and relying on the accuracy of WVBOA's financial information recorded in WVFIMS may form erroneous conclusions about the financial status of the WVBOA and the cash moneys available to the WVBOA.

Recommendation: We recommend the West Virginia Board of Accountancy comply with Chapter 12, Article 2, Section 2 of the West Virginia Code, as amended.

**Spending Unit's
Response:**

Please be advised that it is the Intent of the West Virginia Board of Accountancy to comply with Chapter 12, Article 2, Section 2 of the West Virginia Code, as amended, to the best of its ability.

SUPPLEMENTAL INFORMATION

**WEST VIRGINIA BOARD OF ACCOUNTANCY
THE COLLECTION AND DEPOSIT OF REVENUES
JULY 1, 2006 – JUNE 30, 2008**

**STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
AND CHANGES IN CASH BALANCE (UNAUDITED*)
SPECIAL REVENUE**

West Virginia Board of Accountancy		Year Ended June 30,	
<u>Operating Fund-8552</u>		<u>2008</u>	<u>2007</u>
RECEIPTS:			
	License Renewals/Applications	\$268,880.00	\$224,720.00
	Disciplinary/Renewal Late Fees	4,235.65	7,850.00
	CPA Examination Fees	33,290.00	36,730.00
	CPE Late Filing Fees	20,010.00	20,295.00
	Other/Miscellaneous	<u>14,624.25</u>	<u>5,989.00</u>
		341,039.90	295,584.00
EXPENDITURES:			
Personal Services:			
001	Personal Services (Employee)	139,981.00	130,578.00
002	Personal Services (Non-Employee)	4,950.00	3,600.00
004	Annual Increment	<u>3,500.00</u>	<u>3,350.00</u>
		148,431.00	137,528.00
Employee Benefits:			
010	Personnel Division and PEIA Administrative Fees	900.00	850.00
011	Social Security Matching	11,165.52	10,334.98
012	Public Employees' Insurance	13,637.16	13,997.16
014	Workers' Compensation	482.00	460.00
016	Pension and Retirement	<u>14,456.22</u>	<u>14,062.47</u>
		40,640.90	39,704.61
Current Expenses:			
020	Office Expenses	3,310.83	3,344.43
021	Printing and Binding	2,930.89	1,572.61
022	Rental Expense	31,350.00	31,200.00
024	Telecommunications	2,585.86	2,588.38
025	Contractual and Professional	9,374.65	4,537.50
026	Travel	5,323.72	4,387.16

West Virginia Board of Accountancy <u>Operating Fund-8552</u>		Year Ended June 30,	
		<u>2008</u>	<u>2007</u>
Current Expenses:			
027	Computer Services	3,742.96	3,822.13
030	Rentals (Machines and Misc.)	1,755.36	1,609.08
031	Association Dues and Professional Memberships	4,240.00	4,240.00
032	Fire, Auto, Bond and Other Insurance	2,924.00	3,155.00
038	Routine Manitenance Contracts/Warranties	4,372.17	3,644.16
051	Miscellaneous	131.00	0.00
052	Training and Development	99.00	1,355.00
053	Postal and Freight	13,063.22	8,090.63
054	Computer Supplies and Equipment	6,542.59	242.75
058	Miscellaneous Equipment Purchases	<u>1,149.14</u>	<u>209.99</u>
		92,895.39	73,998.82
Repairs and Alterations:			
061	Office and Communication Equipment Repairs	202.00	65.00
Other Disbursements:			
096	Other Interest and Penalties	13.65	12.81
160	Other Post Employment Benefits	<u>3,020.82</u>	<u>0.00</u>
		3,034.47	12.81
Transfers of Funds:			
110	Public Employees' Insurance Reserve Transfer	1,342.00	1,306.00
	TOTAL DISBURSEMENTS	<u>286,545.76</u>	<u>252,615.24</u>
	CASH RECEIPTS OVER DISBURSEMENTS	54,494.14	42,968.76
	BEGINNING BALANCE JULY 1,	<u>200,577.01</u>	<u>157,608.25</u>
	ENDING BALANCE	<u>\$255,071.15</u>	<u>\$200,577.01</u>

* *Although this financial statement was compiled by the Legislative Post Audit Division, the statement has not been audited. Therefore, we are not expressing an opinion on the financial statement. Receipt Line Items were obtained from the WVBOA's Annual Report. In order to facilitate a year-to-year comparison of receipts, we reclassified the FY 2007 receipt line items to those line items used by the WVBOA for FY 2008. The total receipts were reconciled without exception to the total deposits recorded in WVFIMS. Also, disbursement line items were reconciled without exception to disbursements recorded in WVFIMS.*

STATE OF WEST VIRGINIA

OFFICE OF THE LEGISLATIVE AUDITOR, TO WIT:

I, Stacy L. Sneed, CPA, CICA, Director of the Legislative Post Audit Division, do hereby certify that the report appended hereto was made under my direction and supervision, under the provisions of the West Virginia Code, Chapter 4, Article 2, as amended, and that the same is a true and correct copy of said report.

Given under my hand this 15th day of September 2009.



Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division

Copy forwarded to the Secretary of the Department of Administration to be filed as a public record. Copies forwarded to the West Virginia Board of Accountancy; Governor; Attorney General; and State Auditor.