

LEGISLATIVE FINANCIAL COMPLIANCE INSPECTION

FOLSOM VOLUNTEER FIRE DEPARTMENT

FOR THE YEAR ENDING DECEMBER 31, 2011

REPORT OVERVIEW

- Commingled



WEST VIRGINIA LEGISLATIVE AUDITOR POST AUDIT DIVISION



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http://www.legis.state.wv.us/Joint/postaudit/vfd_audits.cfm

For more information about the Legislative Post Audit Division, please visit our website at
www.legis.state.wv.us/Joint/postaudit/postaudit.cfm

WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance

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The Joint Committee on Government and Finance:

In compliance with the provisions of the W. Va. Code §12-4-14 as amended, we conducted a compliance inspection and review of the financial transactions and records of the Folsom Volunteer Fire Department's state funds for the calendar year ended December 31, 2011. We conducted our review and compliance inspection based on the criteria set forth by the Legislative Post Audit Division.

Respectfully submitted,

A handwritten signature in blue ink that reads "Denny Rhodes".

Denny Rhodes, Director
Legislative Post Audit Division

DR/nmh

FOLSOM VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

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FOLSOM VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

EXECUTIVE SUMMARY

Due to the commingling of funds, we are unable to determine if all expenditures made from state funds were allowable and/or properly documented. However, based on the documentation provided we found:

FINDING 1 COMMINGLED:

The Department commingled State funds with funds from other sources totaling \$49,760.00 by not maintaining loan proceeds received from loans paid with State funds in a separate State account.

The Department also commingled State funds with funds from other sources by making a \$3,100 funds transfer from their non State account to their State account.

Recommendation:

We recommend the Folsom VFD maintain all State funds in a separate account and not commingled with funds received from other sources. We also recommend the VFD maintain a ledger for each loan and record all expenditures using loan funds on the ledger.

Response:

The Department agreed with all findings and recommendations.

FOLSOM VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

INTRODUCTION

POST AUDIT AUTHORITY

The procedures were conducted pursuant to W. Va. Code, §12-4-14, which allows the Legislative Auditor to “assign an employee or employees to perform audits or reviews at the direction of the Legislative Auditor of the disbursement of state grant funds to Volunteer Fire Departments.”

BACKGROUND

To provide additional revenue for the municipal firemen's pension and relief funds and for volunteer and part volunteer companies and departments, the West Virginia Legislature levied under W. Va. Code, §33-3-14d, as amended in 2001, an additional premium tax equal to one percent of the taxable premiums collected for fire insurance and casualty insurance policies. Under this section of the Code, volunteer and part Volunteer Fire Departments that are certified by the State Fire Marshal prior to each quarterly allocation are to receive 25 percent of the revenues generated by this premium tax.

In 1999, to provide additional revenue for the municipal fireman’s pension and relief funds and for volunteer and part volunteer companies and departments, the West Virginia Legislature levied under the provisions of W. Va. Code, §33-12c-9, as amended, a tax equal to four percent of the gross premiums and fees on excess line policies. These moneys are to be distributed in accordance with the provision of W. Va. Code, §33-3-14d, as amended.

The West Virginia Legislature again provided additional revenue for the volunteer and part Volunteer Fire Departments by authorizing, under W. Va. Code, §33-3-33, as amended in 2001, a policy surcharge equal to one percent of the taxable premiums paid by policyholders of any fire insurance policy or casualty insurance policy. Under this section of the Code, 50 percent of the moneys collected are to be distributed to those volunteer and part Volunteer Fire Departments and companies certified by the State Fire Marshal before each quarterly allocation.

W. Va. Code, §33-3-14d and 33 provide that the Volunteer Fire Departments receive distributions on an equal share basis and part Volunteer Fire Departments receive a reduced amount based on the ratio of full-time paid firefighters who are members of the municipal firemen’s pension system to the total number of the members of the Fire Department. The moneys are to be distributed quarterly on the first day of the months of January, April, July and October of each year.

To receive these funds, the volunteer and part Volunteer Fire Companies and Departments must comply with the provisions of W. Va. Code, §8-15-8a, as amended:

The Legislature placed restrictions on the use of these additional revenues by the Volunteer Fire Departments under W. Va. Code, §8-15-8b, as amended March 8, 2000, and again April 9, 2005.

Prior to the March 8, 2000 amendment, W. Va. Code, §8-15-8b did not allow Operating expenses as described in subsection (11) nor did the law prohibit the commingling of the funds with funds from

other sources. Prior to the April 9, 2005 amendment, W. Va. Code, §8-15-8b did not allow Dues as described in subsection (12). On March 13, 2010, W. Va. Code, §8-15-8b was amended to include items (13) Workers' Compensation premiums, (14) Life insurance premiums to provide a benefit not to exceed \$20,000 for firefighter; and (15) Educational and training supplies and fire prevention promotional materials, not to exceed \$500 per year.

W. Va. Code, §12-4-14, as amended, requires an audit at the cost of the grantee, by an independent certified public accountant, of any person who receives State funds or grants in the amount of \$25,000 or more. The audit must be filed within two years of the end of the year in which the disbursement of the funds or grants occurred. The Legislature amended this section of the Code effective June 9, 1995, and again effective July 1, 2005 providing an alternative to an audit for Volunteer Fire Departments. In lieu of an audit, Volunteer Fire Departments may file a sworn statement of annual expenditures to the Legislative Auditor's Office on or before July 1, of each year. If the sworn statement of annual expenditures is not filed by the first day of July, the Legislative Auditor shall notify the State Treasurer who shall withhold any payment that would otherwise be distributed to the Fire Department.

W. Va. Code, §12-4-14 as amended March 8, 2000, and again April 9, 2005 provides that the Legislative Auditor may perform random audits of the Volunteer Fire Departments. This section also requires that the Volunteer Fire Department shall cooperate with the Legislative Auditor's Office in performing their duties under this section. If the Legislative Auditor determines a Volunteer Fire Department is not cooperating, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the department until such time that the Legislative Auditor informs the Treasurer that the Fire Department has cooperated as required by this section.

FOLSOM VOLUNTEER FIRE DEPARTMENT
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OFFICERS AND STAFF

Jimmy Glasscock President
April Glasscock Secretary
Cindy Glasscock..... Treasurer
Gary Glasscock. Fire Chief

FOLSOM VOLUNTEER FIRE DEPARTMENT
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SCOPE

We conducted an evaluation of the revenue and expenditure transactions, and other records of the Folsom Volunteer Fire Department's state accounts for the year ending December 31, 2011. Our scope included determining instances of noncompliance with W. Va. Code §8-15-8b, and other applicable laws and regulations. The Compliance inspection was conducted in accordance with criteria set forth by the Legislative Post Audit Division.

OBJECTIVES AND METHODOLOGIES

The objective of our report was to review expenditures from the Department's state fund to ensure all expenditures were allowable and supported, and to report any unlawful expenditures that we find. Additionally, we were to examine the spending unit's financial transactions and records to evaluate its compliance with applicable State laws, rules and regulations.

Our sample of Departments to test was randomly selected by district, after determining a population of all Departments for which a report has not been issued. Our sample also included specific departments selected for audit at the request of the Fire Marshal or by Legislative Post Audit.

We scheduled all canceled checks that were submitted regarding State funds, accounting for every check number in sequence. We matched these checks to the proper invoices and noted any lack of documentation and any instances of noncompliance with W. Va. Code, §8-15-8b, as amended. We reviewed the bank statements to determine if the account was commingled, or if any other deposits were made during the year that did not come from the WV State Treasurer. While reviewing the bank statements we also looked for any other electronic debits or credits or bank service charges. For all State grants awarded to the department for our audit period we requested and reviewed the grant agreement, supporting invoices, bank statements, checks, ledgers, and sworn statement of expenditures, if applicable, to determine if expenditures for the grant were allowable and properly documented.

We made copies of any documents that were questionable. We developed a list of any missing documentation and sent it with a letter to the Fire Chief of the Department to give them a minimum of one week to find any missing documents and to explain any discrepancies we might have with the amount reported by the Department versus the audited amount. We prepared our findings if applicable and report after the deadline had passed. We discussed this report with the Department and explained they would get a copy of the report when it is presented to the Subcommittee.

Our reports are designed to assist the Post Audits Subcommittee in exercising its legislative oversight function and to provide constructive recommendations for improving the operations of Volunteer Fire Departments.

CONCLUSIONS

Based on our review, we determined the department did not maintain or expend the proceeds of loans totaling \$49,760.00, used for general expenditure in a separate account in non compliance with WV code. We also noted the department commingled state funds with funds from other sources by making a \$3,100 transfer from their non state account to their state account. Due to the commingling of funds, we are unable to determine if all expenditures made from state funds were allowable and/or properly documented. We recommend the department maintain all State funds in a separate account and not commingled with funds received from other sources.

EXIT CONFERENCE

We presented all findings and recommendations to the Treasurer of the Folsom Volunteer Fire Department on 3/26/14. All findings and recommendations were reviewed and discussed. The department agreed with all findings and recommendations.

FOLSOM VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

FINDINGS

FINDING 1 COMMINGLED:

CONDITION:

The department commingled State funds with funds from other sources totaling \$49,760.00 by not maintaining loan proceeds received from loans paid with State funds in a separate State account.

The Folsom Volunteer Fire Department obtained loans in the amounts \$226,000, and \$20,000.00. The department is making payments for these loans from their State account. The loans were used for the following:

| | Loan 1 | Loan 2 |
|--|----------------------|---------------------|
| Consolidate/Refinance Current Debt (Building, Equipment, & Credit Card)+ | \$ 193,993.00 | \$ 0.00 |
| Purchase Kenwood Radios+ | 2,247.00 | 0.00 |
| Deposited into Department's non State Account for general expenditures* | 29,760.00 | 20,000.00 |
| Total Loan Proceeds | \$ 226,000.00 | \$ 20,000.00 |

+Allowable expenditure

*Comingled with funds from other sources.

If State funds are used for the retirement of debt then the proceeds of the loan must be used for authorized expenditures. Because the proceeds of loans are commingled with funds from other sources we cannot be assured the funds were used for authorized expenditures.

We also noted the department commingled State funds with funds from other sources by making a \$3,100 funds transfer from their non State account to their State account.

CRITERION:

W. Va. Code §8-15-8(b), as amended, states in part:

“Authorized expenditures of revenues from the municipal pensions and protection fund and the fire protection fund.

Revenues allocated to volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (1) through (15) of this section. Funds received from the state for volunteer and part volunteer fire companies and departments, pursuant to sections fourteen-d and thirty-three, article three, and

section seven, article twelve-c, all of chapter thirty-three of this code, **may not be commingled with funds received from any other source.** Emphasis added

"Expenditures may be made for the following:

(6) Retirement of debts;"

CAUSE:

The department did not follow W. Va. Code §8-15-8(b), as amended, and commingled funds from other sources with funds received pursuant to West Virginia Code Chapter thirty-three, Article 3 Sections 14(d) and 33 and West Virginia Code Chapter thirty-three, Article 12(c) Section 7.

According to the Chief of the Fire Department, the department also transferred \$3,100 from their non state account to the department's State account to cover an automatic withdrawal of \$5,493.41 for payment of loan.

EFFECT:

Because loan proceeds are in a non State account and commingled with funds from other sources we cannot be assured that the proceeds were expended as intended.

Due to the commingling of funds, we are unable to determine if all expenditures made from state funds were allowable and/or properly documented.

RECOMMENDATION:

We recommend the Folsom VFD maintain all State funds in a separate account and not commingled with funds received from other sources. We also recommend the VFD maintain a ledger for each loan and record all expenditures using loan funds on the ledger.

FOLSOM VOLUNTEER FIRE DEPARTMENT
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SUPPLEMENTAL INFORMATION
STATEMENT OF EXPENDITURES YEAR ENDED DECEMBER 31, 2011

| <u>Authorizing W.Va Code</u> | <u>AUDIT</u> | <u>VFD</u> | <u>DIFFERENCES</u> | |
|---|--------------|-------------|--------------------|---|
| <u>Chapter 8, Article 15, Section 8b(1)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(2)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(3)</u> | \$700.00 | \$700.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(4)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(5)</u> | \$0.00 | \$37,822.30 | -\$37,822.30 | a |
| <u>Chapter 8, Article 15, Section 8b(6)</u> | \$37,822.30 | \$0.00 | \$37,822.30 | b |
| <u>Chapter 8, Article 15, Section 8b(7)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(8)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(9)</u> | \$0.00 | \$9,360.50 | -\$9,360.50 | c |
| <u>Chapter 8, Article 15, Section 8b(10)</u> | \$9,360.50 | \$0.00 | \$9,360.50 | d |
| <u>Chapter 8, Article 15, Section 8b(11)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(12)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(13)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(14)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Chapter 8, Article 15, Section 8b(15)</u> | \$0.00 | \$0.00 | \$0.00 | |
| <u>Total Disbursements For Year</u> <u>Ended December 31, 2011</u> | \$47,882.80 | \$47,882.80 | \$0.00 | |

a, b, c, d = Incorrect coding of line items.