

STATE OF WEST VIRGINIA
ATTESTATION ENGAGEMENT
OF
LUBECK
VOLUNTEER FIRE DEPARTMENT

FOR THE YEARS ENDING
DECEMBER 31, 2007 AND DECEMBER 31, 2006



OFFICE OF THE LEGISLATIVE AUDITOR
POST AUDIT DIVISION
CAPITOL BUILDING
CHARLESTON, WEST VIRGINIA 25305-0610

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WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance

Stacy L. Sneed, CPA, CICA, Director
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May 19, 2009

The Joint Committee on Government and Finance:

In compliance with the provisions of the West Virginia Code, Chapter 12, Article 4, Section 14 as amended, we conducted an attestation engagement of the Lubeck Volunteer Fire Department for the years ended December 31, 2007 and December 31, 2006. We are conducting our attestation in accordance with auditing standards generally accepted in the United States.

Respectfully submitted,

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

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

SLS/las/cdo

LUBECK VOLUNTEER FIRE DEPARTMENT

TABLE OF CONTENTS

Introduction2

 Post Audit Authority 2

 Background..... 2

Officers and Staff4

Attestation Scope5

Objectives, Methodologies, and Conclusions5

Exit Conference.....5

Findings6

Supplemental Information – Statements7

**Certificate of Director,
Legislative Post Audit Division9**

LUBECK VOLUNTEER FIRE DEPARTMENT

INTRODUCTION

POST AUDIT AUTHORITY

The audit is being conducted pursuant to Chapter 12, Article 4, Section 14 of the West Virginia Code, 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 Chapter 33, Article 3, Section 14d of the West Virginia Code, 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 Chapter 33, Article 12c, Section 9 of the West Virginia Code, 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 Chapter 33, Article 3, Section 14d, as amended.

The West Virginia Legislature again provided additional revenue for the volunteer and part volunteer fire departments by authorizing, under Chapter 33, Article 3, Section 33 of the West Virginia Code, 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.

Chapter 33, Article 3, Sections 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 Chapter 8, Article 15, Section 8a of the West Virginia Code, as amended:

The Legislature placed restrictions on the use of these additional revenues by the volunteer fire departments under Chapter 8, Article 15, Section 8b of the West Virginia Code, as amended March 8, 2000, and again April 9, 2005.

Prior to the March 8, 2000 amendment, Chapter 8, Article 15, Section 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, Chapter 8, Article 15, Section 8b did not allow Dues as described in subsection (12).

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, requires an audit at the cost of the grantee, by an independent certified public accountant, of any person who receive 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.

Chapter 12, Article 4, Section 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.

LUBECK VOLUNTEER FIRE DEPARTMENT

OFFICERS AND STAFF

Craig Minton President of the Governing Board
John Davis Vice President of the Governing Board
Todd Martin Secretary
Angie Stewart.....Treasurer
Dave Cook Assistant Treasurer
Mark Stewart Fire Chief
David Cutright Deputy Chief
Eric Farnsworth Assistant Chief

LUBECK VOLUNTEER FIRE DEPARTMENT

ATTESTATION SCOPE

We conducted an attestation engagement of the Lubeck Volunteer Fire Department for the years ending December 31, 2007 and December 31, 2006. Our attestation scope included compliance with laws and regulations. The attestation was conducted in accordance with auditing standards generally accepted in the United States.

OBJECTIVES AND METHODOLOGIES

The objective of our attestation engagement was to review expenditures from the Departments 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, and to evaluate its compliance with applicable State laws, rules and regulations.

Our sample of Departments to test was randomly selected after determining a population of all Departments that filed their Financial Statements with our office.

This communication is intended solely for the information and use of the Post Audit Subcommittee, the members of the WV Legislature, and the Volunteer Fire Department. However, once released by the Post Audit Subcommittee, this report is a matter of public record and its distribution is not limited.

Our reports are designed to assist the Post Audit Subcommittee in exercising its legislative oversight function and to provide constructive recommendations for improving the operations of Volunteer Fire Departments. As a result, our reports generally do not address activities we reviewed that are functioning properly.

CONCLUSIONS

We found the Department paid state sales tax and failed to report one disbursement on their Volunteer Fire Department Financial Statement.

EXIT CONFERENCE

We discussed this report with the Fire Chief May 19, 2009. All findings and recommendations were reviewed and discussed.

LUBECK VOLUNTEER FIRE DEPARTMENT

FINDINGS

Finding 1 Sales Tax Paid

- We noted the Department paid state sales tax totaling \$82.95. According to 501 (c) (3) of the Internal Revenue Code, the Department is a tax exempt agency and should not be paying West Virginia State sales tax.

Auditor's Recommendation

We recommend the Lubeck Volunteer Fire Department comply with 501 (c) (3) of the Internal Revenue Code. We further recommend the Lubeck Volunteer Fire Department reimburse their state account \$82.95 for the payment of sales tax.

Finding 2 Failed to report disbursement on their Volunteer Fire Department Financial Statement

- We noted the Department failed to report a disbursement in the amount of \$2,514.00.

Auditor's Recommendation

We recommend the Lubeck Volunteer Fire Department report all disbursements on their Volunteer Fire Department Financial Statement.

LUBECK VOLUNTEER FIRE DEPARTMENT

SUPPLEMENTAL INFORMATION
STATEMENTS OF EXPENDITURES YEAR ENDED DECEMBER 31, 2007

	<u>VFD</u>	<u>POST AUDIT REVIEW</u>	<u>DIFFERENCES</u>
Chapter 8, Article 15, Section 8b(1)	\$ 0.00	\$ 0.00	\$0.00
Chapter 8, Article 15, Section 8b(2)	6,349.28	6,349.28	0.00
Chapter 8, Article 15, Section 8b(3)	2,337.00	2,337.00	0.00
Chapter 8, Article 15, Section 8b(4)	3,751.54	3,751.54	0.00
Chapter 8, Article 15, Section 8b(5)	2,664.07	2,664.07	0.00
Chapter 8, Article 15, Section 8b(6)	13,778.90	13,778.90	0.00
Chapter 8, Article 15, Section 8b(7)	0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(8)	0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(9)	0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(10)	12,789.43	12,789.43	0.00
Chapter 8, Article 15, Section 8b(11)	2,508.02	2,508.02	0.00
Chapter 8, Article 15, Section 8b(12)	<u>250.00</u>	<u>250.00</u>	<u>0.00</u>
Total Disbursements For Year Ended December 31, 2007	<u>\$44,428.24</u>	<u>\$44,428.24</u>	<u>\$0.00</u>

LUBECK VOLUNTEER FIRE DEPARTMENT

**SUPPLEMENTAL INFORMATION
STATEMENTS OF EXPENDITURES YEAR ENDED DECEMBER 31, 2006**

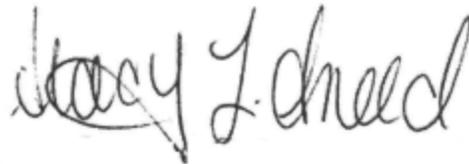
	<u>VFD</u>	<u>POST AUDIT REVIEW</u>	<u>DIFFERENCES</u>
Chapter 8, Article 15, Section 8b(1)	\$ 200.92	\$ 200.92	\$ 0.00
Chapter 8, Article 15, Section 8b(2)	0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(3)	4,388.41	4,388.41	0.00
Chapter 8, Article 15, Section 8b(4)	1,046.25	1,046.25	0.00
Chapter 8, Article 15, Section 8b(5)	4,310.09	4,227.14	82.95
Chapter 8, Article 15, Section 8b(6)	41,253.59	41,253.59	0.00
Chapter 8, Article 15, Section 8b(7)	\$0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(8)	\$0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(9)	\$0.00	0.00	0.00
Chapter 8, Article 15, Section 8b(10)	9,903.33	12,417.33	(2,514.00)
Chapter 8, Article 15, Section 8b(11)	1,271.55	1,271.55	0.00
Chapter 8, Article 15, Section 8b(12)	<u>348.00</u>	<u>348.00</u>	<u>0.00</u>
Total Disbursements For Year Ended December 31, 2006	<u>\$ 62,722.14</u>	<u>\$ 65,153.19</u>	<u>(\$2,431.05)</u>
Total Disbursements For Years Ended December 31, 2007 and 2006	<u>\$107,150.38</u>	<u>\$109,581.43</u>	<u>(\$2,431.05)</u>

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 July 2009.

A handwritten signature in black ink that reads "Stacy L. Sneed". The signature is written in a cursive style with a large initial 'S'.

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 Lubeck Volunteer Fire Department; County Clerk, Wood County; Prosecuting Attorney, Wood County; Governor; Attorney General; State Fire Marshall and State Auditor.