

LEGISLATIVE FINANCIAL COMPLIANCE INSPECTION

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT

FOR THE YEAR ENDING DECEMBER 31, 2011

REPORT OVERVIEW

- Commingled Accounts



WEST VIRGINIA LEGISLATIVE AUDITOR
POST AUDIT DIVISION



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Post audit reports are available on-line at
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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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July 29, 2013

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 South Charleston 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 "Stacy L. Sneed".

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

SLS/rwa

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

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SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

EXECUTIVE SUMMARY

FINDING 1 COMMINGLED:

The South Charleston Volunteer Fire Department commingled State funds with funds from other sources totaling \$355.33.

Recommendation:

We recommend the South Charleston VFD maintain all State funds in a separate account and not commingled with funds received from other sources.

Response:

The department agreed with all findings and recommendations.

SOUTH CHARLESTON 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 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 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 §8-15-8(a) , as amended:

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

Prior to the March 8, 2000 amendment, W. Va. Code §8-15-8(b) 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 §8-15-8(b) did not allow Dues as described in subsection (12). On March 13, 2010, W. Va. Code §8-15-8(b) 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.

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

OFFICERS AND STAFF

Randy RobertsPresident
Gary Scott..... Treasurer
Greg Petry.Fire Chief

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

SCOPE

We conducted an evaluation of the revenue and expenditure transactions, and other records of the South Charleston Volunteer Fire Department's state accounts for the year ending December 31, 2011. Our scope included determining instances of noncompliance with W. Va. Code §8-15-8(b), 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.

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 of documents provided, we determined the department commingled State funds with funds from other sources totaling \$355.33.

EXIT CONFERENCE

We discussed this report with the Treasurer of the South Charleston Volunteer Fire Department on July 29, 2013. All findings and recommendations were reviewed and discussed. The department agreed with all findings and recommendations.

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

FINDING

FINDING 1 COMMINGLED:

CONDITION:

The South Charleston Volunteer Fire Department commingled State funds with funds from other sources totaling \$355.33.

The department received a total of \$355.33 in state funds for the period ending 12/31/2011. The department did not maintain a separate State account.

To avoid opening another bank account, the Department deposited State funds in their County 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**

CAUSE:

According to the treasurer, the department received less than \$400.00 in state funds. The department did not maintain a separate State account. To avoid opening another bank account, they deposited State funds in their County account. The department maintained ledgers to support the balance for each type of funds received. The department is currently a full time paid department and no longer receives State formula distributions.

EFFECT:

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

RECOMMENDATION:

We recommend the South Charleston VFD maintain all State funds in a separate account and not commingled with funds received from other sources.

SOUTH CHARLESTON VOLUNTEER FIRE DEPARTMENT
January 1, 2011 – December 31, 2011

SUPPLEMENTAL INFORMATION
STATEMENT OF EXPENDITURES YEAR ENDED DECEMBER 31, 2011

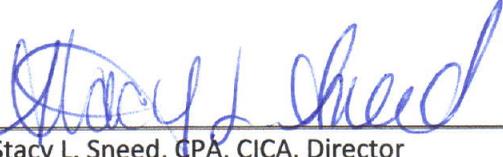
| <u>Authorizing W.Va Code</u> | <u>AUDIT</u> | <u>VFD</u> | <u>DIFFERENCES</u> |
|---|--------------|-------------|--------------------|
| Chapter 8, Article 15, Section 8b(1) | \$0.00 | \$0.00 | \$0.00 |
| Chapter 8, Article 15, Section 8b(2) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(3) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(4) | 5,567.74 | 5,567.74 | 0.00 |
| Chapter 8, Article 15, Section 8b(5) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(6) | 0.00 | 0.00 | 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) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(11) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(12) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(13) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(14) | 0.00 | 0.00 | 0.00 |
| Chapter 8, Article 15, Section 8b(15) | <u>0.00</u> | <u>0.00</u> | <u>0.00</u> |
| Total Disbursements For Year Ended December 31, 2011 | \$5,567.74 | \$5,567.74 | \$0.00 |

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 W. Va. Code §4-2, as amended, and that the same is a true and correct copy of said report.

Given under my hand this 12th day of September 2013.



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

Notification of when the report was released and the location of the report on our website were sent to the Secretary of the Department of Administration to be filed as a public record. Report release notifications were also sent to the Governor; Attorney General; State Auditor; and State Fire Marshal. Copies forwarded to the South Charleston Volunteer Fire Department; Prosecuting Attorney, Kanawha County; County Clerk, Kanawha County.