

LEGISLATIVE FINANCIAL COMPLIANCE INSPECTION

ST. ALBANS FIRE DEPARTMENT

FOR THE YEAR ENDING DECEMBER 31, 2012

REPORT OVERVIEW

- Commingled \$17, 887.70 in State Monies



WEST VIRGINIA LEGISLATIVE AUDITOR POST AUDIT DIVISION



**Aaron Allred - Legislative Auditor
Denny Rhodes - Director**

**Building 1, Room W-329
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Phone: (304) 347-4880**

LEGISLATIVE POST AUDITS SUBCOMMITTEE

Senate

President Jeff Kessler, Chairman
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Mike Hall

House

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Harry Keith White
Tim Armstead

WEST VIRGINIA LEGISLATIVE AUDITOR LEGISLATIVE POST AUDIT DIVISION

Aaron Allred
Legislative Auditor

Denny Rhodes
Director

Nathan Hamilton
VFD Auditor

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

Post audit reports are available on-line at
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
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WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance

Denny Rhodes, 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

June 17, 2014

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 St. Albans Fire Department's state funds for the calendar year ended December 31, 2012. 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

TABLE OF CONTENTS

Finding – Commingled \$17,887.70 in State Monies1

Supplemental Information – Audited Differences for Statement of Expenditures.....2

Scope, Objectives and Methodologies3

Conclusions, Exit Conference & Response and Officers & Staff4

Post Audit Authority & Background Information5

FINDING

Finding 1 **Commingled \$17,887.70 in State Monies**

Condition: The St. Albans Fire Department commingled State funds with funds from other sources totaling \$17,887.70.

The department received a total of \$17,887.70 in state funds for the period ending December 31, 2012. To avoid opening another bank account, the department deposited State funds in their state equipment fund account. Per the Fire Chief, this account also includes grants and allocations but no city revenue funds.

Criteria: **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 Fire Chief, the department wanted to avoid opening another bank account, so they deposited the State funds in their state equipment fund account.

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

Recommendation: We recommend the St. Albans Fire Department maintain all State funds in a separate account and not commingled with funds received from other sources. As of April 3, 2014, the city is in the process of separating the account and opening an account solely for State funds.

SUPPLEMENTAL INFORMATION: AUDITED DIFFERENCES FOR STATEMENT OF EXPENDITURES FOR YEAR ENDING DECEMBER 31, 2012

Authorizing W.Va. Code	Audit	VFD	Differences
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)	\$0.00	\$0.00	\$0.00
Chapter 8, Article 15, Section 8b(5)	\$0.00	\$16,356.23	-\$16,356.23
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	\$0.00	\$16,356.23	-\$16,356.23

SCOPE

We conducted an evaluation of the revenue and expenditure transactions, and other records of the St. Albans Fire Department's state accounts for the year ending December 31, 2012. 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.

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, §8-15-8(b), 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 of documents provided, we determined the department commingled State funds with funds from other sources totaling \$17,887.70.

EXIT CONFERENCE AND DEPARTMENT RESPONSE

We discussed this report with the Fire Chief of the St. Albans Fire Department on June 10, 2014. All findings and recommendations were reviewed and discussed. The department agreed with all findings and recommendations. They are separating their state funds from their other funds as of July 1, 2014.

OFFICERS AND STAFF

Barb Cunningham.Treasurer
Steve Parsons..... Fire Chief

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.