

# LEGISLATIVE FINANCIAL COMPLIANCE INSPECTION

## SOPHIA AREA VOLUNTEER FIRE DEPARTMENT

FOR THE PERIOD JANUARY 1, 2010 - DECEMBER 31, 2010

### REPORT OVERVIEW

- Lack of Supporting Documentation
- Commingled Funds
- Improper Record Keeping



WEST VIRGINIA LEGISLATIVE AUDITOR  
POST AUDIT DIVISION



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## LEGISLATIVE POST AUDIT SUBCOMMITTEE

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### WEST VIRGINIA LEGISLATIVE AUDITOR LEGISLATIVE POST AUDIT DIVISION

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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](http://www.legis.state.wv.us/Joint/postaudit/postaudit.cfm)

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

Stacy L. Sneed, CPA, CICA, Director  
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December 1, 2011

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 a compliance inspection and review of the financial transactions and records of the Sophia Area Volunteer Fire Department's state funds for the calendar year ended December 31, 2010. 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 cursive script that reads "Stacy L. Sneed".

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

SLS/NMH

**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

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**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

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**EXECUTIVE SUMMARY**

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<b>Sophia Area VFD, Raleigh County</b>	<b><u>December 31, 2010</u></b>
Finding 1 - Lack of Supporting Documentation	\$ 61.82
Finding 2 - Commingled Funds	950.00
Finding 3 - Improper record keeping	<u>0.00</u>
<b>Total Amount for Reimbursement</b>	<b><u>\$ 61.82</u></b>

**RECOMMENDATIONS:**

Finding 1 - We recommend the Sophia Area VFD reimburse their state account \$61.82.

Finding 2 - We recommend the Sophia Area VFD maintain all state funds in separate accounts.

Finding 3 - We recommend Sophia Area VFD maintain sufficient records and reconciliations, to protect the legal and financial rights of the VFD.

**RESPONSES:**

Finding 1 – The department reimbursed their state account for \$61.82

Finding 2 – The department stated they will maintain all state funds in a separate account.

Finding 3 – The department stated they will maintain sufficient records and reconciliations to protect the legal and financial rights of the VFD.

**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

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**INTRODUCTION**

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**POST AUDIT AUTHORITY**

The procedures were conducted pursuant to Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, 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, as amended, 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). On March 13, 2010, Chapter 8, Article 15, Section 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.

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 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.

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.

**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

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**OFFICERS AND STAFF**

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Jimmy Ratliff..... President of the Governing Board  
Anthony W. Meadows .....Treasurer  
Anthony W. Meadows ..... Fire Chief



**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

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**SCOPE**

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We conducted a review of the revenue and expenditure transactions, and other records of the Sophia Area Volunteer Fire Department's state accounts for the year ending December 31, 2010. Our scope included determining instances of noncompliance with Chapter 8, Article 15, Section 8b, of the West Virginia code, as amended, and other applicable laws and regulations. The review was conducted in accordance with criteria set forth by the Legislative Post Audit Division.

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**OBJECTIVES AND METHODOLOGIES**

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The objective of our examination 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, and 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 un-audited Departments.

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.

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**CONCLUSION**

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We noted the fire department lacked proper supporting documentation for \$61.82. We also noted the fire department made a de minimis unallowable expenditure of \$2.01, which is not an exception. The department commingled \$950.00 in funds and expenses from sources other than state funding with their state funds. Finally, we noted the department could not provide any reconciliations or ledgers to support their financial statement balances.

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**EXIT CONFERENCE**

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We discussed this report with the fire chief of the Sophia Area VFD on March 14, 2012. All findings and recommendations were reviewed and discussed.



**Finding 2**

**Commingling Funds**

Condition: We noted the fire department deposited \$950 from an unknown source in their state account.

Criterion: Chapter 8, Article 15, Section 8(b) of the West Virginia Code, 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: The fire chief/treasurer stated that the treasurer at the time made an error and mixed non-state funds with state funds.

Effect: When state and non state funds are commingled, we may be unable to determine if all expenditures made from state funds were allowable and/or properly documented.

Recommendation: We recommend Sophia Area VFD deposit funds from non state sources in their non state account.

Spending Unit’s Response: The department stated they will maintain all state funds in a separate account.

**Finding 3****Improper Record Keeping**

**Condition:** We noted a \$2,325.58 difference between ending bank statement balance and ending financial statement balance. Included in this difference is a beginning balance difference of \$2,830.00 between beginning bank statement balance and beginning financial statement balance. Also included in this difference is a \$1,454.42 undetermined difference between the total line item distribution from financial statement and total distributions from bank statements less a \$950.00 commingled deposit. The department could not provide a ledger or reconciliation to support the beginning or ending balances shown on their financial. Also, the department could not provide a ledger to support the line item distributions from their financial statement.

**Criterion:** The department is responsible for keeping adequate records for a reasonable period of time. According to generally accepted accounting principles, the department should make and maintain records containing adequate and proper documentation designed to furnish information to protect the legal financial rights of the department and state.

**Cause:** The chief stated he did not know why proper ledgers were not maintained.

**Effect:** Due to improper record keeping there is a greater risk of error or fraud. Also due in proper record keeping, there may be insufficient information to protect the legal and financial rights of the VFD and of persons directly affected by the departments activities.

**Recommendation:** We recommend Sophia Area VFD maintain sufficient records and reconciliations, to protect the legal and financial rights of the VFD.

**Spending Unit's Response:** The department stated they will maintain sufficient records and reconciliations to protect the legal and financial rights of the VFD.

**SOPHIA AREA VOLUNTEER FIRE DEPARTMENT**  
**January 1, 2010 – December 31, 2010**

**SUPPLEMENTAL INFORMATION**  
**STATEMENT OF EXPENDITURES YEAR ENDED DECEMBER 31, 2010**

<u>Authorizing WV Code</u>	<u>AUDIT</u>	<u>VFD</u>	<u>DIFFERENCES</u>	
Chapter 8, Article 15, Section 8b(1)	\$ 94.95	\$ 557.00	\$ (462.05)	<b>b</b>
Chapter 8, Article 15, Section 8b(2)	142.96	0.00	142.96	<b>b</b>
Chapter 8, Article 15, Section 8b(3)	0.00	0.00	0.00	
Chapter 8, Article 15, Section 8b(4)	77.70	732.91	(655.21)	<b>c</b>
Chapter 8, Article 15, Section 8b(5)	495.00	0.00	495.00	<b>d</b>
Chapter 8, Article 15, Section 8b(6)	29,687.54	29,687.54	0.00	
Chapter 8, Article 15, Section 8b(7)	4,383.60	2,762.65	1,620.95	<b>b</b>
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)	7,078.01	8,828.24	(1,750.23)	<b>e</b>
Chapter 8, Article 15, Section 8b(11)	1,692.95	1,462.08	230.87	<b>b</b>
Chapter 8, Article 15, Section 8b(12)	0.00	0.00	0.00	
Chapter 8, Article 15, Section 8b(13)	1,768.00	0.00	1,768.00	<b>b</b>
Chapter 8, Article 15, Section 8b(14)	0.00	0.00	0.00	
Chapter 8, Article 15, Section 8b(15)	0.00	0.00	0.00	
<b>Total Disbursements For Year Ended December 31, 2010</b>	<b><u>\$45,420.71</u></b>	<b><u>\$44,030.42</u></b>	<b><u>\$1,390.29</u></b>	<b>a</b>

**a = \$1,390.29 difference in Total Disbursements due to:**

Check #4312 sales tax. De minimis	(\$ 2.01)
Check #4310 lacked proper supporting documentation	(61.82)
Check 4320 recording error.	(0.30)
Service charge 6/30/10	9.00
Service charge 7/30/10	9.00

<b>Undetermined difference between Total Audited distributions and Total VFD distributions</b>	<b><u>\$1,436.42</u></b>
<b>Total</b>	<b><u>\$1,390.29</u></b>

**b = Undetermined line item 1, 2, 7, 11, 13 difference between Audited distribution and VFD distributions -**

Line Item 1	(\$ 462.05)
Line Item 2	142.96
Line Item 7	1,620.95
Line Item 11	230.87
Line Item 13	<u>1,768.00</u>
<b>Total</b>	<b><u>\$3,300.73</u></b>

**c = (\$655.21) difference in Line 4 distribution due to:**

Check #4312 sales tax. De minimis	(\$ 2.01)
<b>Undetermined line item difference line 4</b>	<u>(653.20)</u>
<b>Total</b>	<b><u>(\$ 655.21)</u></b>

**d = \$495.00 difference in Line 5 distribution due to:**

Check #4310 lacked proper supporting documentation	(\$ 61.82)
<b>Undetermined line item difference line 5</b>	<u>556.82</u>
<b>Total</b>	<b><u>\$495.00</u></b>

**e = -\$1,750.23 difference in Line 10 distribution due to:**

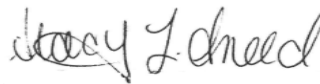
Check 4320 recording error.	(\$ 0.30)
Unrecorded service charge 6/30/10	9.00
Unrecorded service charge 7/30/10	9.00
<b>Undetermined line item difference line 10</b>	<u>(1,767.93)</u>
<b>Total</b>	<b><u>(\$1,750.23)</u></b>

**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 11<sup>th</sup> day of May 2012.



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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 was 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 Sophia Area Volunteer Fire Department; Prosecuting Attorney, Fayette County; County Clerk, Fayette County.