

WEST VIRGINIA LEGISLATURE
Joint Committee on Government and Finance

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CHARLESTON, WEST VIRGINIA 25305-0610

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 have audited the disbursements of the Ona Volunteer Fire Department.

Our audit covered the years ended December 31, 2003, 2002 and 2001. The results of the audit are set forth on the following pages of this report.

Respectfully Submitted,


Theford L. Shanklin, CPA, Director
Legislative Post Audit Division

TLS/jda

ONA VOLUNTEER FIRE DEPARTMENT

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ONA VOLUNTEER FIRE DEPARTMENT

EXIT CONFERENCE

We held an exit conference on November 22, 2005 with the current Treasurer of the Ona Volunteer Fire Department and the Report was reviewed and discussed.

ONA VOLUNTEER FIRE DEPARTMENT

INTRODUCTION

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 following provisions of Chapter 8, Article 15, Section 8a of the West Virginia Code, as amended:

- “(a) Submit and maintain current submission of fire loss data to the state fire marshal, including verification, by notarized statement, if no fire loss has occurred;
- (b) Complete or be in the process of receiving firefighters training, including section one of the West Virginia University fire service extension or its equivalent. Such fire company or department must have at least ten members certified as having completed such training or if a volunteer fire company or department has twenty or fewer members, fifty percent of the active volunteer members must have completed such training; and
- (c) Comply with all applicable federal and state laws.”

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, which states:

“Revenues allocated to volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (a) through (k) 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 sixteen-a, article twelve, all of chapter thirty-three of this code, may not be commingled with funds received from any other source. Expenditures may be made for the following:

Prior to the March 8, 2000 amendment, Chapter 8, Article 15, Section 8b did not allow Operating expenses as described in subsection (k) nor did the law prohibit the commingling of the funds with funds from other sources.

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 corporations, associations or other organizations which receive State funds or grants in the amount of \$15,000 or more. The audit must be filed within two years of the disbursement of the funds or grants by the grantee. The Legislature amended this section of the Code effective June 9, 1995, 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 along with a filing fee of seventy-five dollars to the Legislative Auditor's Office on or before February 14, of each year.

The Legislature amended this section of the Code again, effective March 8, 2000, to include a provision for penalties should a department fail to submit timely the annual statement of expenditures or an audit made by an independent certified public accountant. An additional filing fee of twenty-five dollars shall be included with the sworn statement of annual expenditures if the statement is submitted between the fifteenth day of February and the fifteenth day of March. An additional filing fee of fifty dollars shall be included with the sworn statement of annual expenditures if the statement is submitted between the sixteenth day of March and the fifteenth day of April. If the sworn statement is not submitted on or before the fifteenth day of April the volunteer fire department shall file an audit of the disbursement of funds, made by an independent certified public accountant, with the Legislative Auditor's Office no later than the first day of July. The audit shall be made at the cost of the volunteer fire department. If the audit is not filed by the first day of July,

ONA VOLUNTEER FIRE DEPARTMENT

GENERAL REMARKS

Introduction

We have completed a disbursement audit of the Ona Volunteer Fire Department (Department). The audit covered the years ended December 31, 2003, December 31, 2002, and December 31, 2001.

Disbursement Statement and Bank Account

During our audit of the Ona Volunteer Fire Department Annual Statements of Expenditures for the years ended December 31, 2003, December 31, 2002, and December 31, 2001, we noted the Department deposited State funds in a checking account with funds from other sources during calendar year ending December 31, 2001. The following schedule depicts the disbursements we believe to be questionable due to the lack of supporting documentation.

QUESTIONED COSTS YEARS ENDED

<u>DESCRIPTION</u>	<u>Dec. 31, 2003</u>	<u>Dec. 31, 2002</u>	<u>Dec. 31, 2001</u>
<u>Lack Of Supporting Documentation</u>			
Stamps	<u>\$0.00</u>	<u>\$ 0.00</u>	<u>\$748.00</u>
Subtotal	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$748.00</u>
Total	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$748.00</u>

We recommend the Ona Volunteer Fire Department reimburse their State account \$748.00 for those disbursements which lack supporting documentation. The additional difference between the audited amount and the amount reported on the Financial Statement by the Department was a mathematical error.

ONA VOLUNTEER FIRE DEPARTMENT

STATEMENT OF EXPENDITURES

YEAR ENDED DECEMBER 31, 2003

	<u>VFD</u>	<u>AUDIT</u>	<u>DIFFERENCES</u>
Chapter 8, Article 15, Section 8b(f)	\$18,665.40	\$18,665.40	\$0.00
Chapter 8, Article 15, Section 8b(i)	<u>75.00</u>	<u>75.00</u>	<u>0.00</u>
Total Disbursements for Year Ended December 31, 2003	<u>\$18,740.40</u>	<u>\$18,740.40</u>	<u>\$0.00</u>

ONA VOLUNTEER FIRE DEPARTMENT

STATEMENT OF EXPENDITURES

YEAR ENDED DECEMBER 31, 2002

	<u>VFD</u>	<u>AUDIT</u>	<u>DIFFERENCES</u>
Chapter 8, Article 15, Section 8b(d)	\$ 25.00	\$ 25.00	\$ 0.00
Chapter 8, Article 15, Section 8b(f)	35,554.50	35,554.50	0.00
Chapter 8, Article 15, Section 8b(i)	<u>150.00</u>	<u>75.00</u>	<u>(75.00)</u>
 Total Disbursements for Year Ended December 31, 2002	 <u>\$35,729.50</u>	 <u>\$35,654.50</u>	 <u>(\$75.00)</u>

ONA VOLUNTEER FIRE DEPARTMENT

STATEMENT OF EXPENDITURES

YEAR ENDED DECEMBER 31, 2001

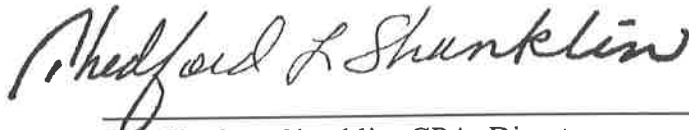
	<u>VFD</u>	<u>AUDIT</u>	<u>DIFFERENCES</u>
Chapter 8, Article 15, Section 8b(a)	\$ 1,130.80	\$ 1,130.80	\$ 0.00
Chapter 8, Article 15, Section 8b(d)	4,794.69	4,794.69	0.00
Chapter 8, Article 15, Section 8b(e)	659.53	659.53	0.00
Chapter 8, Article 15, Section 8b(i)	75.00	75.00	0.00
Chapter 8, Article 15, Section 8b(j)	75.03	75.03	0.00
Chapter 8, Article 15, Section 8b(k)	<u>2,615.75</u>	<u>1867.75</u>	<u>(748.00)</u>
Total Disbursements For Year Ended December 31, 2001	<u>\$ 9,350.80</u>	<u>\$ 8,602.80</u>	<u>(\$748.00)</u>
Total Disbursements For Years Ended December 31, 2003, December 31, 2002, and December 31, 2001	<u>\$63,820.70</u>	<u>\$62,997.70</u>	<u>(\$823.00)</u>

STATE OF WEST VIRGINIA

OFFICE OF THE LEGISLATIVE AUDITOR, TO WIT:

I, Thedford L. Shanklin, CPA, 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 12, Article 4, Section 14, as amended, and that the same is a true and correct copy of said report.

Given under my hand this 22nd day of May 2006.



Thedford L. Shanklin, CPA, 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 Ona Volunteer Fire Department; Governor; Attorney General; State Auditor; Director of Finance Division, Department of Administration; State Fire Marshal; Prosecuting Attorney, Cabell County; and, County Clerk, Cabell County.