

# LEGISLATIVE FINANCIAL COMPLIANCE INSPECTION

## BAYARD VOLUNTEER FIRE DEPARTMENT

FOR THE YEAR ENDING DECEMBER 31, 2011

### REPORT OVERVIEW

- Lack of Support for \$29, 143.33 of State Funds
- Unallowable Purchases Totaling \$115.00



### WEST VIRGINIA LEGISLATIVE AUDITOR POST AUDIT DIVISION



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

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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 Bayard 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 "Denny Rhodes".

Denny Rhodes, Director  
Legislative Post Audit Division

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## FINDINGS

### Finding 1                    **Lack of Support for \$29,143.33 of State Funds**

**Condition:**                    Based on the documentation provided to us, the Bayard Volunteer Fire Department lacked proper supporting documentation for expenditures totaling \$29,143.33<sup>1</sup>.

Of those expenditures, the department paid \$9,732.12 for a \$70,000 bank loan issued to purchase a 2004 GMC 7500 Tanker. We noted \$31,500 of the proceeds of the loan were made payable to Jeremy Bolyard Construction. The department could not provide documentation showing why the construction company was issued part of the loan funds and it is possible the \$31,500 was unallowable.

**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.”

**Cause:**                    The department did not have sufficient procedures in place to ensure all expenditures are properly documented.

**Effect:**                    There is a greater risk for fraud and abuse when expenditures are not properly documented. Due to the lack of proper supporting documentation, we were unable to determine if these expenditures were allowable.

**Recommendation:** We recommend the department maintain proper documentation for all expenditures and reimburse their State account \$29,143.33 for expenditures that lacked proper support. We further recommend the department engage an independent CPA firm to conduct an audit of all the department’s finances.

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<sup>1</sup> See **Supplemental Information – Expenditures Lacking Support** for an itemized list of expenditures with missing documentation.

**Finding 2                      Unallowable Purchases Totaling \$115.00**

**Condition:**                      The Bayard Volunteer Fire Department made \$115.00 in expenditures identified from state funds that were not allowed by W.Va. Code §8-15-8(b), as amended.

We determined the following item was purchased with State money that was not allowable under the West Virginia Code:

Check No.	Check Date	Description	Amount
2275	6/10/2011	Cable	\$54.48
2324	12/7/2011	Cable	\$60.52
<b>Total</b>			<b>\$115.00</b>

**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...“ **(Emphasis Added)**

**Cause:**                      The department may not have sufficient knowledge of W.Va. Code §8-15-8(b) to determine allowable expenditures under the Code section.

**Effect:**                      Due to unallowable expenditures, the department may have less funding available for expenditures required for effective and efficient fire protection services.

**Recommendation:** We recommend all State revenues allocated to the fire department only be used for expenditures authorized by W.Va. Code §8-15-8(b), as amended. We further recommend the department reimburse their state account \$115.00 for the items that were unallowable.

**SUPPLEMENTAL INFORMATION: EXPENDITURES LACKING SUPPORTING  
DOCUMENTATION FOR YEAR ENDING DECEMBER 31, 2011**

<b>CHECK NO.</b>	<b>CHECK DATE</b>	<b>PAYEE</b>	<b>Amount</b>
EFT	12/24/2010	Transfer to Loan	\$811.01
2246	1/25/2011	Frontier	\$177.69
2247	1/25/2011	Allegheny Power	\$7.15
2248	1/25/2011	Allegheny Power	\$75.25
EFT	1/26/2011	Transfer to Loan	\$811.01
EFT	2/25/2011	Transfer to Loan	\$811.01
2251	3/25/2011	Lowes	\$116.60
2252	na	Voided or cancelled check	\$0.00
2253	3/17/2011	Mt. Top Public Service Dist.	\$55.32
2254	3/17/2011	Gormanias Gas & Go	\$279.97
2255	3/17/2011	Fire House	\$24.95
2256	3/17/2011	1st Responder Newspaper	\$80.00
2259	3/17/2011	Naylor's Hardware	\$67.58
2260	3/17/2011	Sunrise Sanitation	\$22.72
2261	3/17/2011	Southern Auto Supply	\$41.89
2262	na	Voided or cancelled check	\$0.00
2263	3/17/2011	Allegheny Power	\$13.55
2264	3/17/2011	Allegheny Power	\$56.04
2265	3/17/2011	Bill Bailey Insurance	\$2,885.00
EFT	3/18/2011	Mountaineer Gas	\$396.48
2267	3/22/2011	Wal-Mart	\$99.63
EFT	3/28/2011	Transfer to Loan	\$811.01
2268	4/4/2011	Wal-Mart	\$847.75
2269	4/4/2011	Shentel	\$84.76
EFT	4/26/2011	Transfer to Loan	\$811.01
2270	5/3/2011	Wal-Mart	\$76.10
2271	5/3/2011	Wal-Mart	\$553.28
EFT	5/17/2011	Mountaineer Gas	\$257.85
EFT	5/26/2011	Transfer to Loan	\$811.01
2275	6/10/2011	Shentel	\$47.66
2276	6/10/2011	Sunrise Sanitation	\$79.46
2277	6/10/2011	MonPower	\$45.28

**Bayard Volunteer Fire Department  
January 1, 2011 – December 31, 2011**

<b>CHECK NO.</b>	<b>CHECK DATE</b>	<b>PAYEE</b>	<b>Amount</b>
2278	6/10/2011	MonPower	\$41.49
2279	6/10/2011	MonPower	\$190.56
2280	6/10/2011	Mountaineer Gas	\$201.40
2281	6/10/2011	Naylor's Hardware	\$367.35
2282	6/10/2011	Mt. Top Public Service Dist.	\$225.04
2284	6/10/2011	Frontier	\$87.41
2285	6/10/2011	Mt Top Garage	\$1,962.64
2286	6/10/2011	84 Lumber	\$125.30
2287	6/10/2011	Green Acres	\$30.59
2288	na	Voided or cancelled check	\$0.00
EFT	6/15/2011	DEP PREM NCCI WRKS COMP	\$1,895.00
2289	7/11/2011	*** <sup>2</sup>	\$360.00
EFT	7/12/2011	Transfer to Loan	\$811.01
2290	7/16/2011	Mark IV	\$227.90
2291	7/17/2011	Galls	\$672.00
2293	7/17/2011	Teltronic	\$1,008.00
2295	7/17/2011	Frontier	\$179.63
2297	7/16	Mt Top Public Service District	\$110.64
2298	7/16	Southern Auto Supply	\$145.46
2300	7/16	Shentel	\$230.55
2302	7/16/2011	MonPower	\$10.55
2303	7/16/2011	MonPower	\$13.52
2304	7/16/2011	MonPower	\$86.97
2305	7/16/2011	WV Secretary of State	\$25.00
EFT	7/26/2011	Transfer to Loan	\$811.01
2307	8/5/2011	Walgreens	\$205.35
2308	8/23/2011	RESA 8	\$295.00
2309	na	Voided or cancelled check	\$0.00
EFT	8/26/2011	Transfer to Loan	\$811.01
EFT	9/19/2011	Utility Payment Fee Allegheny Power	\$1.50
EFT	9/19/2011	Allegheny Power	\$150.80
EFT	9/26/2011	Transfer to Loan	\$811.01
2310	10/7/2011	Gormanias Gas & Go	\$300.00

<sup>2</sup> Individual's name removed for privacy.



**Bayard Volunteer Fire Department  
January 1, 2011 – December 31, 2011**

<b>CHECK NO.</b>	<b>CHECK DATE</b>	<b>PAYEE</b>	<b>Amount</b>
2311	10/5/2011	84 Lumber	\$121.45
2312	10/6/2011	Mountaineer Gas	\$79.34
2313	10/6/2011	Bill Bailey Insurance	\$229.25
2314	10/6/2011	The Republican	\$46.00
EFT	10/26/2011	Transfer to Loan	\$811.01
2317	10/6/2011	WV Secretary of State's Office	\$125.00
2318	10/6/2011	Shentel	\$170.31
2319	10/23/2011	RVAS	\$180.00
2321	11/4/2011	Gormanias Gas & Go	\$513.99
EFT	11/16/2011	Utility Payment Fee Allegheny Power	\$1.50
EFT	11/16/2011	Allegheny Power	\$269.54
EFT	11/28/2011	Transfer to Loan	\$811.01
2324	12/7/2011	Shentel	\$94.47
2326	12/7/2011	Sunrise Sanitation	\$78.10
2327	12/7/2011	Tresslors	\$49.70
2328	12/7/2011	Positive Promotions	\$293.71
2330	12/7/2011	Green Acres	\$52.00
2331	na	Voided or cancelled check	\$0.00
2332	12/7/2011	Galls	\$398.49
2336	12/7/2011	Pioneer Products	\$729.58
2337	12/7/2011	USPS	\$44.00
2338	12/8/2011	WpressCheX for Sheets #147	\$150.00
EFT	12/9/2011	Utility Payment Fee Allegheny Power	\$1.50
EFT	12/9/2011	Utility Payment Fee Allegheny Power	\$1.50
EFT	12/9/2011	Utility Payment Fee Allegheny Power	\$1.50
EFT	12/9/2011	Allegheny Power	\$53.76
EFT	12/9/2011	Allegheny Power	\$87.23
EFT	12/9/2011	Allegheny Power	<u>\$97.68</u>
		Total	\$29,143.33

**SUPPLEMENTAL INFORMATION: AUDITED DIFFERENCES FOR STATEMENT OF EXPENDITURES FOR YEAR ENDING DECEMBER 31, 2011**

<b>Authorizing W.Va. Code</b>	<b>Audit</b>	<b>VFD</b>	<b>Differences</b>
Chapter 8, Article 15, Section 8b(1)	\$0.00	\$677.00	-\$677.00
Chapter 8, Article 15, Section 8b(2)	\$0.00	\$0.00	\$0.00
Chapter 8, Article 15, Section 8b(3)	\$1,685.84	\$2,715.65	-\$1,029.81
Chapter 8, Article 15, Section 8b(4)	\$439.00	\$5,921.77	-\$5,482.77
Chapter 8, Article 15, Section 8b(5)	\$3,279.44	\$6,332.65	-\$3,053.21
Chapter 8, Article 15, Section 8b(6)	\$0.00	\$9,732.12	-\$9,732.12
Chapter 8, Article 15, Section 8b(7)	\$2,116.60	\$5,012.51	-\$2,895.91
Chapter 8, Article 15, Section 8b(8)	\$0.00	\$0.00	\$0.00
Chapter 8, Article 15, Section 8b(9)	\$0.00	\$25.00	-\$25.00
Chapter 8, Article 15, Section 8b(10)	\$6,475.46	\$11,484.71	-\$5,009.25
Chapter 8, Article 15, Section 8b(11)	\$99.84	\$1,433.69	-\$1,333.85
Chapter 8, Article 15, Section 8b(12)	\$0.00	\$0.00	\$0.00
Chapter 8, Article 15, Section 8b(13)	\$648.00	\$648.00	\$0.00
Chapter 8, Article 15, Section 8b(14)	\$0.00	\$0.00	\$0.00
Chapter 8, Article 15, Section 8b(15)	\$0.00	\$293.71	-\$293.71
<b>Total Disbursements</b>	\$14,744.18	\$44,276.81	-\$29,532.63

**SUPPLEMENTAL INFORMATION: AUDITED DIFFERENCES FOR TOTAL DISTRIBUTIONS  
RELATED TO STATEMENT OF EXPENDITURES FOR YEAR ENDING DECEMBER 31, 2011**

Lack of support					-\$29,143.33
Unallowable					-\$115.00
Differences between Bank Statement distributions, \$44,002.51 and Ledger distributions, \$43,529.01:					
EFT	1/23/2011	Service Charge	On bank statement not ledger	\$10.00	
2251	3/25/2011	Lowes	On bank statement not ledger	\$116.60	
EFT	4/24/2011	Service Charge	On bank statement not ledger	\$10.00	
EFT	5/17/2011	Mountaineer Gas	On bank statement not ledger	\$257.85	
EFT	6/22/2011	Service Charge	On bank statement not ledger	\$10.00	
EFT	7/24/2011	Service Charge	On bank statement not ledger	\$10.00	
2309	NA	Allegheny Power	On ledger not bank statement	-\$94.77	
EFT	9/19/2011	Utility Payment Fee	On bank statement not ledger	\$1.50	
EFT	9/19/2011	Allegheny Power	On bank statement not ledger	\$150.80	
EFT	11/16/2011	Utility Payment Fee	On bank statement not ledger	\$1.50	
EFT	11/16/2011	Allegheny Power	On bank statement not ledger	\$269.54	
2331	NA	Frontier	On ledger not bank statement	<u>-\$269.52</u>	
Total				\$473.50	\$473.50
Unknown difference between the total of line items reported on Ledger, \$43,529.01 and the sum of line items 1-15 from financial statement, \$44,276.81:					-\$747.80
Total					-\$29,532.63

## **SCOPE**

We conducted an evaluation of the revenue and expenditure transactions, and other records of the Bayard Volunteer Fire Department's state accounts for the year ending December 31, 2011. Our scope included determining instances of noncompliance with W.Va. Code §8-15-8b, 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, §8-15-8b, 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 the documentation provided to us, we determined the Bayard Volunteer Fire Department lacked proper supporting documentation for expenditures totaling \$29,143.33 and made \$115.00 in expenditures that were not allowed by W.Va. Code §8-15-8(b), as amended.

**EXIT CONFERENCE AND DEPARTMENT RESPONSE**

We discussed this report with the Treasurer of the Bayard Volunteer Fire Department on 06/10/2014. All findings and recommendations were reviewed and discussed. The department agreed with all findings and recommendations.

**OFFICERS AND STAFF**

- Donnie Knapp.....President
- Melinda Knapp.....Treasurer
- Donald Knapp.....Current Fire Chief
- John Moreland..... Former 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.