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Harmon Releases Audit of Former Grayson County Sheriff's Tax Settlement

FRANKFORT, Ky. – State Auditor Mike Harmon today released the audit of the sheriff's settlement – 2014 taxes for former Grayson County Sheriff Rick Clemons. State law requires the auditor to annually audit the accounts of each county sheriff. In compliance with this law, the auditor issues two sheriff's reports each year: one reporting on the audit of the sheriff's tax account, and the other reporting on the audit of the fee account used to operate the office.

Auditing standards require the auditor's letter to communicate whether the sheriff's settlement presents fairly the taxes charged, credited and paid in accordance with accounting principles generally accepted in the United States of America. The sheriff's settlement is prepared on the regulatory basis, which is described in the auditor's opinion letter. Regulatory basis reporting for the sheriff's settlement is an acceptable reporting methodology, and this reporting methodology is followed for all 120 sheriff settlements in Kentucky.

The sheriff's financial statement fairly presents the taxes charged, credited, and paid for the period April 16, 2014 through December 31, 2014 in conformity with the regulatory basis of accounting.

As part of the audit process, the auditor must comment on non-compliance with laws, regulations, contracts, and grants. The auditor must also comment on material weaknesses involving the internal control over financial operations and reporting.

The audit contains the following comment:

The former Grayson County Sheriff had a lack of segregation of duties. The former Grayson County Sheriff's bookkeeper performed numerous duties dealing with tax receipts, disbursements, and reconciliations. The bookkeeper was responsible for the collection of cash, preparation of the daily deposit, and daily tax collection journal. She was also responsible for the preparation of monthly reports, distribution of tax payments, and the reconciliation of all

bank statements. The lack of segregation of duties existed over tax settlement functions of the former sheriff's office because a limited number of employees were available to properly segregate these job duties.

A lack of segregation of duties could result in the undetected misappropriation of assets and inaccurate financial reporting to external agencies. A segregation of duties over tax settlement receipts and disbursements activities and reconciliations or implementation of compensating controls, when needed because of the number of staff is limited, is essential for providing protection from asset misappropriation and inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities. The former sheriff should have properly segregated the duties over tax settlement functions in order to help prevent misappropriation of assets and inaccurate financial reporting and to adequately protect employees in the normal course of performing their daily responsibilities. If these duties could not have been separated, strong oversight over these areas should have been provided.

Former Sheriff's response: Due to the size of the office, we will try to implement compensating controls.

The former Grayson County Sheriff did not distribute interest earnings as required. The former Grayson County Sheriff did not properly distribute the interest earned on all his tax accounts. The bookkeeper forgot to distribute the interest earned on the franchise tax account and the interest earned for January 2015 for the property tax account. By not properly disbursing interest each month, the fee account and the board of education have not received all funds that are due to them. This also can create reconciliation issues since all funds received for the month are not distributed. KRS 134.140 details how the sheriff is to distribute tax commissions received in all tax accounts each month between his fee account and the local board of education based on the amount of taxes collected during the month. KRS 160.500 gives the sheriff the authority to keep a four percent commission on the board of education's portion of the interest. The former sheriff should have properly distributed interest earned on all tax accounts on a monthly basis per KRS 134.140 and KRS 160.500.

Former Sheriff's response: Due to transition of the Sheriff's office this was an oversight that will be corrected.

The sheriff's responsibilities include collecting property taxes, providing law enforcement and performing services for the county fiscal court and courts of justice. The sheriff's office is funded through statutory commissions and fees collected in conjunction with these duties.

The audit report can be found on the [auditor's website](#).

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