

**REPORT OF THE AUDIT OF THE  
MARION COUNTY  
SHERIFF'S SETTLEMENT - 2016 SCHOOL TAXES  
SECOND BILLING**

**For The Period  
December 1, 2016 Through May 15, 2017**



**MIKE HARMON  
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**MIKE HARMON**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

The Honorable Matthew G. Bevin, Governor

William M. Landrum III, Secretary

Finance and Administration Cabinet

The Honorable David R. Daugherty, Marion County Judge/Executive

The Honorable Jimmy Clements, Marion County Sheriff

Members of the Marion County Fiscal Court

**Independent Auditor's Report**

**Report on the Financial Statement**

We have audited the Marion County Sheriff's Settlement - 2016 Taxes for the period December 1, 2016 through May 15, 2017 - Regulatory Basis, and the related notes to the financial statement.

**Management's Responsibility for the Financial Statement**

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and the *Audit Guide for Sheriff's Tax Settlements*, issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



To the People of Kentucky

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### **Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles**

As described in Note 1 of the financial statement, the financial statement is prepared by the Marion County Sheriff on the basis of accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

### **Adverse Opinion on U.S. Generally Accepted Accounting Principles**

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the taxes charged, credited, and paid of the Marion County Sheriff, for the period December 1, 2016 through May 15, 2017.

### **Opinion on Regulatory Basis of Accounting**

In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period December 1, 2016 through May 15, 2017 of the Marion County Sheriff, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

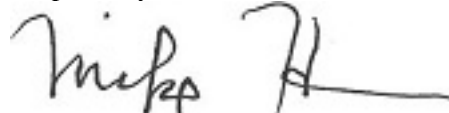
### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated January 4, 2018, on our consideration of the Marion County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Marion County Sheriff's internal control over financial reporting and compliance.

Based on the results of our audit, we have presented the accompanying Schedule of Findings and Responses, included herein, which discusses the following report comment:

2016-001 The Marion County Sheriff's Office Lacks Segregation Of Duties Over Receipts

Respectfully submitted,



Mike Harmon  
Auditor of Public Accounts

January 4, 2018

MARION COUNTY  
 JIMMY CLEMENTS, SHERIFF  
SHERIFF'S SCHOOL NICKEL TAX SETTLEMENT - 2016

For The Period December 1, 2016 Through May 15, 2017

<u>Charges</u>	<u>School Taxes</u>
Real Estate	\$ 495,633
Tangible Personal Property	46,494
Franchise Taxes	30,250
Distilled Spirits Taxes	63,785
Additional Billings	29
Oil Property Taxes	18
Limestone, Sand, and Gravel Reserves	144
Penalties	2,138
Adjusted to Sheriff's Receipt	<u>(115)</u>
Gross Chargeable to Sheriff	<u>638,376</u>
<u>Credits</u>	
Exonerations	2,202
Discounts	11,115
Delinquents:	
Real Estate	8,663
Tangible Personal Property	1,238
Franchise Taxes	<u>102</u>
Total Credits	<u>23,320</u>
Taxes Collected	615,056
Less: Commissions *	<u>23,065</u>
Taxes Due	591,991
Taxes Paid	591,830
Refunds (Current and Prior Year)	<u>161</u>
Due District	
as of Completion of Audit	<u><u>\$ 0</u></u>

\* Commissions:  
 3.75% on \$ 615,056

MARION COUNTY  
NOTES TO FINANCIAL STATEMENT

May 15, 2017

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

KRS 66.480 authorizes the sheriff's office to invest in obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Marion County Sheriff maintained deposits of public funds with depository institutions insured by the FDIC as required by KRS 66.480(1)(d). According to KRS 41.240, the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the sheriff's deposits may not be returned. The Marion County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 66.480(1)(d) and KRS 41.240. As of May 15, 2017, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.



MARION COUNTY  
NOTES TO FINANCIAL STATEMENT  
May 15, 2017  
(Continued)

Note 3. Tax Collection Period

The school nickel tax assessments were levied as of January 1, 2016. School taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was December 1, 2016 through May 15, 2017.

Note 4. Interest Income

The Marion County Sheriff earned \$1,531 as interest income on 2016 taxes. The sheriff was in substantial compliance with his statutory responsibilities.

Note 5. Sheriff's 10% Add-On Fee

The Marion County Sheriff collected \$1,519 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the sheriff's office.

Note 6. Second Billing School Taxes

During the 2016 tax year, Marion County passed a nickel tax to be added to the property tax bills for the school district. Because the vote for this tax did not occur until November 2016, this school tax was not included on regular tax bills prepared in October 2016. When the tax passed in November, a separate official receipt and separate tax bills were prepared for the additional school property taxes pursuant to KRS 132.017(4). Therefore, these school property taxes have a different tax collection period than the other property taxes and are shown on this separate settlement.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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**MIKE HARMON**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable David R. Daugherty, Marion County Judge/Executive  
The Honorable Jimmy Clements, Marion County Sheriff  
Members of the Marion County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial**

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Marion County Sheriff's Settlement - 2016 Taxes for the period December 1, 2016 through May 15, 2017 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated January 4, 2018. The Marion County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statement, we considered the Marion County Sheriff's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Marion County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Marion County Sheriff's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying Schedule of Findings and Responses as item 2016-001 to be a material weakness.



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With *Government Auditing Standards*  
(Continued)

**Compliance And Other Matters**

As part of obtaining reasonable assurance about whether the Marion County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a long horizontal flourish extending to the right.

Mike Harmon  
Auditor of Public Accounts

January 4, 2018

SCHEDULE OF FINDINGS AND RESPONSES

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MARION COUNTY  
JIMMY CLEMENTS, SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES

For The Period December 1, 2016 Through May 15, 2017

INTERNAL CONTROL - MATERIAL WEAKNESS:

2016-001 The Marion County Sheriff's Office Lacks Segregation Of Duties Over Receipts

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This is a repeat finding and was included in the prior year report as finding 2015-001. The sheriff's bookkeeper collects taxes, prepares deposits, post to the ledgers, and performs the bank reconciliations. There was not sufficient evidence available that the sheriff or another employee periodically reviews deposits, ledgers, or the bank reconciliations to offset the risk caused by the lack of segregation of duties.

According to the sheriff, there are not enough funds to hire additional personnel to segregate duties.

Without segregation of duties, the risk of misstatements in receipts significantly increases due to the potential for undetected errors and theft.

Segregation of duties over receipt procedures and bank reconciliations is essential for providing protection from fraud or inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

To adequately protect employees in the normal course of performing their duties, and prevent inaccurate financial reporting and misappropriation of assets, we recommend the sheriff implement strong oversight over these areas, either by an employee independent of those functions or by the sheriff, such as:

- The sheriff should compare the daily bank deposit to the daily checkout sheet and then compare to the bank deposit receipt. This should be documented by initialing the bank deposit, daily checkout sheet and bank deposit receipt.
- The sheriff should compare the daily checkout sheet to the receipts and disbursements ledgers.
- The sheriff should compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The sheriff could document this by initialing the bank reconciliation.

*Sheriff's Response: Plan to implement corrective action as identified by audit.*