

**REPORT OF THE AUDIT OF THE
MCCREARY COUNTY
SHERIFF**

**For The Year Ended
December 31, 2016**



**MIKE HARMON
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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Douglas Stephens, McCreary County Judge/Executive
The Honorable Randy Waters, McCreary County Sheriff
Members of the McCreary County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the accompanying Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the Sheriff of McCreary County, Kentucky, for the year ended December 31, 2016, 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 and budget laws. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the 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 County Fee Officials* 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.



The Honorable Douglas Stephens, McCreary County Judge/Executive
The Honorable Randy Waters, McCreary County Sheriff
Members of the McCreary County Fiscal Court

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 McCreary County Sheriff on the basis of the 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 financial position of each fund of the McCreary County Sheriff, as of December 31, 2016, or changes in financial position or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

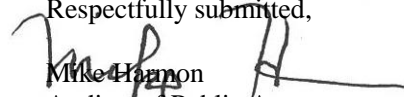
In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the McCreary County Sheriff for the year ended December 31, 2016, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth 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 August 22, 2017, on our consideration of the McCreary County Sheriff’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is solely 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. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity’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 McCreary County Sheriff Lacks Adequate Segregation Of Duties
- 2016-002 The McCreary County Sheriff Did Not Maintain Accurate Receipts And Disbursements Ledgers And Reconcile To Quarterly Reports

Respectfully submitted,

Mike Hannon
Auditor of Public Accounts

August 22, 2017

MCCREARY COUNTY
 RANDY WATERS, SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2016

Receipts

Federal Grant - U.S. Department of Agriculture	\$	6,000
State Grant		1,334
State - Kentucky Law Enforcement Foundation Program Fund (KLEFPF)		8,412
State Fees For Services:		
House Bill 452 Payments	\$ 7,879	
Fee Claims	82,566	
Prisoner Transports	1,511	91,956
Circuit Court Clerk:		
Fines and Fees Collected	5,953	
Court Ordered Payments	154	6,107
Fiscal Court:		
Health Insurance Reimbursement	2,716	
Election Commission	300	
Prisoner Transports	260	3,276
County Clerk - Delinquent Taxes		16,371
Commission On Taxes Collected		117,884
Fees Collected For Services:		
Auto Inspections	13,155	
Accident and Police Reports	1,117	
Serving Papers	14,640	
Carrying Concealed Deadly Weapon Permits	8,890	37,802
Other:		
Add-On Fees	26,575	
Adanta	3,206	
Miscellaneous	8,063	37,844
Interest Earned		176

The accompanying notes are an integral part of this financial statement.

MCCREARY COUNTY
 RANDY WATERS, SHERIFF
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2016
 (Continued)

Receipts (Continued)

Borrowed Money:	
State Advancement	<u>\$ 15,000</u>
Total Receipts	342,162

Disbursements

Operating Disbursements and Capital Outlay:

Personnel Services-	
Deputies' Salaries	\$ 19,143
Part-Time Salaries	58,273
Other Salaries	28,394
Employee Benefits-	
Employer's Share Social Security	13,779
Employer's Share Retirement	24,949
Workpers Compensation	5,686
Unemployment Insurance	2,785
Employer Paid Health Insurance	13,786
Contracted Services-	
Advertising	573
Computer Service	3,919
Materials and Supplies-	
Office Materials and Supplies	12,070
Uniforms	5,384
Auto Expense-	
Gasoline	14,931
Maintenance and Repairs	6,140
Vehicle Expense	5,236
Other Charges-	
Conventions and Travel	753
Dues	873
Postage	483
Bond	672
Carrying Concealed Deadly Weapon	3,040
Training	743
Miscellaneous	2,883

The accompanying notes are an integral part of this financial statement.

MCCREARY COUNTY
 RANDY WATERS, SHERIFF
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2016
 (Continued)

Disbursements (Continued)

Operating Disbursements and Capital Outlay: (Continued)

Capital Outlay-			
Office Equipment	\$	9,949	
Vehicles		<u>4,500</u>	\$ 238,944
Debt Service:			
State Advancement			<u>15,000</u>
Total Disbursements			<u>\$ 253,944</u>
Net Receipts			88,218
Less: Statutory Maximum			<u>79,386</u>
Excess Fees			8,832
Less: Training Incentive Benefit			<u>1,984</u>
Balance Due Fiscal Court at Completion of Audit			<u><u>\$ 6,848</u></u>

The accompanying notes are an integral part of this financial statement.

MCCREARY COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2016

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. 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.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the sheriff as determined by the audit. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement with the fiscal court on or before September 1 of each year. KRS 64.830 requires an outgoing sheriff to settle excess fees with the fiscal court of his county by March 15 immediately following the expiration of his term of office.

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. Under this regulatory basis of accounting, receipts and disbursements are generally recognized when cash is received or disbursed, with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2016 services
- Reimbursements for 2016 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2016

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the county treasurer in the subsequent year.

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).

MCCREARY COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2016
(Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits

The county official and employees have elected to participate, pursuant to KRS 78.530, in the County Employees Retirement System (CERS), which is administered by the Board of Trustees of the Kentucky Retirement Systems (KRS). This is a cost-sharing, multiple-employer, defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members. Benefit contributions and provisions are established by statute.

The sheriff's contribution for calendar year 2014 was \$31,685, calendar year 2015 was \$20,176, and calendar year 2016 was \$24,949.

Nonhazardous

Nonhazardous covered employees are required to contribute five percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008, are required to contribute six percent of their salary to be allocated as follows: five percent will go to the member's account and one percent will go to the KRS insurance fund.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Nonhazardous covered employees contribute five percent of their annual creditable compensation. Nonhazardous members also contribute one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the Board based on an actuarial valuation. The employer contributes a set percentage of the member's salary. Each month, when employer contributions are received, an employer pay credit is deposited to the member's account. A member's account is credited with a four percent employer pay credit. The employer pay credit represents a portion of the employer contribution.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (member's age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

The county's contribution rate for nonhazardous employees was 17.06 percent for the first six months and 18.68 percent for the last six months.

Health Insurance Coverage

CERS also provides post-retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

MCCREARY COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2016
 (Continued)

Note 2. Employee Retirement System and Other Post-Employment Benefits (Continued)

Years of Service	% Paid by Insurance Fund	% Paid by Member through Payroll Deduction
20 or more	100%	0%
15-19	75%	25%
10-14	50%	50%
4-9	25%	75%
Less than 4	0%	100%

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003 earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. This dollar amount is subject to adjustment annually based on the retiree cost of living adjustment, which is updated annually due to changes in the Consumer Price Index.

KRS issues a publicly available annual financial report that includes financial statements and required supplementary information on CERS. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The McCreary County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (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 McCreary 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 December 31, 2016, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of November 4, 2016, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured \$186,754

MCCREARY COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2016
(Continued)

Note 4. Federal Grant

The McCreary County Sheriff's office received reimbursement for wages from the United States Department of Agriculture for patrol services in the Daniel Boone National Forest. During the period January 1, 2016 through September 30, 2016, the sheriff was reimbursed \$6,000 for wages.

Note 5. Highway Safety Grant

The McCreary County Sheriff's office received a federal reimbursement grant administered through the Kentucky Transportation Cabinet for patrol services to reduce fatalities on roadways, to minimize injuries to persons and property, and to educate the public in ways to do this. During calendar year 2016 the sheriff was reimbursed \$1,334 for wages.

Note 6. State Asset Forfeiture Account

The McCreary County Sheriff's office maintains a state asset forfeiture account. These funds are to be used to support community policing activities, training, and law enforcement operations calculated to result further seizures and forfeitures. The balance as of January 1, 2016 was \$417. During calendar year 2016 this account had receipts and disbursements in the amount of \$12,608 and \$12,208 respectively. The remaining balance as of December 31, 2016, was \$817.

Note 7. Federal Asset Forfeiture Account

The McCreary County Sheriff's office opened a federal asset forfeiture account in June 2016. These funds are to be used to support community policing activities, training, and law enforcement operations calculated to result further seizures and forfeitures. During calendar year 2016 this account had receipts and disbursements in the amount of \$30,015 and \$15,586 respectively. The remaining balance as of December 31, 2016, was \$14,429.

Note 8. Donation Account

The McCreary County Sheriff's office maintains a donation account. These funds were donated to the McCreary County Sheriff's office by the public and are to be used for the purchase of a police cruiser and general operation of the office. The balance as of January 1, 2016, was \$6,500. During calendar year 2016 this account had receipts and disbursements in the amount of \$2,604 and \$3,442 respectively. The remaining balance as of December 31, 2016, was \$5,662.

Note 9. Related Party Transactions

During calendar year 2016, the McCreary County Sheriff's office paid \$6,273 to a local business owned by the brother of the sheriff's bookkeeper.

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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*



MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Douglas Stephens, McCreary County Judge/Executive
The Honorable Randy Waters, McCreary County Sheriff
Members of the McCreary County Fiscal Court

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*

Independent Auditor's Report

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 Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the McCreary County Sheriff for the year ended December 31, 2016, and the related notes to the financial statement and have issued our report thereon dated August 22, 2017. The McCreary 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 McCreary 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 McCreary County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the McCreary County Sheriff's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control 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 material weaknesses.

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 deficiencies described in the accompanying Schedule of Findings and Responses as items 2016-001 and 2016-002 to be material weaknesses.



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 McCreary 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,


Mike Hampton

Auditor of Public Accounts

August 22, 2017

SCHEDULE OF FINDINGS AND RESPONSES

MCCREARY COUNTY
RANDY WATERS, SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2016

INTERNAL CONTROL - MATERIAL WEAKNESSES

2016-001 The McCreary County Sheriff's Office Lacks Adequate Segregation Of Duties

This is a repeat finding and was included in the prior year audit report as finding 2015-001. The McCreary County Sheriff's office lacks adequate segregation of duties. The sheriff's bookkeeper collects payments from customers, prepares deposits, writes checks, posts transactions to the receipts ledger, posts checks to the disbursements ledger, and prepares monthly and quarterly reports. The sheriff or another employee did not document oversight of any of these activities.

This condition is a result of a limited budget, which restricts the number of employees the sheriff can hire or delegate duties to. Lack of segregation of incompatible duties or strong oversight increases the risk of undetected errors.

Proper segregation of duties over the accounting and reporting functions, such as preparation of the quarterly reports, or implementing compensating controls, when necessary because of a limited number of staff, is essential for providing protection from undetected errors. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

The McCreary County Sheriff should separate the duties involved in receiving cash preparing deposits, writing checks, posting to ledgers, preparing monthly bank reconciliation, and comparing financial reports to ledgers. If this is not feasible due to a limited budget, cross-checking procedures should be implemented and documented by the individual performing the procedure.

Sheriff's Response: The sheriff did not provide a response.

2016-002 The McCreary County Sheriff Did Not Maintain Accurate Receipts And Disbursements Ledgers And Reconcile Them To Quarterly Reports

The sheriff's receipts and disbursements ledgers and fourth quarter financial report were not accurate and required numerous audit adjustments and reclassifications. The sheriff's bookkeeper did not post all disbursements to the disbursement ledger. In addition, not all amounts on the ledgers were included on the fourth quarter financial report. This was allowed to occur due to the lack of monitoring and review of the ledgers and reports. As a result, the sheriff's receipts ledger and disbursement ledger were adjusted by (\$990) and \$2,657, respectively. Although the effect of these adjustments were not material to the financial statement, they were numerous and necessary to reconcile to the bank account.

Without an accurate receipts ledger, the sheriff cannot ensure all receipts have been properly accounted for. If reports are not reconciled to the receipts and disbursements ledgers, the sheriff cannot ensure proper amounts have been reported and paid to others. In addition, the risk increases that receipts could be misappropriated or that fraud or theft could occur.

We recommend the sheriff maintain accurate receipts and disbursements ledgers and reconcile all monthly and quarterly reports to them. This reconciliation can be documented by initialing and dating the reports.

Sheriff's Response: The sheriff did not provide a response.

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