

**REPORT OF THE AUDIT OF THE  
BOYD COUNTY  
SHERIFF'S SETTLEMENT - 2018 TAXES**

**For The Period  
April 17, 2018 Through April 15, 2019**



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

To the People of Kentucky  
The Honorable Andy Beshear, Governor  
Holly M. Johnson, Secretary  
Finance and Administration Cabinet  
The Honorable Eric Chaney, Boyd County Judge/Executive  
The Honorable Bobby Jack Woods, Boyd County Sheriff  
Members of the Boyd County Fiscal Court

Independent Auditor's Report

**Report on the Financial Statement**

We have audited the Boyd County Sheriff's Settlement - 2018 Taxes for the period April 17, 2018 through April 15, 2019 - 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  
 The Honorable Andy Beshear, Governor  
 Holly M. Johnson, Secretary  
 Finance and Administration Cabinet  
 The Honorable Eric Chaney, Boyd County Judge/Executive  
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 Members of the Boyd 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 Boyd 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 Boyd County Sheriff, for the period April 17, 2018 through April 15, 2019.

### **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 April 17, 2018 through April 15, 2019 of the Boyd 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 June 22, 2021, on our consideration of the Boyd 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 Boyd 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 comments:

- 2018-001 The Sheriff Did Not Settle The Prior Year Accounts Or Escrow Outstanding Checks
- 2018-002 The Sheriff's Office Does Not Have Adequate Segregation Of Duties

Respectfully submitted,



Mike Harmon  
 Auditor of Public Accounts

June 22, 2021

BOYD COUNTY  
BOBBY JACK WOODS, SHERIFF  
SHERIFF'S SETTLEMENT - 2018 TAXES

For The Period April 17, 2018 Through April 15, 2019

| <u>Charges</u>                           | <u>County</u> | <u>Special Taxing<br/>Districts</u> | <u>School<br/>Taxing Districts</u> | <u>State</u>    |
|--|---------------|-------------------------------------|------------------------------------|-----------------|
| Total Per Sheriff's Official Receipt     | \$ 3,942,137  | \$ 9,387,674                        | \$ 8,722,579                       | \$ 3,502,171    |
| <u>Other Taxes &amp; Charges</u>         |               |                                     |                                    |                 |
| Franchise Taxes                          | 647,274       | 1,353,234                           | 1,961,748                          |                 |
| Additional Billings                      | 523           | 1,254                               | 2,004                              | 418             |
| Unmined Coal - 2018 Taxes                | 846           | 1,240                               | 1,938                              | 367             |
| Oil and Gas Property Taxes               | 4,516         | 10,486                              | 16,395                             | 2,677           |
| Bank Franchises                          | 191,690       |                                     |                                    |                 |
| Penalties                                | 17,242        | 35,843                              | 40,766                             | 13,504          |
| Gross Chargeable to Sheriff              | 4,804,228     | 10,789,731                          | 10,745,430                         | 3,519,137       |
| <u>Credits</u>                           |               |                                     |                                    |                 |
| Exonerations                             | 15,081        | 60,146                              | 38,055                             | 10,323          |
| Discounts                                | 65,961        | 132,434                             | 140,873                            | 57,314          |
| Delinquent Real Estate                   | 162,063       | 448,803                             | 348,495                            | 103,467         |
| Delinquent Tangible                      | 95            | 221                                 | 346                                | 14,995          |
| Total Credits                            | 243,200       | 641,604                             | 527,769                            | 186,099         |
| Taxes Collected                          | 4,561,028     | 10,148,127                          | 10,217,661                         | 3,333,038       |
| Less: Sheriff's Commissions*             | 193,844       | 380,771                             | 306,530                            | 141,654         |
| Taxes Due Districts                      | 4,367,184     | 9,767,356                           | 9,911,131                          | 3,191,384       |
| Taxes Paid                               | 4,361,305     | 9,755,712                           | 9,897,954                          | 3,187,940       |
| Refunds (Current and Prior Year)         | 5,572         | 11,642                              | 13,164                             | 3,799           |
| Taxes Due Districts (Refund Due Sheriff) | <u>\$ 307</u> | <u>\$ 2</u>                         | <u>\$ 13</u>                       | <u>\$ (355)</u> |

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\*, \*\*, and \*\*\* See next page.

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

BOYD COUNTY  
BOBBY JACK WOODS, SHERIFF  
SHERIFF'S SETTLEMENT - 2018 TAXES  
For The Period April 17, 2018 Through April 15, 2019  
(Continued)

\* Commissions:

|          |    |            |
|----------|----|------------|
| 4.25% on | \$ | 13,438,566 |
| 4% on    | \$ | 3,303,069  |
| 3% on    | \$ | 10,217,661 |
| 1% on    | \$ | 1,300,558  |

\*\* Special Taxing Districts:

|                  |    |           |
|------------------|----|-----------|
| Library District | \$ | (8)       |
| Summit Fire      |    | <u>10</u> |

|                     |    |          |
|---------------------|----|----------|
| Taxes Due Districts | \$ | <u>2</u> |
|---------------------|----|----------|

\*\*\* School Taxing Districts

|                        |    |           |
|------------------------|----|-----------|
| Common School District | \$ | <u>13</u> |
|------------------------|----|-----------|

|                     |    |           |
|---------------------|----|-----------|
| Taxes Due Districts | \$ | <u>13</u> |
|---------------------|----|-----------|



BOYD COUNTY  
NOTES TO FINANCIAL STATEMENT

April 15, 2019

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 Boyd 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 Boyd 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 April 15, 2019, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

BOYD COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 15, 2019  
(Continued)

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2018. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2018. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 28, 2018 through April 15, 2019.

B. Oil and Gas Property Taxes

The oil and gas property tax assessments were levied as of January 1, 2018. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was January 17, 2019 through May 15, 2019.

C. Unmined Coal Property Taxes

The unmined coal property tax assessments were levied as of January 1, 2018. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was April 17, 2018 through April 15, 2019.

D. Franchise Taxes

The franchise tax assessments were levied by the Department of Revenue for various tax years. Franchise taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was April 17, 2018 through April 15, 2019.

Note 4. Interest Income

The Boyd County Sheriff earned \$2,622 as interest income on 2018 taxes. As of June 22, 2021, the sheriff owed interest of \$806 to the Boyd County School district, \$98 to the Fairview School district, \$16 to the Russell School district, and \$1,702 to his fee account.

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

The Boyd County Sheriff collected \$83,697 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the sheriff's office.

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 Eric Chaney, Boyd County Judge/Executive  
The Honorable Bobby Jack Woods, Boyd County Sheriff  
Members of the Boyd 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 Boyd County Sheriff's Settlement - 2018 Taxes for the period April 17, 2018 through April 15, 2019 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated June 22, 2021. The Boyd 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 Boyd 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 Boyd County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Boyd County Sheriff's internal control.

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. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section 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. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We identified a certain deficiency in internal control, which is described in the accompanying Schedule of Findings and Responses as item 2018-002 that we consider to be a significant deficiency.



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)

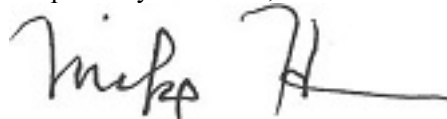
**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Boyd County Sheriff's financial statement is free from 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 an instance of noncompliance or other matter that is required to be reported under *Government Auditing Standards* and which is described in the accompanying Schedule of Findings and Responses as item 2018-001.

**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 Harmon  
Auditor of Public Accounts

June 22, 2021

## SCHEDULE OF FINDINGS AND RESPONSES

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BOYD COUNTY  
BOBBY JACK WOODS, SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES

For The Period April 17, 2018 Through April 15, 2019

STATE LAWS AND REGULATIONS:

2018-001 The Sheriff Did Not Settle The Prior Year Accounts Or Escrow Outstanding Checks

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This is a repeat finding and was included in the prior year audit report as finding 2017-001. The 2017, 2016, and the 2015 accounts do not appear to have been settled in accordance with the exit conferences. The receivables and liabilities necessary to settle the accounts are as follows:

**2017 Tax Audit:**

The 2017 tax account has a balance of \$2,096.55. Once the sheriff escrows outstanding checks of \$1,042.19 there will be an unexplained fund surplus of \$1,054.36 that needs to be paid to the fiscal court.

**2016 Tax Audit:**

The 2016 tax account has a balance of \$7,394.29. Once the sheriff pays the liabilities of \$4,976.01, fund surplus of \$2,404.00 and remits the uncleared outstanding check of \$14.28 to the state as abandoned, the balance will be zero and the account settled.

| <i>Due from Sheriff</i> | <i>Due to:</i>            |
|-------------------------|---------------------------|
| \$ 20.21                | Boyd County Fiscal Court  |
| 10.68                   | Russell School            |
| 5.15                    | Westwood Fire Department  |
| 2,460.21                | East Fork Fire Department |
| 573.29                  | Sprint Wireless           |
| 253.13                  | Boyd County School        |
| 1,653.34                | Sheriff's Fee Account     |
| <b>\$ 4,976.01</b>      | <b>Total Liabilities</b>  |

**2015 Tax Audit:**

The 2015 tax account has a balance of \$9,165.32. Once the sheriff pays the liabilities of \$9,165.32, the balance will be zero and the account settled.

| <i>Due from Sheriff</i> | <i>Due to:</i>           |
|-------------------------|--------------------------|
| \$ 1,371.67             | Cannonsburg Fire         |
| 28.72                   | Big Sandy Fire           |
| 227.69                  | Boyd County Schools      |
| 8.32                    | Russell School           |
| 3.88                    | Kentucky State Treasurer |
| 6,256.65                | Sheriff's Fee Account    |
| 1,268.39                | Fiscal Court             |
| <b>\$ 9,165.32</b>      | <b>Total Liabilities</b> |

BOYD COUNTY  
BOBBY JACK WOODS, SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES  
For The Period April 17, 2018 Through April 15, 2019  
(Continued)

STATE LAWS AND REGULATIONS: (Continued)

2018-001 The Sheriff Did Not Settle The Prior Year Accounts Or Escrow Outstanding Checks (Continued)

The 2015, 2016 and the 2017 tax accounts are eligible to be transferred to the state as abandoned property according to KRS 393.090 and KRS 393.110. According to the sheriff, they are unsure how to go about settling these accounts. As a result, taxing districts did not receive the total amount due to them as determined by the audit. The sheriff should follow KRS 393.090 which states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. As a reminder, any amounts owed to and from taxing districts should be paid or collected prior to escheating balances to the state per KRS. We recommend the sheriff settle these prior year accounts as soon as possible.

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

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

2018-002 The Sheriff's Office Does Not Have Adequate Segregation Of Duties

This is a repeat finding and was included in the prior year audit report as finding 2017-003. The sheriff's office does not have adequate segregation of duties over receipts. The bookkeeper collected payments from customers, recorded transactions in the ledgers, and reconciled the bank accounts.

The sheriff did not structure his office in a way that segregates duties and responsibilities. No one reviewed the work of the bookkeeper and there are no compensating controls in place. Inadequate segregation of duties allows one person to have a significant role in processing and recording receipts which would increase the risk that undetected misappropriation of assets and inaccurate financial reporting will occur.

Internal control duties should be segregated to decrease the risk of misappropriation of assets, errors, and inaccurate financial reporting to external agencies. Although the sheriff has implemented some compensating controls such as comparing the daily checkout sheet to the receipts ledger and the bank deposit, these controls were frequently not documented, therefore we cannot verify they are consistently occurring. However, compensating controls do decrease the risk present in the absence of proper segregation of duties.

We recommend the same person not perform multiple accounting functions, and if the duties cannot be segregated, then the sheriff should perform the following compensating controls to help offset this weakness:

- Agree monthly tax reports to receipts ledger and disbursements ledger.
- Review the monthly bank reconciliation.

The sheriff should initial these documents as proof of his review.

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