

**REPORT OF THE AUDIT OF THE
CUMBERLAND COUNTY
SHERIFF**

**For The Year Ended
December 31, 2017**



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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable John A. Phelps Jr., Cumberland County Judge/Executive
The Honorable Scot Daniels, Cumberland County Sheriff
Members of the Cumberland 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 Cumberland County, Kentucky, for the year ended December 31, 2017, 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 this 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 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 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.

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The Honorable John A. Phelps Jr., Cumberland County Judge/Executive
The Honorable Scot Daniels, Cumberland County Sheriff
Members of the Cumberland 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 Cumberland 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 Cumberland County Sheriff, as of December 31, 2017, 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 Cumberland County Sheriff for the year ended December 31, 2017, 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 15, 2018, on our consideration of the Cumberland 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 Cumberland 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:

2017-001 The Cumberland County Sheriff’s Office Paid Above Estimated Cost For Repair Of Cruiser

Respectfully submitted,



Mike Harmon
Auditor of Public Accounts

June 15, 2018

CUMBERLAND COUNTY
SCOT DANIELS, SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2017

Receipts

Federal Grant - Highway Safety Grant	\$	1,297	
State - Kentucky Law Enforcement Foundation Program Fund (KLEFPF)			14,272
State Fees For Services:			
Finance and Administration Cabinet	\$	82,187	
Sheriff Security Service		<u>4,728</u>	86,915
Circuit Court Clerk:			
Fines and Fees Collected			3,862
Fiscal Court:			
Insurance Claim		6,308	
Operating Expense Contribution		15,000	
Reimbursements		2,996	
Sheriff's Salary and Training Incentive		<u>80,021</u>	104,325
County Clerk - Delinquent Taxes			5,173
Commission On Taxes Collected			112,343
Fees Collected For Services:			
Auto Inspections		17,080	
Accident and Police Reports		164	
Serving Papers		17,335	
Carry Concealed Deadly Weapon Permits		<u>1,880</u>	36,459
Other:			
Add-On Fees		12,193	
Miscellaneous		1,892	
Sequestered Jurors		282	
Drug Kits		45	
Hold Harmless		<u>687</u>	15,099
Interest Earned			746
Borrowed Money:			
State Advancement			<u>60,000</u>
Total Receipts			440,491

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

CUMBERLAND COUNTY
 SCOT DANIELS, SHERIFF
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2017
 (Continued)

Disbursements

Operating Disbursements:

Personnel Services-

Deputies' Gross Salaries	\$ 76,421
Clerk's Gross Salary	29,589
Overtime Gross Salaries	1,694
Court Security Officer's Gross Salaries	79,594
KLEFPF	12,571

Employee Benefits-

Employer's Share KLEFPF Retirement	2,272
Employer Paid Health Insurance	23,384

Materials and Supplies-

Office Materials and Supplies	9,392
Uniforms	6,698

Auto Expense-

Gasoline	20,585
Maintenance and Repairs	10,150

Other Charges-

School Training Expenses	1,190
Drug Kits	665
Postage	2,887
Sequestered Jurors	282
Carry Concealed Deadly Weapon Permits	160
Miscellaneous	566
	<u>\$ 278,100</u>

Debt Service:

State Advancement	<u>60,000</u>
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Total Disbursements \$ 338,100

Net Receipts 102,391

Less: Statutory Maximum 76,982

Excess Fees 25,409

Less: Training Incentive Benefit 3,039

Excess Fees Due County for 2017 22,370

Payments to Fiscal Court - February 12, 2018 22,316

Balance Due Fiscal Court at Completion of Audit \$ 54

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

CUMBERLAND COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2017

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 2017 services
- Reimbursements for 2017 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2017

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).

CUMBERLAND COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2017
(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 the KLEFPF portion of retirement for calendar year 2015 was \$803, calendar year 2016 was \$1,914, and calendar year 2017 was \$2,272.

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 members contribute five percent of their annual creditable compensation and 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 18.68 percent for the first six months and 19.18 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:

CUMBERLAND COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2017
 (Continued)

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

Health Insurance Coverage (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 Cumberland 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 Cumberland 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, 2017, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Drug Eradication Account

The Cumberland County Sheriff's office maintains a state drug eradication account. Receipts within this account are from court ordered payments and forfeited property related to drug cases. The funds are reserved for law enforcement activities involving drug eradication and are not available for fee account purposes. As of January 1, 2017, the drug eradication fund had a balance of \$8,731. During calendar year 2017 the account had \$12,747 in receipts and disbursements of \$1,615 for a balance at December 31, 2017, of \$19,863.

CUMBERLAND COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2017
(Continued)

Note 5. Federal Drug Eradication Account

The Cumberland County Sheriff's office maintains a federal drug eradication account. Receipts within this account are from court ordered payments and forfeited property related to federal drug cases. The funds are reserved for law enforcement involving drug eradication and are not available for fee account purposes. As of January 1, 2017, the federal drug eradication fund had a balance of \$362. During calendar year 2017 there was no activity within the account. The December 31, 2017, balance is \$362.

Note 6. Highway Safety Grant

The Cumberland County Sheriff's office received a federal Highway Safety Grant in the amount of \$1,297 during calendar year 2017. The grant's intended purpose is to reduce fatalities on Kentucky roadways, minimize injuries to individuals and property, and to educate the public in ways to do this. The grant is from May 1, 2017 through September 30, 2017. The grant funds were used to fund payroll expenses during safety checkpoints.

Note 7. Law Enforcement Protection Program Grant

The Cumberland County Sheriff's office received a Law Enforcement Protection Program Grant during 2017. The funds were received by the Cumberland County Fiscal Court and passed through to the sheriff's office. The grant was a reimbursement for Glock handguns purchased by the sheriff's office on December 6, 2016. The handguns were purchases from the drug eradication account and the grant funds were deposited into this account as reimbursement. During calendar year 2017, grant funds of \$3,272 were received.

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 John A. Phelps Jr., Cumberland County Judge/Executive
The Honorable Scot Daniels, Cumberland County Sheriff
Members of the Cumberland 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 Cumberland County Sheriff for the year ended December 31, 2017, and the related notes to the financial statement and have issued our report thereon dated June 15, 2018. The Cumberland 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 Cumberland 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 Cumberland County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Cumberland 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 a certain deficiency 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 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 2017-001 to be a material weakness.

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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*
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Cumberland 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 an instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards* and is described in the accompanying Schedule of Findings and Responses as item 2017-001.

Views of Responsible Official and Planned Corrective Action

The Cumberland County Sheriff's views and planned corrective action for the finding identified in our audit is described in the accompanying Schedule of Findings and Responses. The Cumberland County Sheriff's response was not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on it.

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 15, 2018

SCHEDULE OF FINDINGS AND RESPONSES

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CUMBERLAND COUNTY
SCOT DANIELS, SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2017

FINANCIAL STATEMENT FINDING:

2017-001 The Cumberland County Sheriff's Office Paid Above Estimated Cost For Repair Of Cruiser

A risk was identified during the calendar year 2017 audit regarding a wrecked police cruiser and insurance money received. The police cruiser was wrecked on October 23, 2015. The sheriff submitted one estimate for \$4,542 dated November 3, 2015, to the insurance company. An insurance claim was received by the Cumberland County Fiscal Court totaling \$5,928, due to the sheriff retaining the vehicle even though the insurance company considered it a total loss, on December 2, 2015, and passed through to the sheriff's office on January 12, 2016, for the 2015 accident. On February 11, 2016, the sheriff's office wrote two checks totaling \$5,615 to a vendor that did not supply the repair estimate, which is \$1,073 above the estimate received. The cancelled invoices that supported the checks paid were not from the vendor who prepared the estimate. The invoices were numbered in successive order (#s 3684 and 3685) and the address of the invoice was marked out and a post office box was written on the invoice. The physical address listed on the invoice is for a local financial institution, not an auto repair business. In addition, the phone number listed on the invoice is no longer in service. The Kentucky Secretary of State website had no matching organization for the business listed on the cancelled invoices and cleared checks, nor was there a Doing Business As (DBA) recorded in the Cumberland County Clerk's office. The two checks were cashed at the local financial institution and endorsed by a former auto service center owner who is now an employee of the state. In addition, the sheriff's office did not issue a 1099 form to the vendor, as required.

This occurred because the sheriff did not exercise proper oversight and internal controls as to the best use of taxpayer dollars. The bookkeeper stated that she wasn't aware that a 1099 was required to be issued for auto repairs.

By paying over the estimated cost of repairs, the sheriff overpaid for services rendered which is an improper use of taxpayer funds. Lack of internal controls increases the risk that undetected misappropriation of funds or fraud will occur and also increases the likelihood of noncompliance with laws and regulations.

In Funk vs. Milliken, 317 S.W.2d 499 (Ky. 1958), Kentucky's highest court reaffirmed the rule that county fee officials' disbursements of public funds will be allowable only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not personal expenses.

Good internal controls dictate that the sheriff exercise adequate internal controls over all disbursements to ensure that taxpayer funds are spent efficiently.

File Form 1099-MISC, Miscellaneous Income is required to be given to each person in the course of your business to whom you have paid at least \$600 during the year in Services performed by someone who is not your employee (including parts and materials). Instructions for preparation of Form 1099-MISC (2018) state, "Payment for services, including payment for parts or materials used to perform the services if supplying the parts or materials was incidental to providing the service. For example, report the total insurance company payments to an auto repair shop under a repair contract showing an amount for labor and another amount for parts, if furnishing parts was incidental to repairing the auto."

We recommend the sheriff implement internal controls and oversight to ensure public funds and resources are utilized efficiently and in the best interest of the taxpayers. In addition, Form 1099 should be issued in accordance with Internal Revenue Service instructions. We will refer this finding to the Kentucky Office of Attorney General.

CUMBERLAND COUNTY
SCOT DANIELS, SHERIFF
SCHEDULE OF FINDINGS AND RESPONSES
For The Year Ended December 31, 2017
(Continued)

FINANCIAL STATEMENT FINDING: (Continued)

2017-001 The Cumberland County Sheriff's Office Paid Above Estimated Cost For Repair Of Cruiser
(Continued)

Sheriff's Response: We received an estimate in the amount of \$4,542.00 for damages to a 2011 Crown Vic Cruiser. This estimate was open - meaning the amount could increase due to damage unseen. The insurance Company totaled this vehicle - with a total value of \$5,928.00. At that time we bought the totaled vehicle back from the insurance company and had the vehicle repaired. Total repair costs was \$5,615.00 to fix the vehicle. The amount was \$313.00 under the insurance pay out amount. Repairs were made at a local repair shop, Long's Auto. This receipt in question is from an affiliate of Long's Auto. All repairs were made through and completed at Long's Auto.

Auditor's Reply: The invoice provided appeared to be altered and the vendor paid was not the vendor that provided an estimate for repairing the vehicle. The address on the invoice is not an auto repair business and the phone number was not in service. In addition, the vendor was not listed on the Kentucky Secretary of State website.