

**REPORT OF THE AUDIT OF THE
FULTON COUNTY
CLERK**

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



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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Martin, Fulton County Judge/Executive
The Honorable Betty Abernathy, Fulton County Clerk
Members of the Fulton 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 County Clerk of Fulton 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 this 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 Jim Martin, Fulton County Judge/Executive
 The Honorable Betty Abernathy, Fulton County Clerk
 Members of the Fulton 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 Fulton County Clerk 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 Fulton County Clerk, 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 Fulton County Clerk 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 August 17, 2018, on our consideration of the Fulton County Clerk'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 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 Fulton County Clerk'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:

- 2017-001 The Fulton County Clerk Did Not Comply With KRS 61.874 For Collecting Fees For Providing Electronic Records Services
- 2017-002 The Fulton County Clerk Lacks Adequate Segregation Of Duties

Respectfully submitted,



Mike Harmon
 Auditor of Public Accounts

August 17, 2018

FULTON COUNTY
 BETTY ABERNATHY, COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2017

Receipts

State Revenue Supplement	\$	66,599	
State Fees For Services			2,592
Fiscal Court			6,758
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	200,059	
Usage Tax		437,180	
Tangible Personal Property Tax		506,225	
Clerk Liens		2,268	
Other-			
Fish and Game Licenses		10,438	
Marriage Licenses		1,449	
Deed Transfer Tax		19,014	
Delinquent Tax		68,801	1,245,434
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		4,105	
Real Estate Mortgages		5,907	
Chattel Mortgages and Financing Statements		16,416	
Powers of Attorney		222	
Affordable Housing Trust		5,640	
All Other Recordings		6,762	
Charges for Other Services-			
Candidate Filing Fees		850	
Copywork & Postage		3,818	
Refunds		460	44,180
Other:			
Miscellaneous			7,026
Interest Earned			75
Total Receipts			1,372,664

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

FULTON COUNTY
 BETTY ABERNATHY, COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2017
 (Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$ 152,855	
Usage Tax	423,183	
Tangible Personal Property Tax	156,593	
Licenses, Taxes, and Fees-		
Fish and Game Licenses	10,300	
Delinquent Tax	8,053	
Legal Process Tax	5,453	
Affordable Housing Trust	<u>5,640</u>	\$ 762,077

Payments to Fiscal Court:

Tangible Personal Property Tax	41,266	
Delinquent Tax	5,892	
Deed Transfer Tax	<u>18,011</u>	65,169

Payments to Other Districts:

Tangible Personal Property Tax	288,117	
Delinquent Tax	<u>33,344</u>	321,461

Payments to Sheriff 6,151

Payments to County Attorney 9,471

Tax Bill Preparation 1,349

Operating Disbursements and Capital Outlay:

Personnel Services-		
Deputies' Salaries	97,674	
Contracted Services-		
Deed Room Support	7,901	
Materials and Supplies-		
Office Supplies	3,325	
Phone	817	
Other Charges-		
Conventions and Travel	3,795	
Postage	1,783	
Refunds	3,794	
Miscellaneous	202	

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

FULTON COUNTY
 BETTY ABERNATHY, COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2017
 (Continued)

Disbursements (Continued)

Capital Outlay-			
Office Equipment	\$	389	\$ 119,680
Total Disbursements			<u>\$ 1,285,358</u>
Net Receipts			87,306
Less: Statutory Maximum			<u>79,008</u>
Excess Fees			8,298
Less: Expense Allowance		3,600	
Training Incentive Benefit		<u>4,052</u>	<u>7,652</u>
Excess Fees Due County for 2017			646
Payment to Fiscal Court - February 12, 2018			<u>646</u>
Balance Due Fiscal Court at Completion of Audit			<u><u>\$ 0</u></u>

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

FULTON 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 county clerk as determined by the audit. KRS 64.152 requires the county clerk to settle excess fees with the fiscal court by March 15 each year.

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
- Payments due other governmental entities for December tax and fee collections and 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 county clerk'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. 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.

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

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

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. 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.

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 nonhazardous 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.

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:

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.

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

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

Health Insurance Coverage (Continued)

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 Fulton County Clerk 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 county clerk 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 county clerk's deposits may not be returned. The Fulton County Clerk 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. Software Service Agreement

The Fulton County Clerk's office was committed to a lease agreement for annual support and software. The clerk uses this software program to maintain all recordings filed at the clerk's office in an electronic format. The agreement requires a monthly fee of \$617 and is renewable annually. The Fulton County Clerk was in compliance with the terms of this agreement as of December 31, 2017.

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 Jim Martin, Fulton County Judge/Executive
The Honorable Betty Abernathy, Fulton County Clerk
Members of the Fulton 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 Fulton County Clerk for the year ended December 31, 2017, and the related notes to the financial statement and have issued our report thereon dated August 17, 2018. The Fulton County Clerk'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 Fulton County Clerk'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 Fulton County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Fulton County Clerk'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 2017-002 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 Fulton County Clerk'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 accompany Schedule of Findings and Responses as item 2017-001.

Views of Responsible Official and Planned Corrective Action

The Fulton County Clerk's views and planned corrective action for the findings identified in our audit are described in the accompanying Schedule of Findings and Responses. The Fulton County Clerk's responses were not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on them.

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

August 17, 2018

SCHEDULE OF FINDINGS AND RESPONSES

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FULTON COUNTY
BETTY ABERNATHY, COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2017

STATE LAWS AND REGULATIONS:

2017-001 The Fulton County Clerk Did Not Comply With KRS 61.874 For Collecting Fees For Providing Electronic Records Services

The county clerk has agreements with third parties for deed CDs. The clerk receives a flat fee of \$225 monthly from one third party company and a quarterly fee of \$375 from another third party company. The county clerk is not allowed to charge a flat fee for this service, the clerk can only recoup the costs as necessary. The clerk was unaware that she could not collect these fees. The clerk is not in compliance with KRS 64.410 and KRS 61.874.

Per KRS 64.410 and case law interpreting it, a clerk may not charge or receive a fee for a service the clerk provides unless that fee is expressly authorized by statute. KRS 61.874 expressly allows the clerk to collect a reasonable fee for providing public records in an electronic format. However, this statute only allows a fee for recovering costs associated with providing these records and does not allow clerk's office to profit from this activity.

We recommend the clerk review costs of providing electronic records to commercial agencies and document the costs associated to support whether these costs are reasonable with the fee being charged.

County Clerk's Response: Fulton County Clerk has notified third party companies that Fulton County Clerk's office will discontinue providing electronic records.

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

2017-002 The Fulton County Clerk's Office Lacks Adequate Segregation Of Duties

The Fulton County Clerk's office has a lack of adequate segregation of duties. According to the county clerk, her duties include making deposits, preparing and signing checks, posting transactions to the receipts and disbursements ledgers, and preparing quarterly reports. The county clerk has some compensating controls in place to reduce effects of the control deficiency. These compensating controls include the clerk initiating one of her deputies to maintain receipts and disbursements ledgers on in software by using the original source documents to input information. The clerk maintains a manual ledger. According to the county clerk, she and the deputy reconcile to each other on a monthly, quarterly, and annual basis. However, there was not sufficient evidence to document that the county clerk and the deputy clerk periodically review invoices, ledgers, reconciliations, and reports to offset the risk caused by the lack of segregation of duties.

The county clerk failed to document compensating internal controls that would reduce the risks from the lack of segregation of duties to an acceptable level. The lack of oversight could result in undetected misappropriation of assets and inaccurate financial reporting.

Segregation of duties or the implementation of compensating controls, when limited by the number of staff, is essential for providing protection against the misappropriation of assets and inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities

We recommend the county clerk segregate incompatible duties or implement and document compensating internal controls over disbursements, ledger preparation, reconciliation processes, and financial statement preparation.

FULTON COUNTY
SCHEDULE OF FINDINGS AND RESPONSES
December 31, 2017
(Continued)

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY: (Continued)

2017-002 The Fulton County Clerk's Office Lacks Adequate Segregation Of Duties (Continued)

County Clerk's Response: When segregation of duties was first requested by auditors several years ago, I employed a part time employee to solve the problem. She and I sign the daily checkout sheet after one of us prepares it and the other checks it. She post all daily receipts and expense in [software] and I prepare and post in general ledger. At the end of the month, we compare totals in each category. We do the same with bank reconciliations, payroll, monthly reports, quarterly reports. [Software] records are printed and filed after she and I compare quick books to my general ledger totals.

As requested by the auditor, we are now initialing each other's accounting, bank reconciliation, payroll reports, monthly reports, and quarterly reports after totals are compared.