

**REPORT OF THE AUDIT OF THE  
LESLIE COUNTY  
SHERIFF'S SETTLEMENT - 2016 TAXES**

**For The Period  
April 16, 2016 Through April 17, 2017**



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

To the People of Kentucky

The Honorable Matthew G. Bevin, Governor  
William M. Landrum III, Secretary  
Finance and Administration Cabinet  
The Honorable Jimmy Sizemore, Leslie County Judge/Executive  
The Honorable Delano Huff, Leslie County Sheriff  
Members of the Leslie County Fiscal Court

Independent Auditor's Report

**Report on the Financial Statement**

We have audited the Leslie County Sheriff's Settlement - 2016 Taxes for the period April 16, 2016 through April 17, 2017 - Regulatory Basis, and the related notes to the financial statement.

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

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

**Auditor's Responsibility**

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

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

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



To the People of Kentucky  
The Honorable Matthew G. Bevin, Governor  
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### **Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles**

As described in Note 1 of the financial statement, the financial statement is prepared by the Leslie 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 Leslie County Sheriff, for the period April 16, 2016 through April 17, 2017.

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

In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period April 16, 2016 through April 17, 2017 of the Leslie 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 February 13, 2018, on our consideration of the Leslie 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 Leslie County Sheriff's internal control over financial reporting and compliance.

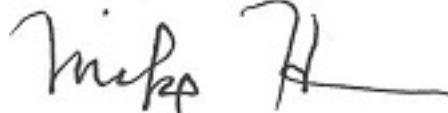
To the People of Kentucky  
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The Honorable Delano Huff, Leslie County Sheriff  
Members of the Leslie County Fiscal Court

**Other Reporting Required by *Government Auditing Standards* (Continued)**

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:

- 2016-001 The Leslie County Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts, Disbursements, And Reconciliations
- 2016-002 The Leslie County Sheriff's Settlement Was Not Accurate And Tax Collections Should Be Settled
- 2016-003 The Leslie County Sheriff's Office Lacks Internal Controls Over Tax Distributions

Respectfully submitted,

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

Mike Harmon  
Auditor of Public Accounts

February 13, 2018

LESLIE COUNTY  
 DELANO HUFF, SHERIFF  
SHERIFF'S SETTLEMENT - 2016 TAXES

For The Period April 16, 2016 Through April 17, 2017

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 377,496	\$ 589,802	\$ 1,334,359	\$ 246,281
Tangible Personal Property	58,321	109,225	237,963	150,187
Fire Protection	5,528			
Increases Through Exonerations	41	62	145	27
Franchise Taxes	92,759	167,165	364,290	
Additional Billings	360	546	1,271	236
Penalties	3,082	4,680	10,833	2,022
Adjusted to Sheriff's Receipt	1,246	2,323	5,035	56
Gross Chargeable to Sheriff	<u>538,833</u>	<u>873,803</u>	<u>1,953,896</u>	<u>398,809</u>
 <u>Credits</u>				
Exonerations	3,208	4,989	11,317	2,243
Unbilled Additional Billings	127	194	449	85
Discounts	5,276	8,363	18,690	4,108
Delinquents:				
Real Estate	45,457	68,487	159,399	29,420
Tangible Personal Property	20,233	37,894	82,557	54,840
Franchise Taxes	<u>40,386</u>	<u>69,830</u>	<u>152,586</u>	
Total Credits	<u>114,687</u>	<u>189,757</u>	<u>424,998</u>	<u>90,696</u>
Taxes Collected	424,146	684,046	1,528,898	308,113
Less: Commissions *	<u>18,026</u>	<u>29,072</u>	<u>30,578</u>	<u>13,095</u>
Taxes Due	406,120	654,974	1,498,320	295,018
Taxes Paid	398,855	641,808	1,474,847	330,075
Refunds (Current and Prior Year)	<u>1,032</u>	<u>1,590</u>	<u>3,631</u>	<u>706</u>
Due Districts or (Refund Due Sheriff) as of Completion of Audit	<u>\$ 6,233</u>	<u>\$ 11,576</u>	<u>\$ 19,842</u>	<u>\$ (35,763)</u>

\*\*

\* and \*\* See next page.

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



LESLIE COUNTY  
DELANO HUFF, SHERIFF  
SHERIFF'S SETTLEMENT - 2016 TAXES  
For The Period April 16, 2016 Through April 17, 2017  
(Continued)

\* Commissions:

4.25% on	\$ 1,416,305
2% on	\$ 1,528,898

\*\* Special Taxing Districts:

Library District	\$ 6,232
Health District	1,533
Extension District	3,746
Soil Conservation District	49
City of Hyden	<u>16</u>

Due Districts \$ 11,576

LESLIE COUNTY  
NOTES TO FINANCIAL STATEMENT

April 17, 2017

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

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

B. Basis of Accounting

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

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

C. Cash and Investments

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

Note 2. Deposits

The Leslie 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 Leslie 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 17, 2017, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of November 8, 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                      \$494,719

LESLIE COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 17, 2017  
(Continued)

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2016. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2017. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 30, 2016 through April 17, 2017.

B. Franchise Taxes

Franchise taxes were assessed by the Kentucky 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 16, 2016 through April 17, 2017.

Note 4. Sheriff's 10% Add-On Fee

The Leslie County Sheriff collected \$16,592 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the sheriff's office.

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

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

The Honorable Jimmy Sizemore, Leslie County Judge/Executive  
The Honorable Delano Huff, Leslie County Sheriff  
Members of the Leslie 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 Leslie County Sheriff's Settlement - 2016 Taxes for the period April 16, 2016 through April 17, 2017 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated February 13, 2018. The Leslie 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 Leslie 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 Leslie County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Leslie County Sheriff's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control that we consider to be 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, 2016-002, and 2016-003 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 Leslie 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 instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying Schedule of Findings and Responses as items 2016-002 and 2016-003.

**Purpose of this Report**

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

Respectfully submitted,

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

Mike Harmon  
Auditor of Public Accounts

February 13, 2018



SCHEDULE OF FINDINGS AND RESPONSES

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LESLIE COUNTY  
DELANO HUFF, SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES

For The Period April 16, 2016 Through April 17, 2017

FINANCIAL STATEMENT FINDINGS:

2016-001 The Leslie County Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts, Disbursements, And Reconciliations

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This is a repeat finding and was included in the prior year audit report as finding 2015-001. The Leslie County Sheriff's office lacks adequate segregation of duties over receipts, disbursements, and bank reconciliations. The bookkeeper opens mail, collects tax payments, prepares the daily checkout sheet, prepares the daily deposit, opens bank statements, and prepares bank reconciliations. These incompatible duties create a lack of segregation of duties over receipts, disbursements, and the reconciliation process.

The lack of adequate segregation of duties within the sheriff's office is the result of limited staff size which prevented the sheriff from segregating accounting duties to different individuals within the sheriff's office. The sheriff's office stated they cannot hire additional employees to allow segregation of duties due to a limited budget.

A lack of segregation of duties could result in undetected misappropriation of assets and inaccurate financial reporting to local taxing districts.

The segregation of duties over various accounting functions such as opening mail, preparing deposits, and recording payments and disbursements, is essential for providing protection from asset misappropriation and inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities. The sheriff should implement oversight when duties cannot be segregated.

We recommend the sheriff segregate duties or implement compensating controls. If the sheriff chooses to implement compensating controls, his oversight should be documented on the appropriate source document. The following are examples of compensating controls the sheriff could implement:

- The sheriff, or his designee, can compare the daily checkout sheet to tax reports and bank deposit receipts and document his review.
- The sheriff, or his designee, can reconcile the bank statement or examine the bank reconciliation prepared by the bookkeeper, resolve any discrepancies, and document the review by initialing the bank reconciliation and the bank statement.
- The sheriff can examine checks prepared by the bookkeeper and compare checks to the monthly tax reports, resolve any discrepancies, and document the review by initialing and dating the monthly tax reports.

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

2016-002 The Leslie County Sheriff's Settlement Was Not Accurate And Tax Collections Should Be Settled

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This is a repeat finding and was included in the prior year audit report as finding 2015-002. The Leslie County Sheriff's 2016 settlement of tax collections contained numerous errors and was materially misstated. The sheriff still owes the taxing districts \$37,651 and a refund of \$35,763 is due to the sheriff from the state in order to settle 2016 tax collections.

LESLIE COUNTY  
 DELANO HUFF, SHERIFF  
 SCHEDULE OF FINDINGS AND RESPONSES  
 For The Period April 16, 2016 Through April 17, 2017  
 (Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2016-002 The Leslie County Sheriff's Settlement Was Not Accurate And Tax Collections Should Be Settled  
 (Continued)

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The sheriff does not have sufficient controls over the financial reporting process. Effective internal controls over the financial reporting processes are essential to ensure that financial reports are accurate. Controls such as a thorough review of the annual tax settlement that includes tracing amounts to source documentation, recalculation of those amounts, and comparing taxes collected per the settlement to the taxes collected on the monthly reports would have strengthened internal controls over financial reporting, and could have reduced the chances of undetected misstatements.

The lack of sufficient internal controls over the financial reporting process allowed for multiple undetected errors in the sheriff's county tax settlement. These errors include:

- Charges of \$624,414 for franchise taxes were not included on the sheriff's settlement
- Delinquent taxes were overstated by \$39,270
- Sheriff's commission was overstated by \$19,674
- Taxes paid to districts was overstated by \$47,876

Also, taxes of \$37,651 were not distributed to the taxing districts and the state was overpaid by \$35,763.

Effective internal controls over financial reporting are essential to ensure that financial reports are accurate. Relating to the settlement of collections, KRS 134.192(2)(b) states, "[t]he sheriff shall settle his or her accounts with the county, the school district, and any other taxing district for which he or she collects taxes."

We recommend the sheriff implement internal controls over the review of the annual tax settlement, such as:

- Tracing amounts to source documentation
- Recalculating commissions
- Comparing taxes collected on the settlement to his monthly reports

Furthermore, the sheriff should settle tax collections as noted in the audit with taxing districts.

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

2016-003 The Leslie County Sheriff's Office Lacks Internal Controls Over Tax Distributions

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The Leslie County Sheriff's office is responsible for collecting property taxes for the state, county, school, and other taxing districts. During tax year 2016, the sheriff collected franchise taxes of \$360,802, but did not properly distribute these collections to the appropriate taxing districts. Of the franchise collections not distributed properly, \$318,483 were distributed late and \$42,319 were not distributed. Further, the sheriff distributed one day of property tax collections of \$133,952 to taxing districts twice, causing an overpayment that the districts will need to refund to the sheriff.

The sheriff's processes of collecting, recording, and distributing taxes were not adequate. This was due to a lack of training for the sheriff's bookkeeper. As a result, taxing districts were not forwarded their portions of tax collections accurately every month.

LESLIE COUNTY  
DELANO HUFF, SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES  
For The Period April 16, 2016 Through April 17, 2017  
(Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2016-003 The Leslie County Sheriff's Office Lacks Internal Controls Over Tax Distributions (Continued)

KRS 134.191(1) states, “[t]he sheriff shall provide monthly reports by the tenth day of each month to the chief executive of the county, the department, and any other district for which the sheriff collects taxes.” Further, the sheriff’s lack of internal controls over tax distributions allowed undetected errors.

We recommend the sheriff ensure that taxes are always correctly reported and distributed in accordance with KRS 134.191.

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