

**REPORT OF THE AUDIT OF THE  
OWSLEY COUNTY  
CLERK**

**For The Year Ended  
December 31, 2018**



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

The Honorable Cale Turner, Owsley County Judge/Executive  
The Honorable Shanna Oliver, Owsley County Clerk  
Members of the Owsley 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 Owsley County, Kentucky, for the year ended December 31, 2018, 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 Cale Turner, Owsley County Judge/Executive  
The Honorable Shanna Oliver, Owsley County Clerk  
Members of the Owsley 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 Owsley 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 the Owsley County Clerk, as of December 31, 2018, 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 Owsley County Clerk for the year ended December 31, 2018, 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 21, 2020, on our consideration of the Owsley 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 Owsley County Clerk's internal control over financial reporting and compliance.

The Honorable Cale Turner, Owsley County Judge/Executive  
The Honorable Shanna Oliver, Owsley County Clerk  
Members of the Owsley 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:

- 2018-001 The Owsley County Clerk Did Not Comply With Department For Local Government (DLG) Requirements Regarding Approval And Submission Of Budget, Quarterly Financial Reports, And Annual Settlement
- 2018-002 The Owsley County Clerk Is Not Remitting Fees In Compliance With Kentucky Revised Statutes
- 2018-003 The Owsley County Clerk Did Not Deposit Funds Timely
- 2018-004 The Owsley County Clerk Did Not Prepare Bank Reconciliations And Has Numerous Transactions At Year End That Have Not Cleared The Bank
- 2018-005 The Owsley County Clerk's Office Lacks Adequate Segregation Of Duties
- 2018-006 The Depository Institution Did Not Pledge Or Provide Sufficient Collateral To Protect Deposits And The County Clerk Did Not Have A Written Agreement To Protect Deposits

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 21, 2020

OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2018

Receipts

State Revenue Supplement		\$ 67,428
State Fees For Services		1,233
Licenses and Taxes:		
Motor Vehicle-		
Licenses and Transfers	\$ 156,744	
Usage Tax	123,328	
Tangible Personal Property Tax	284,242	
Lien Fees	4,186	
Other-		
Marriage Licenses	1,420	
Deed Transfer Tax	5,300	
Delinquent Tax	<u>81,245</u>	656,465
Fees Collected for Services:		
Recordings-		
Deeds, Easements, and Contracts	4,267	
Real Estate Mortgages	3,909	
Chattel Mortgages and Financing Statements	8,689	
Powers of Attorney	275	
All Other Recordings	3,836	
Charges for Other Services-		
Candidate Filing Fees	1,020	
Postage	73	
Miscellaneous	<u>172</u>	22,241
Interest Earned		<u>86</u>
Total Receipts		747,453

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



OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2018  
 (Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 107,685

Usage Tax 119,628

Tangible Personal Property Tax 105,336

Licenses, Taxes, and Fees-

Delinquent Tax 5,366

Legal Process Tax 3,434

Affordable Housing Trust 3,444 \$ 344,893

Payments to Fiscal Court:

Tangible Personal Property Tax 28,589

Delinquent Tax 7,652

Deed Transfer Tax 5,035 41,276

Payments to Other Districts:

Tangible Personal Property Tax 138,947

Delinquent Tax 43,058 182,005

Payments to Sheriff

7,062

Payments to County Attorney

10,516

Operating Disbursements:

Personnel Services-

Deputies' Salaries 22,521

Overtime 3,187

Employee Benefits-

Employer's Share Social Security 7,934

Employer's Share Retirement 21,291

Materials and Supplies-

Office Supplies 1,244

OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2018  
 (Continued)

Disbursements (Continued)

Operating Disbursements: (Continued)

Other Charges-			
Dues	\$	1,710	
Postage		1,073	
Bank Charges		315	
Insurance and Bonds		15,869	
Service Contract		1,800	\$ 76,944
		<u>1,800</u>	<u>\$ 76,944</u>
Total Disbursements			<u>\$ 662,696</u>
Less: Disallowed Disbursements -			
Finance Charges		706	
Late Fees		12	
		<u>718</u>	
Total Disallowed Disbursements			<u>718</u>
Total Allowable Disbursements			<u>661,978</u>
Net Receipts			85,475
Less: Statutory Maximum			<u>74,468</u>
Excess Fees			11,007
Less: Expense Allowance			<u>3,600</u>
Balance Due Fiscal Court at Completion of Audit			<u>\$ 7,407</u>
			*

\* The county clerk paid the Owsley County Fiscal Court \$7,382 on February 21, 2020.

OWSLEY COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2018

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 is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis 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 2018 services
- Reimbursements for 2018 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2018

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 clerk's office has 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.

OWSLEY COUNTY  
 NOTES TO FINANCIAL STATEMENT  
 December 31, 2018  
 (Continued)

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

The county clerk's contribution for FY 2016 was \$17,178 FY 2017 was \$17,990 and FY 2018 was \$21,291.

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

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on or after January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Nonhazardous covered employees contribute five percent of their annual creditable compensation. Nonhazardous members also contribute one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the KRS Board of Directors 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 19.18 percent for the first half of the year and 21.48 percent for the second half of the year.

Other Post-Employment Benefits (OPEB)

A. Health Insurance Coverage - Tier 1

CERS 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:

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

OWSLEY COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2018  
(Continued)

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

Other Post-Employment Benefits (OPEB) (Continued)

A. Health Insurance Coverage - Tier 1 (Continued)

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.

Benefits are covered under KRS 161.714 with exception of COLA and retiree health benefits after July 2003.

B. Health Insurance Coverage - Tier 2 and Tier 3 - Nonhazardous

Once members reach a minimum vesting period of 15 years, 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 by 1.5 percent. This was established for Tier 2 members during the 2008 Special Legislative Session by House Bill 1. During the 2013 Legislative Session, Senate Bill 2 was enacted, creating Tier 3 benefits for members.

The monthly insurance benefit has been increased annually as a 1.5 percent cost of living adjustment (COLA) since July 2003 when the law changed. The annual increase is cumulative and continues to accrue after the member's retirement.

Tier 2 member benefits are covered by KRS 161.714 with exception of COLA and retiree health benefits after July 2003. Tier 3 members are not covered by the same provisions.

C. Cost of Living Adjustments - Tier 1

The 1996 General Assembly enacted an automatic cost of living adjustment (COLA) provision for all recipients of KRS benefits. During the 2008 Special Session, the General Assembly determined that each July beginning in 2009, retirees who have been receiving a retirement allowance for at least 12 months will receive an automatic COLA of 1.5 percent. The COLA is not a guaranteed benefit. If a retiree has been receiving a benefit for less than 12 months, and a COLA is provided, it will be prorated based on the number of months the recipient has been receiving a benefit.

D. Cost of Living Adjustments - Tier 2 and Tier 3

No COLA is given unless authorized by the legislature with specific criteria. To this point, no COLA has been authorized by the legislature for Tier 2 or Tier 3 members.

E. Death Benefit

If a retired member is receiving a monthly benefit based on at least 48 months of service credit, KRS will pay a \$5,000 death benefit payment to the beneficiary designated by the member specifically for this benefit. Members with multiple accounts are entitled to only one death benefit.

OWSLEY COUNTY  
 NOTES TO THE FINANCIAL STATEMENTS  
 December 31, 2018  
 (Continued)

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

KRS Annual Financial Report and Proportionate Share Audit Report

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.

KRS also issues proportionate share audit reports for both total pension liability and other post-employment benefits for CERS determined by actuarial valuation as well as each participating county's proportionate share. Both the Schedules of Employer Allocations and Pension Amounts by Employer and the Schedules of Employer Allocations and OPEB Amounts by Employer reports and the related actuarial tables are available online at <https://kyret.ky.gov>. The complete actuarial valuation report, including all actuarial assumptions and methods, is also available on the website or can be obtained as described in the paragraph above.

Note 3. Deposits

The Owsley 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. These requirements were not met because the county clerk did not have a written agreement with the bank.

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 Owsley 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. On February 28, 2018 and December 31, 2018, respectively, the county clerk's bank balance was exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured:
 

February 28, 2018	\$217,678
December 31, 2018	\$177,918

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 Cale Turner, Owsley County Judge/Executive  
The Honorable Shanna Oliver, Owsley County Clerk  
Members of the Owsley 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 Owsley County Clerk for the year ended December 31, 2018, and the related notes to the financial statement and have issued our report thereon dated February 21, 2020. The Owsley 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 Owsley 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 Owsley County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Owsley County Clerk's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying Schedule of Findings and Responses, we identified certain deficiencies in internal control that we consider to be material weaknesses.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying Schedule of Findings and Responses as items 2018-002, 2018-003, 2018-004, and 2018-005 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 Owsley 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 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 2018-001, 2018-002, 2018-003, 2018-004, and 2018-006.

**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 line extending to the right.

Mike Harmon  
Auditor of Public Accounts

February 21, 2020

## SCHEDULE OF FINDINGS AND RESPONSES

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OWSLEY COUNTY  
SHANNA OLIVER, COUNTY CLERK  
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2018

FINANCIAL STATEMENT FINDINGS:

2018-001 The Owsley County Clerk Did Not Comply With Department For Local Government (DLG) Requirements Regarding Approval And Submission Of Annual Budget, Quarterly Financial Reports, And Annual Settlement

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This is a repeat finding and was reported in the prior year audit report as findings 2017-002 and 2017-003. The county clerk did not present a budget or an annual order setting maximum salary for deputies and assistants to the fiscal court for calendar year 2018. Also, she did not submit her annual settlement and excess fees to the fiscal court timely. Her fourth quarter financial report for 2018 was presented to and accepted by the fiscal court on October 14, 2019, however it was not accurate or properly completed since it did not include a reconciliation of the bank to the book balance. In addition, the county clerk did not submit her annual budget to DLG as required. However, the county clerk did submit her 2018 fourth quarter financial report to DLG on October 18, 2019, which was not timely nor in compliance with the KRS requirements.

This is a repeat comment for not submitting her quarterly financial reports, annual settlement, and excess fees to the appropriate agency in a timely manner. The county clerk was under the impression that since all were late she could not submit them. She has been informed that she can still submit them for the year being audited and did so. She presented her annual settlement and fourth quarter financial report for 2018 to the fiscal court on October 14, 2019, and further submitted it to DLG on October 18, 2019. She also stated she has submitted her 2019 budget and annual order setting salaries as well as the 3<sup>rd</sup> quarter financial report to the fiscal court on October 29, 2019, and further submitted the documentation to DLG the same day.

The lack of compliance with KRS's and DLG reporting requirements has led to the fiscal court not being adequately informed of the financial activities of the county clerk's office, resulting in the limited ability to appropriately monitor said financial activity and make fully informed financial decisions for the county.

KRS 68.210 gives the state local finance officer the authority to prescribe a uniform system of accounts. Pursuant to KRS 68.210, the state local finance officer has prescribed minimum accounting and reporting standards in the Department for Local Government's *County Budget Preparation and State Local Finance Officer Policy Manual*, which requires that the fiscal court approve a calendar year budget for each fee office as a component of the county's budget preparation process by January 15 of each year.

Pursuant to KRS 64.530(3) states, in part, "...The fiscal court shall fix annually the reasonable maximum amount, including fringe benefits, which the officer may expend for deputies and assistants..."

In addition, the State Local Finance Officer also requires the quarterly report to be submitted to their office no later than 30 days following the close of the quarters ending March 31, June 30, September 30, and December 31.

KRS 64.152 states, in part, "(1) In counties containing a population of less than seventy-five thousand (75,000), the county clerk shall provide to the fiscal court by March 15 of each year a complete statement for the preceding calendar year[.] (2) At the time of filing the statement required by subsection (1) of this section, the county clerk shall pay to the fiscal court any income of his office, including income from investments, which exceeds the sum of his maximum salary as permitted by the Constitution and other reasonable expenses, including compensation of deputies and assistants..."

We recommend the county clerk submit a budget, annual order setting maximum salary for deputies and assistants to the fiscal court for each calendar year by January 15. We further recommend she submit her annual settlement and excess fees accurately and completely to the fiscal court no later than March 15.

OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
 SCHEDULE OF FINDINGS AND RESPONSES  
 For The Year Ended December 31, 2018  
 (Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2018-001 The Owsley County Clerk Did Not Comply With Department For Local Government (DLG) Requirements Regarding Approval And Submission Of Annual Budget, Quarterly Financial Reports, And Annual Settlement (Continued)

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In addition, we recommend the county clerk comply with the applicable KRS's and the DLG manual by submit her annual budget, quarterly financial reports and annual settlement to DLG as required.

*County Clerk's Response: No response.*

2018-002 The Owsley County Clerk Is Not Remitting Fees In Compliance With Kentucky Revised Statutes

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This is a repeat finding and was included in the prior year audit report as finding 2017-009 through 2017-013. During calendar year 2018 it was noted that the payments for the following items were not remitted in compliance with the corresponding Kentucky Revised Statutes (KRS).

- Motor vehicle receipts for calendar year 2018 were not paid to the state, county, and districts until January 2019.
- Delinquent tax receipts for January through October 2018 were not paid to the state until January 2019.
- Affordable housing receipts for calendar year 2018 were not paid to the state until October 2019.
- Legal process receipts for calendar year 2018 were not paid to the state until October 2019.
- Deed transfer tax receipts for calendar year 2018 were not paid to the county until October 2019.

The county clerk stated she did not have adequate controls and procedures in place to ensure disbursements were made timely; however for the later part of calendar year 2019 she stated she had made significant changes to her procedures to ensure compliance and disbursements are made timely.

The state, county, and districts did not have all the funds they budgeted for and may have not been able to provide services to tax payers due to lack of funding. In addition, the county clerk is not in compliance with Kentucky Revised Statutes which would also allow for penalties and interest be assessed for late payments.

KRS 134.815(1) states, “[t]he county clerk shall, by the tenth of each month, report under oath and pay to the state, county, city, urban-county government, school, and special taxing districts all ad valorem taxes on motor vehicles collected by him for the preceding month, less the collection fee of the county clerk, which shall be deducted before payment to the depository. The county clerk shall be required to deposit state collections in a manner consistent with procedures established by the cabinet for the prompt payment to the state of other moneys collected by the county clerk.”

KRS 134.126(3) states, “[t]he county clerk shall report by the tenth day of each month to the department, the county treasurer, the sheriff, and the proper officials of the taxing districts. The governing body of a county may require the county clerk to report and pay on a more frequent basis if necessary for bonding requirements; however, the county clerk shall not be required to report and pay more frequently than weekly. (4) The county clerk shall allocate payments among the various entities entitled to a portion of the payment. The county clerk shall, at the time he or she makes the reports required by subsection (3) of this section: (a) Pay to the department for deposit in the State Treasury all moneys received due the state; (b) Pay to the county treasurer all moneys received due the county; (c) Pay to the authorized officers of the taxing districts the amount due each taxing district; and (d) Pay the amount of fees, costs, commissions, and penalties to the persons, agencies, or parties entitled thereto.”

OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
 SCHEDULE OF FINDINGS AND RESPONSES  
 For The Year Ended December 31, 2018  
 (Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2018-002 The Owsley County Clerk Is Not Remitting Fees In Compliance With Kentucky Revenue Statute  
 (Continued)

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KRS 64.012(1)(b) outlines the fees charged by county clerks and states, “[t]he twelve dollar (\$12) fee imposed by paragraph (a) of this subsection shall be divided as follows: 1. Six dollars (\$6) shall be retained by the county clerk; and 2. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.”

KRS 142.010 outlines taxes imposed on legal processes and instruments and the applicable fees. Subsection 3 of the statute states, “[t]axes imposed under this section shall be reported and paid to the Department of Revenue by each county clerk within ten (10) days following the end of the calendar month in which instruments subject to tax are filed or marriage licenses issued. Each remittance shall be accompanied by a summary report on a form prescribed by the department. (4) Any county clerk who violates any of the provisions of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180. In every case, any tax not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until the date of payment.”

KRS 142.050(4) states, “[t]he county clerk shall collect the amount due and certify the date of payment and the amount of collection on the deed. The county clerk shall retain five percent (5%) as his fee for collection and remit the balance every three (3) months to the county treasurer, who shall deposit the money in the county general fund.”

We recommend the county clerk pay over receipt timely to ensure compliance with all Kentucky Revised Statutes and to prevent penalties and interest payments due for late payments.

*County Clerk's Response: No response.*

2018-003 The County Clerk Did Not Deposit Funds Timely

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The county clerk did not process receipts timely nor did her office make daily deposits. Test of daily receipts for the week of November 11 through November 17 noted the following issues:

- November 13, 2018 was not deposited until December 27.
- November 14, 2018 deposit included eight checks. Two of the checks did not include the current date but were dated November 5 and October 8. In addition, the funds for the daily business were not deposited until December 27, 2018.
- November 15 2018 deposit included six checks. Two checks did not include the current date but were dated November 5 and October 12. In addition, the funds for the daily business were not deposited until December 27, 2018.
- November 16, 2018 deposit included 11 checks. Eight checks did not include the current date but had dates ranging from October 16 through November 2. In addition, the funds for the daily business were not deposited until December 27, 2018.
- November 17, 2018 was not deposited until December 27.
- Two checks issued from the state dated in June 2018 and November 2018, were not deposited until October 31, 2019.

OWSLEY COUNTY  
 SHANNA OLIVER, COUNTY CLERK  
 SCHEDULE OF FINDINGS AND RESPONSES  
 For The Year Ended December 31, 2018  
 (Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2018-003 The County Clerk Did Not Deposit Funds Timely (Continued)

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In addition, the certification of delinquency of tax sales registration was dated August 30, 2018, and the tax sale was held on September 13, 2018, however these funds were not processed or deposited timely as is required by 103 KAR 5:180. The county clerk said she did not have adequate controls and procedures in place to ensure deposits were made daily and all mail was being processed timely. She further stated she has implemented a new process to ensure items are being processed in a timely manner and the deposits are being made daily. Inadequate controls over deposits increase the risk that undetected fraud, errors, and misstatements will occur. Delaying deposits also increases the risk that funds will be lost, stolen, or otherwise misappropriated.

The Department for Local Government has issued standards regarding “Handling Public Funds Minimum Requirements Pursuant To KRS 68.210 For All Local Government Officials (And Employees)”. One of the requirements is “Daily deposits intact into a federally insured banking institution. (KRS 68.210)”. Additionally, strong internal controls require all payments be deposited timely and on the date received.

Additionally, 103 KAR 5:180 requires purchasers to pay a registration fee of \$5 for each priority tax bill and \$10 for each current tax bill included on their list of tax bills they wish to purchase with the total registration fee not to exceed \$250. The deposits paid by the third party purchasers should be deposited to an official bank account when received. The deposits should be applied to the payment of the tax bills the purchaser purchases at the tax sale and any balances refunded to the third party purchasers. The registration fee paid should also be deposited to an official bank account when received.

We recommend the county clerk comply with KRS 68.210 and 103 KAR 5:180 regarding deposits and proper procedures for handling delinquent tax sales. We further recommend the county clerk ensure all payments are deposited timely by establishing effective internal controls over receipts and deposits.

*County Clerk’s Response: No response.*

2018-004 The County Clerk Did Not Prepare Bank Reconciliations And Has Numerous Transactions At Year End That Have Not Cleared The Bank

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This is a repeat finding and was reported in the prior year audit report as finding 2017-007. The county clerk did not prepare bank reconciliations for the fee account. As of December 31, 2018, there were 66 transactions totaling \$66,670 still outstanding, some of which had been outstanding for more than a year prior to them being sent out to the payee. Checks totaling \$36,151 cleared the bank in January through February 2019, check totaling \$13,157 cleared the bank in October 2019, and the remaining balance of \$17,781 will be included outstanding liabilities in the county clerk’s settlement. It appears the county clerk is writing checks but not mailing or providing to taxing districts in a timely manner.

The county clerk stated she did not have adequate controls and procedures in place to ensure timely bank reconciliations were done and that all checks were issued and sent out timely. She further stated she has implemented new process to ensure reconciliations are being done timely and checks are being issued and sent out in a timely manner. The county clerk also stated her bank account is reconciled to the current month. The risk of undetected fraud, errors, or other misstatements increases significantly when financial records are not prepared and reconciled timely. The numerous amount of un-cleared transactions at year-end indicate the county clerk failed to properly remit checks to various taxing districts. Failing to provide payments to taxing districts in a timely manner causes these districts to face potential financial strain and hardship in providing services to citizens and taxpayers.



OWSLEY COUNTY  
SHANNA OLIVER, COUNTY CLERK  
SCHEDULE OF FINDINGS AND RESPONSES  
For The Year Ended December 31, 2018  
(Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2018-004 The County Clerk Did Not Prepare Bank Reconciliations And Has Numerous Transactions At Year End That Have Not Cleared The Bank (Continued)

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KRS 68.210 gives the state local finance officer the authority to prescribe a uniform system of accounts. Pursuant to KRS 68.210, the state local finance officer has prescribed minimum accounting and reporting standards in the *Department for Local Government's County Budget Preparation and State Local Finance Officer Policy Manual*, one of which is that monthly bank reconciliations be prepared by officials handling public funds. In addition, a strong internal control system requires timely reconciliations for all bank accounts and follow up on any items outstanding or un-cleared for a significant time period.

We recommend the county clerk prepare timely monthly bank reconciliations. We also recommend the county clerk follow up on any transactions that are outstanding or un-cleared for a significant time period and take appropriate action to clear the transactions. Finally, we recommend the county clerk ensure all payments to taxing districts are made timely.

*County Clerk's Response: No response.*

2018-005 The County Clerk's Office Lacks Adequate Segregation Of Duties

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This is a repeat audit finding and was reported in the prior year audit report as finding 2017-004. The county clerk and her employees all collect cash and process transactions. In addition, the county clerk prepares the daily deposits, daily, weekly, and monthly reports, as well as writes and signs disbursement checks and although a receipt/disbursement ledger is prepared by another employee there is no documentation of a review nor does it appear to be completed in a timely manner.

This lack of segregation of duties is a result of a limited budget; which restricts the number of employees the county clerk can hire and delegate responsibilities to. Without adequate segregation of duties, there is an increased risk of misappropriation of assets, errors, and inaccurate financial reporting to external agencies, such as the Department for Local Government.

The segregation of duties over various accounting functions such as preparing deposits, preparing daily checkout sheets, and issuing cash receipts is essential for providing protection from asset misappropriation and inaccurate financial reporting. Good internal controls further dictate that duties of preparing deposits, preparing checks, signing checks, posting to ledgers, and reconciliations of ledgers to bank accounts be segregated. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

We recommend the county clerk segregate duties over receipts, report preparation, bank reconciliations, and disbursements. If segregation of duties is not feasible due to lack of staff, the county clerk should implement compensating controls to help mitigate any weakness. These compensating controls can and should be documented by initialing and dating the supporting documentation by the person who completed the comparison or review.

*County Clerk's Response: No response.*

OWSLEY COUNTY  
SHANNA OLIVER, COUNTY CLERK  
SCHEDULE OF FINDINGS AND RESPONSES  
For The Year Ended December 31, 2018  
(Continued)

FINANCIAL STATEMENT FINDINGS: (Continued)

2018-006 The Depository Institution Did Not Pledge Or Provide Sufficient Collateral To Protect Deposits  
And The County Clerk Did Not Have A Written Agreement To Protect Deposits

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This is a repeat finding and was reported in the prior year audit report as finding 2017-008. On February 28, 2018 and December 31, 2018, the county clerk's deposits of public funds were uninsured and unsecured in the amount of \$217,678 and \$177,918, respectively. In addition, there was no written agreement between the county clerk and the depository institution, signed by both parties, securing the county clerk's interest in the collateral. The clerk was unaware she needed a collateral security agreement to secure her accounts since they exceed the FDIC coverage. The county clerk's bank balances do not usually exceed FDIC coverage, however, the failure to distribute payments to taxing districts timely from the fee accounts resulted in the cumulative balances exceeding FDIC coverage. Per the county clerk she has requested a pledge of securities from the bank which was approved by the banks board of directors on November 20, 2019. By not providing adequate collateral, deposits were at risk in the event of a bank failure.

According to KRS 66.480(1)(d) and KRS 41.240, financial institutions maintaining deposits of public funds are required to pledge securities or provide surety bonds as collateral to secure these deposits if the amounts on deposit exceed the \$250,000 amount of insurance coverage provided by the Federal Deposit Insurance Corporation (FDIC).

We recommend the county clerk enter into a written security agreement with the depository institution to ensure all taxpayer funds are adequately secured.

*County Clerk's Response: No response.*