REPORT OF THE AUDIT OF THE BOONE COUNTY CLERK

For The Period March 9, 2019 Through December 31, 2019



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS www.auditor.ky.gov

209 ST. CLAIR STREET FRANKFORT, KY 40601-1817 TELEPHONE 502.564.5841 FACSIMILE 502.564.2912

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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Gary W. Moore, Boone County Judge/Executive The Honorable Justin Crigler, Boone County Clerk Members of the Boone County Fiscal Court

Independent Auditor's Report

Report on the Financial Statements

We have audited the accompanying Statement of Receipts and Disbursements - Regulatory Basis of the County Clerk of Boone County, Kentucky and the Statement of Receipts, Disbursements, and Fund Balances of the County Clerk's Operating Fund and County Fund with the State Treasurer - Regulatory Basis for the period March 9, 2019 through December 31, 2019, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements 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 the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements 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 statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, 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 statements 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 statements.

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

209 ST. CLAIR STREET FRANKFORT, KY 40601-1817 AN EQUAL OPPORTUNITY EMPLOYER M / F / D TELEPHONE 502.564.5841 FACSIMILE 502.564.2912 WWW.AUDITOR.KY.GOV The Honorable Gary W. Moore, Boone County Judge/Executive The Honorable Justin Crigler, Boone County Clerk Members of the Boone County Fiscal Court

Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statements, the financial statements are prepared by the Boone 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 statements 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 Opinions on U.S. Generally Accepted Accounting Principles paragraph, the financial statements referred to above do not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of the Boone County Clerk, for the period March 9, 2019 through December 31, 2019, or changes in financial position or cash flows thereof for the period then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statements referred to above present fairly, in all material respects, the receipts and disbursements of the Boone County Clerk and the receipts, disbursements, and fund balances of the Boone County Clerk's operating fund and county fund with the state treasurer for the period March 9, 2019 through December 31, 2019, 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 November 17, 2020, on our consideration of the Boone 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 solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance.

Respectfully submitted,

Mike Harmon Auditor of Public Accounts

November 17, 2020

BOONE COUNTY JUSTIN CRIGLER, COUNTY CLERK <u>STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS</u>

For The Period March 9, 2019 Through December 31, 2019

Receipts

State Fees For Services		\$	36,207
Fiscal Court			28,747
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers \$	3,403,387		
Usage Tax	13,860,700		
Tangible Personal Property Tax	12,483,511		
Lien Release Fees	45,442		
Notary Fees	5,224		
Other-			
Marriage Licenses	21,513		
Beer and Liquor Licenses	84,323		
Deed Transfer Tax	1,053,438		
Delinquent Tax	1,194,050	32	2,151,588
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts	58,840		
Real Estate Mortgages	267,837		
Chattel Mortgages and Financing Statements	372,545		
Powers of Attorney	5,648		
Affordable Housing Trust	116,244		
All Other Recordings	84,616		
Charges for Other Services-			
Candidate Filing Fees	220		
Copy Work	23,674		
Postage	24,269		953,893
Other:			
Miscellaneous	16,282		
Refunds/Overpayments	304,862		321,144
Interest Earned			2,723
Total Receipts		33	,494,302

BOONE COUNTY JUSTIN CRIGLER, COUNTY CLERK STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS For The Period March 9, 2019 Through December 31, 2019 (Continued)

Disbursements

Payments to State:			
Motor Vehicle-	¢ 2.490.222		
Licenses and Transfers	\$ 2,480,322		
Usage Tax	13,439,042		
Tangible Personal Property Tax	4,497,438		
Licenses, Taxes, and Fees-	125 2(0		
Delinquent Tax	125,368		
Legal Process Tax	116,343	¢ 00 500 545	
Affordable Housing Trust	135,234	\$ 20,793,747	
Payments to Fiscal Court:			
Tangible Personal Property Tax	1,089,103		
Delinquent Tax	76,362		
Deed Transfer Tax	1,017,838		
Beer and Liquor Licenses	81,184	2,264,487	
Designed to Other Districts			
Payments to Other Districts:	(020 0(4		
Tangible Personal Property Tax	6,030,064	((57.1()	
Delinquent Tax	627,099	6,657,163	
Payments to Sheriff		100,790	
Payments to County Attorney		170,055	
Other Disbursements:			
Overpayments/Refunds	400,618		
Miscellaneous	11,196	411,814	
Total Disbursements			\$ 30,398,056
			<u> </u>
Net Receipts			3,096,246
Payments to State Treasurer:			
75% Operating Fund *		2,329,495	
25% County Fund		734,678	3,064,173
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Balance Due at Completion of Audit			\$ 32,073

* Includes reimbursed expenses in the amount of \$125,462 for the audit period. See Note 1 of Notes to Financial Statements.

BOONE COUNTY JUSTIN CRIGLER, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS

For The Period March 9, 2019 Through December 31, 2019

	75% Operating Fund	25% County Fund	Totals
Fund Balance - March 9, 2019	\$ (64,928)	\$	\$ (64,928)
<u>Receipts</u>			
Fees Paid to State - Operating Funds (75%)	2,329,495		2,329,495
Fees Paid to State - County Funds (25%)		734,678	734,678
Total Funds Available	2,264,567	734,678	2,999,245
<u>Disbursements</u>			
Boone County Fiscal Court		734,678	734,678
Personnel Services-			
Official's Statutory Maximum	79,391		79,391
Official's Expense Allowance	2,850		2,850
Official's Training Incentive	1,054		1,054
Deputies' Salaries	1,045,314		1,045,314
Employee Benefits-			
Employer's Share Social Security	85,700		85,700
Employer's Share Retirement	237,620		237,620
Employer's Share Health Insurance	285,828		285,828
Employer's Share Life Insurance	1,597		1,597
Employer's Share Dental Insurance	23,005		23,005
Workers' Compensation	7,786		7,786
Contracted Services-			
Consulting	3,860		3,860
Supplies and Materials-			
Office Supplies	18,940		18,940

BOONE COUNTY JUSTIN CRIGLER, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS For The Period March 9, 2019 Through December 31, 2019 (Continued)

	75% Operating Fund	25% County Fund	Totals
Other Charges-			
Conventions and Travel	\$ 8,194	\$	\$ 8,194
Equipment Maintenance	75,576		75,576
Indexing Books	21,970		21,970
Notary	312		312
Miscellaneous	5,522		5,522
Postage	7,793		7,793
Equipment	5,018		5,018
Office Maintenance	2,471		2,471
Tax Bill Prep	1,265		1,265
Total Disbursements	1,921,066	734,678	2,655,744
Fund Balance - December 31, 2019	\$ 343,501	\$ 0	\$ 343,501

BOONE COUNTY NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

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 due from the county clerk as determined by the audit.

KRS 64.350 establishes that a fee official in counties with a population over 70,000 has two funds with the state treasurer for the deposit of fees collected. Seventy-five percent (75%) of the fees collected are deposited in the county clerk's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected are deposited to the county fiscal court fund and paid to the fiscal courts, urban-county governments, or consolidated local governments of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. These funds are closed at the end of each official term by paying the balances to the respective county government.

Also, fee official office revenues could be considered reimbursed expenses. All reimbursed expenses are treated as revenue in the 75 percent fund.

The financial statements have 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:

- Interest receivable
- Collection on accounts due from others for 2019 services
- Reimbursements for 2019 activities
- Payments due other governmental entities for December tax and fee collections
- Payroll expenditures incurred but not paid
- Payments due vendors for goods or services provided in 2019

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).

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.

The county clerk's contribution for calendar year 2017 was \$216,175, calendar year 2018 was \$231,420, and the period March 9, 2019 through December 31, 2019 was \$237,620.

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 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 21.48 percent for the period March 9, 2019 through June 30, 2019 and 24.06 percent for the period July 1, 2019 through December 31, 2019.

Other Post-Employment Benefits (OPEB)

A. <u>Health Insurance Coverage - Tier 1</u>

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:

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

Other Post-Employment Benefits (OPEB) (Continued)

A. <u>Health Insurance Coverage - Tier 1</u> (Continued)

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

As a result of House Bill 290 (2004 General Assembly), medical insurance benefits are calculated differently for members who began participation on or after July 1, 2003. Once members reach a minimum vesting period of ten years, non-hazardous employees whose participation began on or after July 1, 2003, earn ten dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. This dollar amount is subject to adjustment annually based on the retiree cost of living adjustment, which is updated annually due to changes in the Consumer Price Index.

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.

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

Other Post-Employment Benefits (OPEB) (Continued)

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.

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 Pension Amounts by Employer and the Schedules of Employer Allocations 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 Boone 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 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, 2019, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

BOONE COUNTY NOTES TO THE FINANCIAL STATEMENTS December 31, 2019 (Continued)

Note 4. State Grant

The Boone County Clerk's office received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$19,823 in 2016. No funds were expended. The money was returned to Kentucky Department of Libraries and Archives on March 29, 2019.

Note 5. Outstanding Checks Held In Escrow

The Boone County Clerk's office deposited outstanding checks into an escrow account. When statutorily required, the clerk will turn over the escrowed funds to the Kentucky State Treasurer as unclaimed property. The clerk's escrowed amounts were as follows:

2015 \$91 2016 \$287 2017 \$837 2018 \$1,039 THIS PAGE LEFT BLANK INTENTIONALLY

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* THIS PAGE LEFT BLANK INTENTIONALLY



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Gary W. Moore, Boone County Judge/Executive The Honorable Justin Crigler, Boone County Clerk Members of the Boone County Fiscal Court

> Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statements 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 and Disbursements - Regulatory Basis of the County Clerk of Boone County, Kentucky, the Statement of Receipts, Disbursements, and Fund Balances of the County Clerk's Operating Fund and County Fund with the State Treasurer - Regulatory Basis for the period March 9, 2019 through December 31, 2019, and the related notes to the financial statements, and have issued our report thereon dated November 17, 2020. The Boone County Clerk's financial statements are 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 statements, we considered the Boone County Clerk's internal control over financial reporting (internal control) to determine audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Boone County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Boone 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 combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements 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. 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.

209 ST. CLAIR STREET FRANKFORT, KY 40601-1817

AN EQUAL OPPORTUNITY EMPLOYER M / F / D

TELEPHONE 502.564.5841

FACSIMILE 502.564.2912

WWW.AUDITOR.KY.GOV

Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of The Financial Statements Performed In Accordance With *Government Auditing Standards* (Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Boone County Clerk's financial statements are 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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

November 17, 2020