REPORT OF THE AUDIT OF THE ESTILL COUNTY CLERK

For The Year Ended December 31, 2015



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

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EXECUTIVE SUMMARY

AUDIT OF THE ESTILL COUNTY CLERK

For The Year Ended December 31, 2015

The Auditor of Public Accounts has completed the Estill County Clerk's audit for the year ended December 31, 2015. Based upon the audit work performed, the financial statement presents fairly in all material respects, the receipts, disbursements, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$4,779 from the prior year, resulting in excess fees of \$46,485 as of December 31, 2015. Receipts increased by \$143,171 from the prior year and disbursements increased by \$147,950.

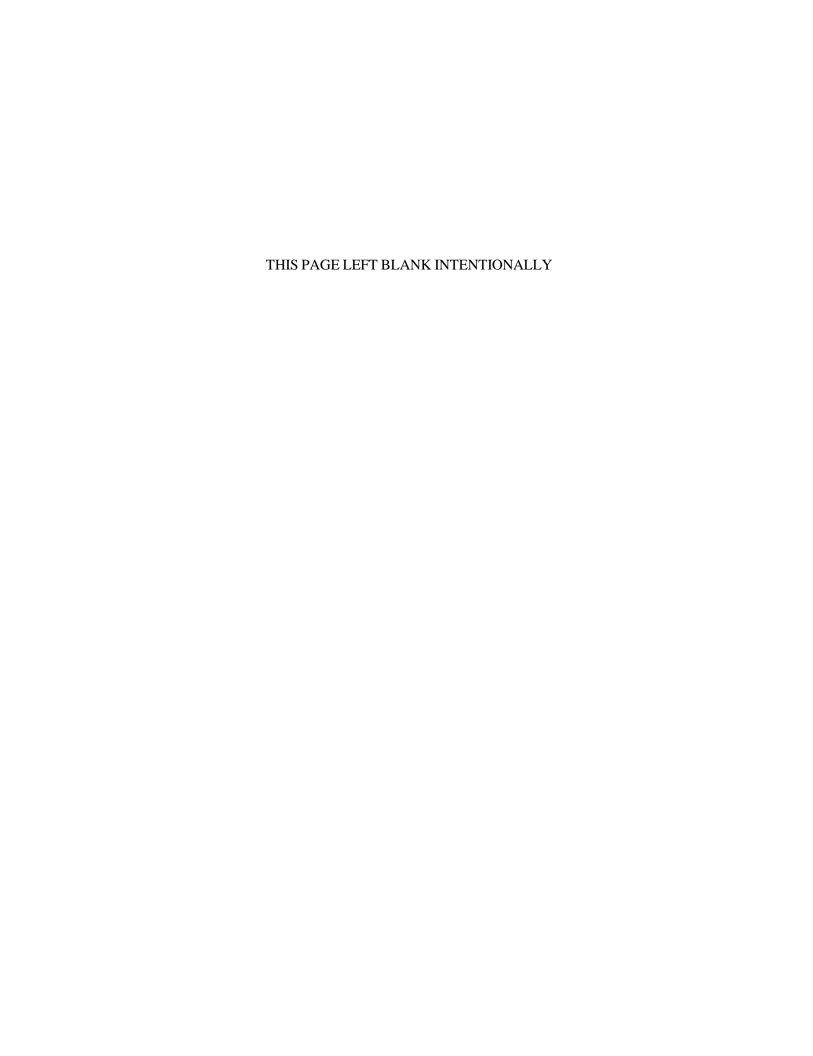
Report Comments:

2015-001	The County Clerk Did Not Have A Written Agreement To Protect Deposits And The Depository
	Institution Did Not Pledge Or Provide Sufficient Collateral
2015-002	The County Clerk's Office Lacks Adequate Segregation Of Duties

Deposits:

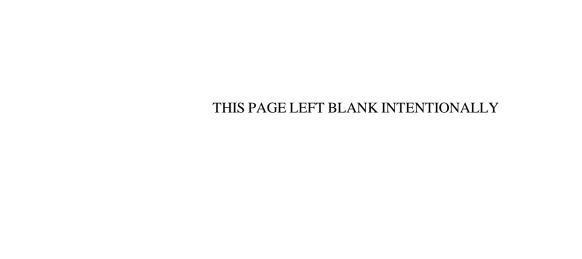
The county clerk's deposits as of September 2, 2015, were exposed to custodial credit risk as follows:

• Uncollateralized and Uninsured \$161,228



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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Wallace Taylor, Estill County Judge/Executive The Honorable Sherry Fox, Estill County Clerk Members of the Estill 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 Estill County, Kentucky, for the year ended December 31, 2015, 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 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 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 Wallace Taylor, Estill County Judge/Executive The Honorable Sherry Fox, Estill County Clerk Members of the Estill 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 Estill County Clerk on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the Estill County Clerk, as of December 31, 2015, 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 Estill County Clerk for the year ended December 31, 2015, 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 September 20, 2017, on our consideration of the Estill County Clerk'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 entity's internal control over financial reporting and compliance.

The Honorable Wallace Taylor, Estill County Judge/Executive The Honorable Sherry Fox, Estill County Clerk Members of the Estill County Fiscal Court

Other Reporting Required by Government Auditing Standards (Continued)

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

2015-001 The County Clerk Did Not Have A Written Agreement To Protect Deposits And The Depository Institution Did Not Pledge Or Provide Sufficient Collateral

2015-002 The County Clerk's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

September 20, 2017

ESTILL COUNTY SHERRY FOX, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2015

State Revenue Supplement		\$	65,767
State Fees For Services			9,490
Fiscal Court			3,203
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$ 446,073		
Usage Tax	528,710		
Tangible Personal Property Tax	1,050,658		
Notary Fees	8,939		
Other-			
Fish and Game Licenses	6,225		
Marriage Licenses	3,444		
Deed Transfer Tax	24,941		
Delinquent Tax	441,773	2	,510,763
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts	8,276		
Real Estate Mortgages	10,550		
Chattel Mortgages and Financing Statements	40,659		
Powers of Attorney	966		
Affordable Housing Trust	10,998		
All Other Recordings	11,916		
Charges for Other Services-			
Copywork	8,463		
Postage	595		92,423
Other:			
Refunds/Overpayments	1,609		
Lien Fees	10,434		
Miscellaneous	3,260		15,303
	2,200		10,505
Interest Earned			285
Total Receipts		2	,697,234

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

ESTILL COUNTY SHERRY FOX, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2015 (Continued)

Disbursements

Payments to State:		
Motor Vehicle-		
Licenses and Transfers	\$ 309,024	
Usage Tax	512,674	
Tangible Personal Property Tax	352,210	
Licenses, Taxes, and Fees-		
Fish and Game Licenses	6,537	
Delinquent Tax	25,165	
Legal Process Tax	12,058	
Affordable Housing Trust	10,998	\$ 1,228,666
Payments to Fiscal Court:		
Tangible Personal Property Tax	71,465	
Delinquent Tax	26,398	
Deed Transfer Tax	23,693	121,556
Payments to Other Districts:		
Tangible Personal Property Tax	584,733	
Delinquent Tax	251,121	
Payments to Sheriff		35,313
Payments to County Attorney		68,116
Operating Disbursements and Capital Outlay: Personnel Services-		
Deputies' Salaries	128,332	
Employee Benefits-		
Employer's Share Social Security	9,331	
Employer's Share Retirement	21,927	
Employer's Paid Health Insurance	19,654	
Contracted Services-		
Microfilming and Indexing	42,182	
Materials and Supplies-		
Office Supplies	22,111	

7,541

3,941

ESTILL COUNTY

SHERRY FOX, COUNTY CLERK

STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2015

Training Incentive Benefit

(Continued)

<u>Disbursements</u> (Continued)

Operating Disbursements a	nd Capital	Outlay: ((Continued)
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Other Charges-				
Dues		\$ 3,156		
Postage		4,578		
Bank Charges		821		
Refunds		3,442		
Insurance and Bonds		5,632		
Miscellaneous		 9,785	\$ 270,951	
Total Disbursements				\$2,560,456
Net Receipts				136,778
Less: Statutory Maximum				82,752
Excess Fees				54,026
Less: Expense Allowance			3,600	

Excess Fees Due County for 2015	46,485
Payment to Fiscal Court - March 14, 2016	46,485
	· · · · · · · · · · · · · · · · · · ·

Balance Due Fiscal Court at Completion of Audit _\$ 0

ESTILL COUNTY NOTES TO FINANCIAL STATEMENT

December 31, 2015

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the county clerk as determined by the audit. KRS 64.152 requires the county clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Under this regulatory basis of accounting, receipts and disbursements are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2015 services
- Reimbursements for 2015 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2015

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the county treasurer in the subsequent year.

C. Cash and Investments

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

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

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 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.

ESTILL COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2015 (Continued)

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

Nonhazardous covered employees are required to contribute five percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008, are required to contribute six percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 17.67 percent for the first six months and 17.06 percent for the last six months.

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Members contribute five percent (nonhazardous) of their annual creditable compensation and one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the Board based on an actuarial valuation. The employer contributes a set percentage of the member's salary. Each month, when employer contributions are received, an employer pay credit is deposited to the member's account. A member's account is credited with a four percent (nonhazardous) employer pay credit. The employer pay credit represents a portion of the employer contribution.

The county clerk's contribution for calendar year 2013 was \$24,948, calendar year 2014 was \$23,443, and calendar year 2015 was \$21,927.

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.

CERS also provides post-retirement health care coverage as follows:

For members participating prior to July 1, 2003, years of service and respective percentages of the maximum contribution are as follows:

		% Paid by Member through
Years of Service	% paid by Insurance Fund	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.

ESTILL COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2015 (Continued)

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

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Estill 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, as the county clerk did not have a written agreement with the bank.

Custodial Credit Risk - Deposits

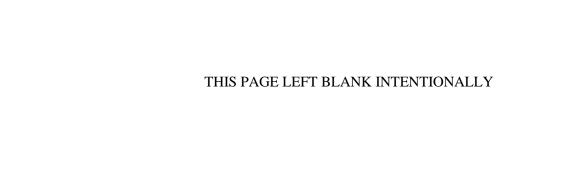
Custodial credit risk is the risk that in the event of a depository institution failure, the county clerk's deposits may not be returned. The Estill County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 66.480(1)(d) and KRS 41.240. On September 2, 2015, the county clerk's bank balance was exposed to custodial credit risk as follows:

• Uncollateralized and Uninsured \$161,228

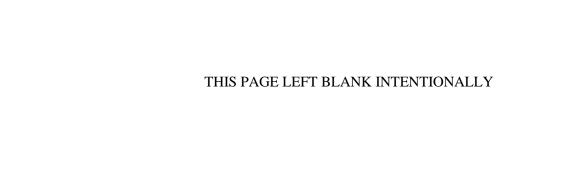
Note 4. Software and Hardware Agreement

The Estill County Clerk's office was committed to a software license and service agreement and hardware rental agreement. The agreement requires a monthly payment of \$3,013 for 60 months to be completed on May 1, 2018. The total balance of the agreement was \$78,338 as of December 31, 2015.

]	Balance
Monthly		Term Of	Ending	Dec	ember 31,	
Item	Payment		Agreement	Date	2015	
Software	\$	2,750	60 months	May 1, 2018	\$	71,500
Hardware	\$	263	60 months	May 1, 2018	\$	6,838



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





MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Wallace Taylor, Estill County Judge/Executive The Honorable Sherry Fox, Estill County Clerk Members of the Estill 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 Estill County Clerk for the year ended December 31, 2015, and the related notes to the financial statement and have issued our report thereon dated September 20, 2017. The Estill 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 Estill 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 Estill County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Estill County Clerk'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 comments and recommendations, we identified a certain deficiency in internal control that we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or 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 deficiency described in the accompanying comments and recommendations as item 2015-002 to be a material weakness.



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 Estill County Clerk's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards* and which is described in the accompanying comments and recommendations as item 2015-001.

County Clerk's Responses to Findings

The Estill County Clerk's responses to the findings identified in our audit are described in the accompanying comments and recommendations. The Estill County Clerk's responses were not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on them.

Purpose of this Report

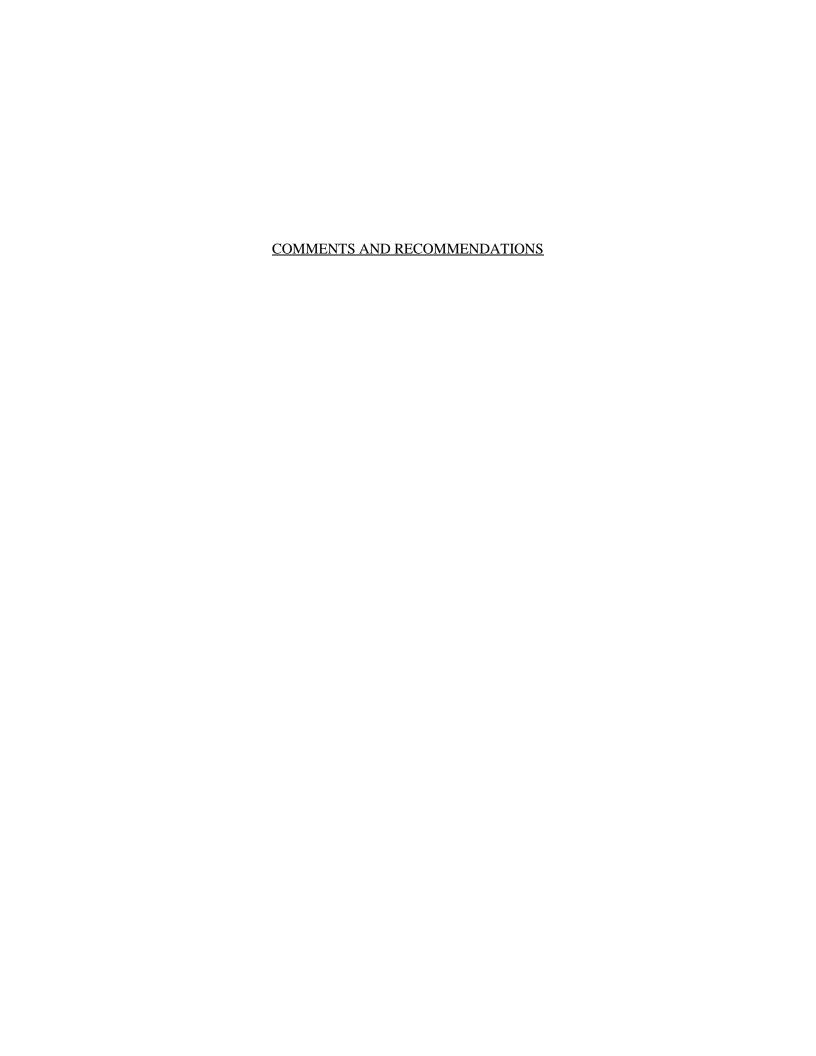
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in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

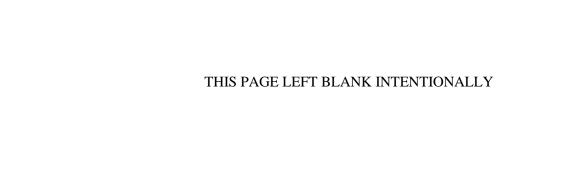
Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

September 20, 2017





ESTILL COUNTY SHERRY FOX, COUNTY CLERK COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2015

STATE LAWS AND REGULATIONS:

2015-001 The County Clerk Did Not Have A Written Agreement To Protect Deposits And The Depository Institution Did Not Pledge Or Provide Sufficient Collateral

On September 2, 2015, the county clerk's deposits of public funds were uninsured and unsecured in the amount of \$161,228. 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 bank failed to provide sufficient collateral in accordance with statutes. The county clerk switched bank accounts for calendar year 2015 and forgot to get a new collateral security agreement with the new bank. The county clerk has since executed a written agreement. 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 agreement with the depository institution to secure the county clerk's interest in the collateral pledged or provided by the depository institution. According to federal law, 12 U.S.C.A. § 1823(e), this agreement, in order to be recognized as valid by the FDIC, should be (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.

County Clerk's Response: An Agreement has been put into place.

INTERNAL CONTROL - MATERIAL WEAKNESS:

2015-002 The County Clerk's Office Lacks Adequate Segregation Of Duties

The county clerk's office lacks adequate segregation of duties. Due to a small staff, the responsibilities of receiving, recording, depositing, disbursing, reporting, and reconciling funds are delegated to the same individual. The county clerk prepares all weekly and monthly reports, signs all checks, performs all bookkeeping duties, and prepares all bank reconciliations. Since only one person performs these functions, there is no assurance that financial transactions are accurate, complete, and free of error or misstatement, increasing the risk of undetected fraud or errors. The functions of receiving, recording, depositing, disbursing, reporting, and reconciling should be separated whenever possible in order to decrease the risk of undetected errors, misstatements, or fraud. If, due to a small staff, duties cannot be adequately segregated, the county clerk could implement and document compensating controls to reduce the risk of inadequate segregation of duties. Examples of compensating controls include: another employee comparing daily checkout sheet to receipts ledger and bank deposit, reviewing bank reconciliations for accuracy, reviewing invoices prior to payment, and reviewing all financial reports. The employee could document the review process by initialing reports and supporting documentation. We recommend the county clerk segregate the duties of receiving, recording, depositing, disbursing, reporting, and reconciling funds, or implement and document compensating controls to offset this control issue.

County Clerk's Response: The official did not provide a response.