REPORT OF THE AUDIT OF THE FORMER FULTON COUNTY SHERIFF

For The Year Ended December 31, 2015



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

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EXECUTIVE SUMMARY

AUDIT OF THE FORMER FULTON COUNTY SHERIFF

For The Year Ended December 31, 2015

The Auditor of Public Accounts has completed the former Fulton County Sheriff'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 increased by \$655 from the prior year, resulting in excess fees of \$15,802 as of December 31, 2015. Receipts decreased by \$17,427 from the prior year and disbursements decreased by \$18,082.

Debt Obligations:

Total debt principal as of December 31, 2015, was \$21,103. Future payments of \$21,729 are needed over the next two years to pay all debt principal and interest.

Report Comments:

2015-001	The Former Fulton County Sheriff Had \$673 Of Disallowed Disbursements From The 2015 Fee
	Account
2015-002	The Former Fulton County Sheriff Had \$125 Of Disallowed Disbursements From The Drug Forfeiture
	Account
2015-003	The Former Fulton County Sheriff's Office Lacked Adequate Segregation of Duties

Deposits:

The former sheriff's deposits were insured and collateralized by bank securities or bonds.

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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Martin, Fulton County Judge/Executive The Honorable Robert Woods, Jr., Fulton County Sheriff Members of the Fulton County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the accompanying Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the former Sheriff of Fulton 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 the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

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

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

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



The Honorable Jim Martin, Fulton County Judge/Executive The Honorable Robert Woods, Jr., Fulton County Sheriff Members of the Fulton County Fiscal Court

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

As described in Note 1 of the financial statement, the financial statement is prepared by the former Fulton County Sheriff 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 former Fulton County Sheriff, 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 former Fulton County Sheriff 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 February 16, 2017 on our consideration of the former Fulton County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is 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.

The Honorable Jim Martin, Fulton County Judge/Executive The Honorable Robert Woods, Jr., Fulton County Sheriff Members of the Fulton 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 Former Fulton County Sheriff Had \$673 Of Disallowed Disbursements From The 2015 Fee
	Account
2015-002	The Former Fulton County Sheriff Had \$125 Of Disallowed Disbursements From The Drug Forfeiture
	Account
2015-003	The Former Fulton County Sheriff's Office Lacked Adequate Segregation Of Duties

Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

February 16, 2017

FULTON COUNTY ROBERT HOPPER, FORMER SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2015

Receipts

State - Kentucky Law Enforcement Foundation Program Fund (KI	EF.	PF)	\$ 11,827
State Fees For Services: Finance and Administration Cabinet Sheriff Security Service	\$	20,896 9,720	30,616
Circuit Court Clerk: Fines and Fees Collected			6,301
Fiscal Court			62,641
County Clerk - Delinquent Taxes			10,491
Commission On Taxes Collected			111,661
Fees Collected For Services: Auto Inspections Accident and Police Reports Serving Papers Carrying Concealed Deadly Weapon Permits		1,615 135 8,342 1,480	11,572
Other: Add-On Fees Mental Transport Local Transport Miscellaneous		10,438 5,244 553 56	16,291
Interest Earned			22
Borrowed Money: State Advancement			 65,000
Total Receipts			326,422

FULTON COUNTY
ROBERT HOPPER, FORMER SHERIFF
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
For The Year Ended December 31, 2015
(Continued)

Disbursements

Operating Disbursements and Capital Outlay:		
Personnel Services-		
Deputies' Salaries	\$ 94,883	
KLEFPF Salaries	9,300	
Contracted Services-		
Vehicle Maintenance and Repairs	7,626	
Materials and Supplies-		
Office Materials and Supplies	5,653	
Uniforms	2,958	
Computer Expense	1,811	
Business Phone	5,814	
Auto Expense-		
Auto Expenses	90	
Gasoline	3,848	
Other Charges-		
Conventions and Travel	2,046	
Dues	1,647	
Postage	2,969	
Travel and Expense	6,234	
Miscellaneous	286	
Capital Outlay-		
Equipment	 8,381	\$ 153,546
Debt Service:		
State Advancement	65,000	
Notes	11,118	
Interest	847	76,965

FULTON COUNTY ROBERT HOPPER, FORMER SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2015 (Continued)

<u>Disbursements</u> (Continued)

Total Disbursements		\$ 23	30,511
Less: Disallowed Disbursements			673
Total Allowable Disbursements		22	29,838
Net Receipts Less: Statutory Maximum			96,584 76,841
Excess Fees Less: Training Incentive Benefit			19,743 3,941
Excess Fees Due County for 2015 Payments to Fiscal Court - January 30, 2015 - July 5, 2016	15,000 129		15,802 15,129
Balance Due Fiscal Court at Completion of Audit		\$	673

FULTON 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 sheriff as determined by the audit. KRS 134.192 requires the sheriff to settle excess fees with the fiscal court at the time he files his annual settlement with the fiscal court on or before September 1 of each year. KRS 64.830 requires an outgoing sheriff to settle excess fees with the fiscal court of his county by March 15 immediately following the expiration of his term of office.

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

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

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.

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, 2014, 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 actuarial variation. 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.

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:

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%

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

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

KRS issues a publicly available annual financial report that includes financial statements and required supplementary information on CERS. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The former Fulton County Sheriff 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 sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the sheriff's deposits may not be returned. The former Fulton County Sheriff did 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, 2015, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Drug Forfeiture Fund

The former Fulton County Sheriff maintained a drug forfeiture fund, as set forth by KRS 218A.435. The account is to be funded by court-ordered forfeitures of money or proceeds from the sale of forfeited property, and interest received on these funds. The funds are to be used for various law enforcement operations, equipment and education. As of January 1, 2015 the drug forfeiture fund had a balance of \$3,253. During the calendar year, funds of \$5,681 were received and \$524 were expended, leaving an ending balance of \$8,410 as of December 31, 2015.

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

Note 5. Promissory Note

The former sheriff's office was liable for a secured promissory note to a local bank in the amount of \$59,969. The purpose of the note was to purchase law enforcement vehicles. The note matures in July 2017 and the interest rate is 3.375 percent. As of December 31, 2015, the principal balance of the note was \$21,103. The office of the former sheriff was in compliance with the terms of the agreement as of December 31, 2015.

Year Ended			
Deceember 31,	Principal	Int	erest
2016	\$ 13,594	\$	545
2017	7,509		81
	\$ 21,103	\$	626

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 Jim Martin, Fulton County Judge/Executive The Honorable Robert Woods, Jr., Fulton County Sheriff Members of the Fulton County Fiscal Court

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

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Statement of Receipts, Disbursements, and Excess Fees - Regulatory Basis of the former Fulton County Sheriff for the year ended December 31, 2015, and the related notes to the financial statement and have issued our report thereon dated February 16, 2017. The former Fulton County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statement, we considered the former Fulton County Sheriff's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the former Fulton County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Fulton County Sheriff's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section 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. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



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)

Internal Control over Financial Reporting (Continued)

We identified a certain deficiency in internal control, which is described in the accompanying comments and recommendations as item 2015-003 that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the former Fulton County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying comments and recommendations as items 2015-001 and 2015-002.

Sheriff's Responses to Findings

The Fulton County Sheriff's responses to the findings identified in our audit are included in the accompanying comments and recommendations. The Fulton County Sheriff'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

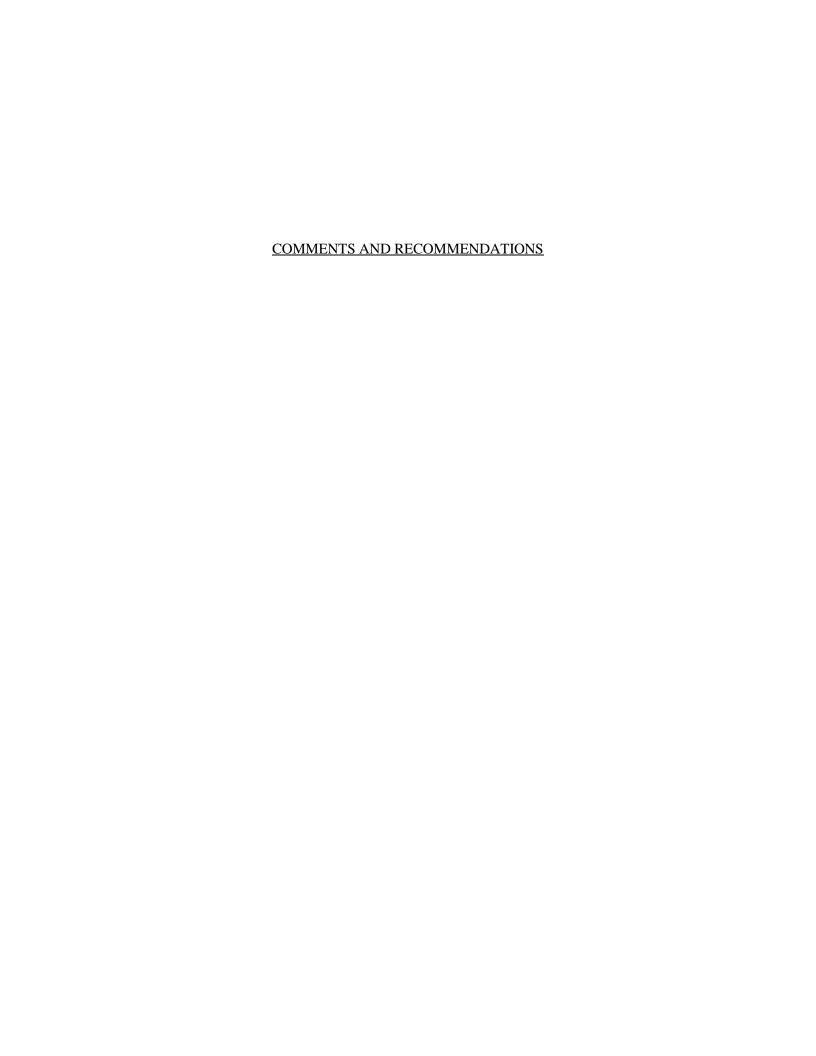
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in 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

February 16, 2017



FULTON COUNTY ROBERT HOPPER, FORMER SHERIFF COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2015

STATE LAWS AND REGULATIONS:

2015-001 The Former Fulton County Sheriff Had \$673 Of Disallowed Disbursements From The 2015 Fee Account

The former Fulton County Sheriff had \$673 of disallowed disbursements from the fee account. A disbursement for \$316 was for candy to be given out for a parade. The remaining \$357 is a result of not having proper documentation for disbursements made by credit card. These disbursements had either missing receipts/invoices or the receipts were not itemized.

In accordance with <u>Funk v. Milliken</u>, 317 S. W. 2d 499 (Ky. 1958), Kentucky's highest court ruled that county fee officials' expenditures of public funds will be allowed only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not primarily personal in nature. Given the fact that these disbursements did not meet the necessary criteria, they have been disallowed.

We recommend the sheriff's office maintain sufficient supporting documentation for all disbursements.

Current Sheriff Robert Woods, Jr.'s Response: The Sheriff's Office has reviewed the disallowed disbursements and has implemented a Purchase Order system to prevent any missing documents in the future.

2015-002 The Former Fulton County Sheriff Had \$125 Of Disallowed Disbursements From The Drug Forfeiture Account

The former Fulton County Sheriff had \$125 of disallowed disbursements from the drug forfeiture account for calendar year 2015. A disbursement for \$125 was for lunch for the deputies when they were gathered for a training at the sheriff's office. Due to there not being any travel required for the training, the expenditure is considered unnecessary, personal in nature, and not for direct law enforcement purposes.

In accordance with <u>Funk v. Milliken</u>, 317 S. W. 2d 499 (Ky. 1958), Kentucky's highest court ruled that county fee officials' expenditures of public funds will be allowed only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not primarily personal in nature. Given the fact that these disbursements did not meet the necessary criteria, they have been disallowed.

We recommend the sheriff's office maintain sufficient supporting documentation for all disbursements.

Current Sheriff Robert Woods, Jr.'s Response: The Sheriff's Office has implemented new travel and training policies which allows the Sheriff's Office to provide Deputies meals during approved out of county training.

FULTON COUNTY ROBERT HOPPER, FORMER SHERIFF COMMENTS AND RECOMMENDATIONS For The Year Ended December 31, 2015 (Continued)

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

2015-003 The Former Fulton County Sheriff's Office Lacked Adequate Segregation Of Duties

The former Fulton County Sheriff's office lacked adequate segregation of duties. Due to a limited staff size, the bookkeeper was responsible for preparing daily deposits, preparing and signing checks, posting to receipt and disbursement ledgers, preparing monthly bank reconciliations, and also preparing quarterly reports. A lack of segregation of duties or strong oversight increases the risk that errors could occur and not be detected.

A proper segregation of duties is essential for providing protection from undetected errors and inaccurate financial reporting. Additionally, a proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

We recommend the sheriff's office separate the duties involved in preparing deposits, writing checks, posting to the receipt and disbursement ledgers, preparing monthly bank reconciliations, and preparing quarterly reports. If, due to a limited budget, this is not feasible, cross-checking procedures could be implemented and documented by the individual performing the procedure.

Current Sheriff Robert Woods, Jr.'s Response: The Sheriff's Office has reviewed our current procedures and have added several changes to document all transaction, so that there is more of a system of check and balances within the office.