# REPORT OF THE AUDIT OF THE JESSAMINE COUNTY CLERK

For The Year Ended December 31, 2019



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

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# **CONTENTS**

INDEPENDENT AUDITOR'S REPORT	1
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS	3
NOTES TO FINANCIAL STATEMENT	6
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	13
SCHEDULE OF FINDINGS AND RESPONSES	17

# PAGE



# MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable David K. West, Jessamine County Judge/Executive The Honorable Johnny Collier, Jessamine County Clerk Members of the Jessamine 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 Jessamine County, Kentucky, for the year ended December 31, 2019, 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.

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

As described in Note 1 of the financial statement, the financial statement is prepared by the Jessamine 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 Jessamine County Clerk, as of December 31, 2019, 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 Jessamine County Clerk for the year ended 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 19, 2020, on our consideration of the Jessamine 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 are porting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Jessamine County Clerk's internal control over financial reporting and compliance.

Based on the results of our audit, we have presented the accompanying Schedule of Findings and Responses, included herein, which discusses the following report comment:

2019-001 A Jessamine County Clerk Employee Altered Social Security Numbers To Avoid Delinquent Tax Obligations

Respectfully submitted,

Mike Harmon Auditor of Public Accounts

November 19, 2020

# JESSAMINE COUNTY JOHNNY COLLIER, COUNTY CLERK <u>STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS</u>

# For The Year Ended December 31, 2019

Receipts

State Fees For Services		\$	31,531
Fiscal Court			23,036
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$ 2,061,240		
Usage Tax	10,980,384		
Tangible Personal Property Tax	5,797,146		
Notary Fees	7,406		
Fund Donations	1,101		
Lien Release Fees	31,760		
Miscellaneous Income	51,240		
Other-			
Fish and Game Licenses	2,631		
Marriage Licenses	12,638		
Occupational Licenses	50		
Deed Transfer Tax	392,190		
Delinquent Tax	 504,389	1	19,842,175
Fees Collected for Services:			
Recordings-			
Deeds, Easements and Contracts	30,026		
Real Estate Mortgages	103,229		
Chattel Mortgages and Financing Statements	125,198		
Powers of Attorney	3,580		
Affordable Housing Trust	54,684		
Bail Bonds	132		
Leases	280		
Liens and Lis Pendens	6,660		
Releases	26,143		
Wills and Estate Settlement	1,192		
All Other Recordings	7,714		
Charges for Other Services-			
Candidate Filing Fees	150		
Copywork	11,056		
Postage	 11,656		381,700

For The Year Ended December 31, 2019 (Continued)

JESSAMINE COUNTY

Receipts (Continued)				
Other:				
Refunds		\$ 678,096		
Miscellaneous		5,404	\$	683,500
Interest Earned				464
Total Receipts			20	0,962,406
<u>Disbursements</u>				
Payments to State:				
Motor Vehicle-				
Licenses and Transfers	\$ 1,420,100			
Usage Tax	10,650,433			
Tangible Personal Property Tax	2,101,846			
Licenses, Taxes, and Fees-				
Fish and Game Licenses	2,573			
Delinquent Tax	44,991			
Legal Process Tax	44,747			
Affordable Housing Trust	54,684	14,319,374		
Payments to Fiscal Court:				
Tangible Personal Property Tax	440,252			
Delinquent Tax	27,958			
Deed Transfer Tax	372,580	840,790		
Payments to Other Districts:				
Tangible Personal Property Tax	3,023,162			
Delinquent Tax	287,583	3,310,745		
Payments to Sheriff		37,778		
Payments to County Attorney		66,292		

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

# JESSAMINE COUNTY JOHNNY COLLIER, COUNTY CLERK STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2019 (Continued)

Disbursements (Continued)			
Operating Disbursements and Capital Outlay:			
Personnel Services-			
Deputies' Salaries	\$ 788,843		
Contracted Services-			
Microfilming and Indexing Records	71,316		
Materials and Supplies-			
Office Supplies	36,815		
Other Charges-			
Employee Training Programs	348		
Dues	4,350		
Bank Charges	24,958		
Miscellaneous Bank Transactions	359		
Refunds	680,702		
Miscellaneous	8,400		
Capital Outlay-			
Office Equipment	 1,184	\$ 1,617,275	
Total Disbursements			\$20,192,254
Net Receipts			770,152
Less: Statutory Maximum			107,512
Excess Fees			662,640
Less: Expense Allowance		3,600	
Training Incentive Benefit		 4,216	7,816
Excess Fees Due County for 2019			654,824
Payment to Fiscal Court - March 9, 2020			654,870
Overpayment of Excess Fees at Completion of Audit			\$ (46)

#### JESSAMINE COUNTY NOTES TO FINANCIAL STATEMENT

# 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, 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 2019 services
- Reimbursements for 2019 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2019

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.

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 first half of the year and 24.06 percent for the second half of the year.

#### 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:

N. AG		% 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%

JESSAMINE COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2019 (Continued)

# 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)

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.

#### 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 <a href="https://kyret.ky.gov">https://kyret.ky.gov</a>. 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 Jessamine 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.

Note 4. Lease Agreement

The Jessamine County Clerk's office is committed to a lease agreement for hardware and software including maintenance. The agreement requires a monthly payment of \$5,834 for 60 months to be completed on January 21, 2024. The total balance of the agreement was \$280,032 as of December 31, 2019.

#### Note 5. Escrow Account

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

2017 \$852 2018 \$1,543

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 David K. West, Jessamine County Judge/Executive The Honorable Johnny Collier, Jessamine County Clerk Members of the Jessamine 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 Jessamine County Clerk for the year ended December 31, 2019, and the related notes to the financial statement and have issued our report thereon dated November 19, 2020. The Jessamine 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 Jessamine 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 Jessamine County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Jessamine 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 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 Schedule of Findings and Responses as item 2019-001 to be a material weakness.

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# **Compliance And Other Matters**

As part of obtaining reasonable assurance about whether the Jessamine 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 matter that is required to be reported under *Government Auditing Standards* as item 2019-001.

# Views of Responsible Official and Planned Corrective Action

The Jessamine County Clerk's views and planned corrective action for the finding identified in our audit are described in the accompanying Schedule of Findings and Responses. The Jessamine County Clerk's response was not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on it.

# **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 19, 2020

SCHEDULE OF FINDINGS AND RESPONSES

# JESSAMINE COUNTY JOHNNY COLLIER, COUNTY CLERK SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2019

# FINANCIAL STATEMENT FINDING:

# 2019-001 A Jessamine County Clerk Employee Altered Social Security Numbers To Avoid Delinquent Tax Obligations

Employees in county clerk offices are allowed to change the social security numbers (SSN) associated with a vehicle for valid reasons, including divorces and changing from joint ownership to sole ownership. KYTC stated all county clerks are aware that an individual cannot sell, transfer, or renew a vehicle that has delinquent taxes and that changing a SSN to avoid paying property taxes is illegal.

There were eight instances where SSN were changed without supporting documentation in Jessamine County. Five of these instances were determined to be improper.

- One employee changed the SSN on her vehicle registration. She also changed the SSN on both of her daughters' vehicle registrations twice. This employee inappropriately changed these five SSN in order to avoid delinquent tax obligations.
- This same employee changed a SSN on another taxpayer's vehicle registration without supporting documentation.
- Two other employees each changed one SSN on a taxpayer's vehicle registration without supporting documentation.

The county clerk did not have internal controls in place to ensure SSNs were only altered for valid reasons. Failure to ensure controls are in place at the point of data entry to prevent altering SSN, and a lack of a periodic review process for changes that do occur, could result in violations of KRS 186.021(1).

KRS 186.021(1) states in part, "...a county clerk shall not issue a replacement plate, decal, or registration certificate as provided in KRS 186.180, or a registration for renewal to any person who on January 1 of any year owned a motor vehicle on which state, county, city, urban-county government, school, or special taxing district ad valorem taxes are delinquent."

We recommend the Jessamine County Clerk implement controls to ensure SSN are only altered for valid reasons. We further recommend he develop a process to periodically review SSN changes in AVIS until KAVIS is fully implemented. Lastly, we recommend he require employees to scan supporting documentation for any changes to a taxpayer's SSN in AVIS/KAVIS. This finding was referred to the Kentucky Office of the Attorney General.

*County Clerk's Response: SS fraud was reported to Revenue and State Auditor who then contacted Attorney General's office. The case has been resolved.* 

Steps taken: When County Clerk was aware of problem, precautions were immediately taken and put in place. All SS# changes must be approved and have correct documentation, and scanned into computer. On AVIS each morning all line items are checked and attach correct paperwork for report.