# REPORT OF THE AUDIT OF THE LAUREL COUNTY SHERIFF

For The Year Ended December 31, 2016



### MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

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## MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable David Westerfield, Laurel County Judge/Executive The Honorable John Root, Laurel County Sheriff Members of the Laurel 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 Sheriff of Laurel County, Kentucky, for the year ended December 31, 2016, 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 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 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 David Westerfield, Laurel County Judge/Executive The Honorable John Root, Laurel County Sheriff Members of the Laurel 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 Laurel 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 Laurel County Sheriff, as of December 31, 2016, 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 Laurel County Sheriff for the year ended December 31, 2016, 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 August 10, 2017, on our consideration of the Laurel County Sheriff'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

August 10, 2017

## LAUREL COUNTY JOHN ROOT, SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

#### For The Year Ended December 31, 2016

#### Receipts

Federal Grants			
High Intensity Drug Trafficking Area (HIDTA)	\$	37,858	
USDA Forestry Service		11,530	
U.S. Army Corps of Engineers		3,234	
U.S. Marshals		16,011	
Supplemental Nutrition Assistance Program (SNAP)		11,417	
Highway Safety Grant		55,648	\$ 135,698
State - Kentucky Law Enforcement Foundation Program Fund (KLEF	PF)		109,838
State Fees For Services:			
Finance and Administration Cabinet		172,163	
Sheriff Security Service		51,112	
Cabinet For Health And Family Services		10	
Delinquent Tax Collect by State		1,775	225,060
Circuit Court Clerk:			
Fines and Fees Collected			34,432
Fiscal Court			
Sheriff Support		771,825	
Juvenile Transports		19,989	
Court Security Officers		17,646	
Election Commissioner		2,625	
Reimbursements		12,497	824,582
County Clerk - Delinquent Taxes			65,116
Commission On Taxes Collected			
Property Tax Commissions		711,892	
Telecommunications Commissions		9,613	
Transient Tax Commissions		20,318	741,823
Fees Collected For Services:			
Auto Inspections		22,915	
Accident and Police Reports		6,827	
Serving Papers		52,290	
Carrying Concealed Deadly Weapon Permits		30,100	112,132

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

## LAUREL COUNTY JOHN ROOT, SHERIFF

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

For The Year Ended December 31, 2016

(Continued)

#### Receipts (Continued)

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Add-On Fees	\$ 115,298
Net Transient Tax	457,775
Transport	7,100
Restitution	705
Miscellaneous	9,150 \$ 590,028

Interest Earned 498

Borrowed Money:

State Advancement 400,000

Total Receipts 3,239,207

#### **Disbursements**

#### Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Salaries	\$ 1,141,083
Part-Time Salaries	169,775
Other Salaries	159,499
Overtime	132,747
Employee Benefits-	
Employer's Share Social Security	118,311
Employer's Share Hazardous Duty Retirement	20,015
Employer's Unemployment Insurance	7,867
Employer Paid Health Insurance	214,045
Contracted Services-	
Copier	3,899
Materials and Supplies-	
Office Materials and Supplies	15,512
Uniforms	18,850
Auto Expense-	
Gasoline	96,890
Maintenance and Repairs	83,645

# LAUREL COUNTY JOHN ROOT, SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2016 (Continued)

#### Disbursements (Continued)

Other Charges-				
Conventions and Travel	\$ 3,880			
Accountant	6,795			
Postage	24,517			
Telephone	11,943			
Rug Exchange	1,071			
Water	959			
Net Transient Tax	457,775			
Miscellaneous	 37,512	\$ 2,726,590		
Debt Service:				
State Advancement		400,000		
Total Disbursements			\$3,	126,590
Net Receipts				112,617
Less: Statutory Maximum				101,218
Excess Fees				11,399
Less: Training Incentive Benefit				3,969
Balance Due Fiscal Court at Completion of Audit			\$	7,430

### LAUREL COUNTY NOTES TO FINANCIAL STATEMENT

December 31, 2016

#### 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 2016 services
- Reimbursements for 2016 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2016

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).

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

The county official and employees have 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 sheriff's contribution for Kentucky Law Enforcement Foundation Program Fund (KLEFPF) retirement for calendar year 2014 was \$34,797, calendar year 2015 was \$26,841, and calendar year 2016 was \$20,015.

#### Nonhazardous

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

In accordance with Senate Bill 2, signed by the Governor on April 4, 2013, plan members who began participating on, or after, January 1, 2014, were required to contribute to the Cash Balance Plan. The Cash Balance Plan is known as a hybrid plan because it has characteristics of both a defined benefit plan and a defined contribution plan. Members in the plan contribute a set percentage of their salary each month to their own accounts. Nonhazardous covered employees contribute five percent of their annual creditable compensation. Nonhazardous members also contribute one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the 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 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 17.06 percent for the first six months and 18.68 percent for the last six months.

#### Hazardous

Hazardous covered employees are required to contribute eight percent of their salary to the plan. Hazardous covered employees who begin participation on or after September 1, 2008, are required to contribute nine percent of their salary to be allocated as follows: eight 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.

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

Members in the plan contribute a set percentage of their salary each month to their own accounts. Hazardous members contribute eight percent of their annual creditable compensation and also contribute one percent to the health insurance fund which is not credited to the member's account and is not refundable. The employer contribution rate is set annually by the 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 hazardous member's account is credited with a seven and one-half percent employer pay credit. The employer pay credit represents a portion of the employer contribution.

Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55. For hazardous employees who begin participation on or after September 1, 2008, aspects of benefits include retirement after 25 years of service or the member is age 60, with a minimum of 60 months of service credit.

The county's contribution rate for hazardous employees was 32.95 percent for the first six months and 31.06 percent for the last six months.

#### **Health Insurance Coverage**

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%

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.

Hazardous employees whose participation began on or after July 1, 2003, earn 15 dollars per month for insurance benefits at retirement for every year of earned service without regard to a maximum dollar amount. Upon the death of a hazardous employee, the employee's spouse receives ten dollars per month for insurance benefits for each year of the deceased employee's hazardous service. 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 Laurel 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 Laurel County Sheriff 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, 2016, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

#### Note 4. Drug Seizure Account

As of January 1, 2016, the Laurel County Sheriff's office had a balance of \$26,733 in the drug seizure account. During the year, the account earned \$14 in interest. No deposits or disbursements were made, leaving a balance of \$26,747, as of December 31, 2016. Since these monies are held by the sheriff's office pending court adjudication, they are not a part of excess fees.

#### Note 5. Evidence Account

As of January 1, 2016, the Laurel County Sheriff's office had a balance of \$3 in the evidence account. During the calendar year, the sheriff's office deposited funds totaling \$16,328 leaving a balance of \$16,331 as of December 31, 2016. Since these monies are held by the sheriff's office pending court adjudication, they are not a part of excess fees.

#### Note 6. Court Ordered Forfeiture

As of January 1, 2016, the Laurel County Sheriff's office had a balance of \$6,579 in the court ordered forfeitures account. During the calendar year, the sheriff's office deposited funds totaling \$16,591 and properly expended \$2,150, leaving a balance of 21,020 as of December 31, 2016. The use of these monies is determined by court order granting forfeiture funds to the sheriff's office; therefore, they are not included as a part of excess fees.

#### Note 7. Federal Seizure

As of January 1, 2016, the Laurel County Sheriff's office had a balance of \$17,898 in the federal seizure account. During the year, the sheriff's office received \$177,476 from federal agencies for the Laurel County Sheriff office's share of assets seized as a result of joint investigations with other local, state, and federal agencies. The account earned interest totaling \$26. The sheriff's office expended \$147,415 during the year, leaving a balance of \$47,985 as of December 31, 2016. These funds are used to enhance law enforcement activities and not to supplant the sheriff's office normal operating budget; therefore, they are not included as a part of excess fees.

#### Note 8. Donation Account

The Laurel County Sheriff's office maintains a donation account to account for private and public donations to the sheriff's office. On January 1, 2016, the balance was \$6,002. During calendar year 2016, the sheriff's office received \$2,400 for equipment and/or training, and properly expended \$4,008. The account earned \$2 interest. The balance in the account was \$4,396 as of December 31, 2016.

#### Note 9. Transient Room Tax Account

In September 1979, the Laurel County Fiscal Court passed an ordinance establishing the London-Laurel County Tourist and Convention Commission and levying a three percent transient room tax. In the ordinance, the Laurel County Sheriff was designated as the collector of the tax. During calendar year 2016, the sheriff's office collected \$478,080 of transient room tax receipts. In accordance with the ordinance, the sheriff's office disbursed \$457,762 to the Laurel County Fiscal Court, who in turn remitted the tax to the London-Laurel County Tourist and Convention Commission. The sheriff's office retained \$20,318 as his collection fee and used these fees for the operation of the office.

#### Note 10. Federal Grants

- A. The Laurel County Sheriff's office was awarded a grant from the Appalachia High Intensity Drug Trafficking Area (HIDTA) for the period of January 1, 2016 through December 31, 2016. During calendar year 2016, grant funds in the amount of \$37,858 were received.
- B. The Laurel County Sheriff's office was awarded a Highway Safety grant from the Kentucky Transportation Cabinet's Office of Highway Safety for the period of October 1, 2015 through June 30, 2016 and also October 01, 2016 through September 30, 2017. During calendar year 2016, grant funds in the amount of \$55,648 were received.
- C. The Laurel County Sheriff's office was awarded a grant from the USDA Forest Service for the period of January 1, 2016 through September 30, 2016. During calendar year 2016, grant funds in the amount of \$11,530 were received.
- D. The Laurel County Sheriff's office was awarded a grant from the U.S. Army Corps of Engineers for the period of May 28, 2016 through September 5, 2016. During calendar year 2016, grant funds in the amount of \$3,234 were received.
- E. The Laurel County Sheriff's office was awarded a grant from the U.S. Marshals Service for the period of January 1, 2016 through December 31, 2016. During calendar year 2016, grant funds in the amount of \$16,011 were received.
- F. The Laurel County Sheriff's office was awarded a Supplemental Nutrition Assistance Program (SNAP) grant from the Kentucky Cabinet for Health and Family Services for the period of August 24, 2015 through June 30, 2016 and also July 1, 2016 through December 31, 2016. During calendar year 2016, grant funds in the amount of \$11,417 were received.

#### Note 11. Lease Agreements

The Laurel County Sheriff's office was committed to a lease agreement for a copier lease. The agreement requires a monthly payment of \$109 for 36 months to be completed on January 21, 2017. The total remaining balance of the agreement was \$109 as of December 31, 2016.

The Laurel County Sheriff's office was committed to a lease agreement for a postage meter lease. The agreement requires a monthly payment of \$299 for 48 months to be completed on December 10, 2018. The total remaining balance of the agreement was \$7,171 as of December 31, 2016.



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 Westerfield, Laurel County Judge/Executive The Honorable John Root, Laurel County Sheriff Members of the Laurel 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 Laurel County Sheriff for the year ended December 31, 2016, and the related notes to the financial statement and have issued our report thereon dated August 10, 2017 The Laurel 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 Laurel County Sheriff'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 statement, but not for the purpose of expressing an opinion on the effectiveness of the Laurel County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Laurel 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 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 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.



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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 Laurel 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 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

August 10, 2017