REPORT OF THE AUDIT OF THE MONTGOMERY COUNTY SHERIFF

For The Year Ended December 31, 2016



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

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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Wallace Johnson, Montgomery County Judge/Executive The Honorable Fred Shortridge, Montgomery County Sheriff Members of the Montgomery 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 Montgomery 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.

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209 ST. CLAIR STREET FRANKFORT, KY 40601-1817 The Honorable Wallace Johnson, Montgomery County Judge/Executive The Honorable Fred Shortridge, Montgomery County Sheriff Members of the Montgomery 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 Montgomery 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 Montgomery 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 Montgomery 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 December 20, 2017, on our consideration of the Montgomery 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.

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:

2016-001 The Montgomery County Sheriff Expended \$198 For Disallowable Disbursements

Respectfully submitted,

Mike Harmon Auditor of Public Accounts

December 20, 2017

MONTGOMERY COUNTY FRED SHORTRIDGE, SHERIFF <u>STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS</u>

For The Year Ended December 31, 2016

Receipts

State - Kentucky Law Enforcement Foundation Program Fund (KLEF	FPF)		\$	60,715
State Fees For Services: Finance and Administration Cabinet Sheriff Security Service Cabinet For Health And Family Services	\$	39,562 8,966 1,122		49,650
Circuit Court Clerk: Fines and Fees Collected				540
Fiscal Court				571,607
County Clerk - Delinquent Taxes				38,691
Commission On Taxes Collected				480,465
Fees Collected For Services: Auto Inspections Accident and Police Reports Serving Papers Carry Concealed Deadly Weapon Permits Conveying Prisoners		8,605 1,554 46,232 16,820 148		73,359
Other: Add-On Fees Miscellaneous House Bill 413		21,413 10,606 7,981		40,000
Interest Earned				2,141
Borrowed Money: State Advancement				180,000
Total Receipts			1	,497,168

MONTGOMERY COUNTY FRED SHORTRIDGE, SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2016 (Continued)

Disbursements

Operating Disbursements and Capital Outlay:			
Personnel Services-			
Deputies' Salaries	\$ 510,505		
Part-Time Salaries	51,773		
Other Salaries	45,065		
Overtime	20,719		
KLEFPF	46,919		
Employee Benefits-			
Employer's Share Social Security	44,730		
Employer's Share Retirement	8,178		
Employer's Share Hazardous Duty Retirement	184,442		
Employer Paid Health Insurance	95,973		
Employer's Unemployment Insurance	2,622		
Contracted Services-			
Advertising	258		
Vehicle Maintenance and Repairs	16,993		
Materials and Supplies-			
Office Materials and Supplies	27,084		
Uniforms	13,079		
Auto Expense-			
Gasoline	21,542		
Other Charges-			
Conventions and Travel	1,731		
Dues	1,163		
Postage	128		
Insurance	1,091		
Miscellaneous	3,497		
Capital Outlay-			
Office Equipment	25,160		
Technical Equipment	6,116		
Professional Equipment/Supplies	5,312	\$ 1,134,080	
Debt Service:			
State Advancement	180,000		
Notes	63,479	243,479	
Total Disbursements			\$ 1,377,559

MONTGOMERY COUNTY FRED SHORTRIDGE, SHERIFF STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS For The Year Ended December 31, 2016 (Continued)

Less: Disallowed Disbursements			
Late Fees/Finance Charges	\$ 187		
Expenditure With Inadequate Support	 11	\$	198
Total Allowable Disbursements		1,3	77,361
Net Receipts		1	19,807
Less: Statutory Maximum			89,310
Excess Fees			30,497
Less: Training Incentive Benefit			3,969
Excess Fees Due County for 2016			26,528
Payment to Fiscal Court - February 10, 2017			26,329
Balance Due Fiscal Court at Completion of Audit*		\$	199

* On November 7, 2017, the sheriff turned over \$1 in additional excess fees to the fiscal court.

MONTGOMERY 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 selfbalancing 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.

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

The sheriff's contribution for calendar year 2014 was \$201,945, calendar year 2015 was \$197,065, and calendar year 2016 was \$192,620.

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 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.

MONTGOMERY COUNTY NOTES TO FINANCIAL STATEMENT December 31, 2016 (Continued)

Note 3. Deposits

The Montgomery 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 Montgomery 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. Leases

A. Vehicle Lease

The Montgomery County Sheriff's office was committed to a lease agreement for the purchase of four vehicles. The agreement requires a monthly payment of \$2,576 for 48 months to be completed in February 2019. During calendar year 2016, the sheriff made a lump sum payment to pay off two of the four vehicles. The required monthly payment was reduced to \$1,288 with the same terms. The total remaining balance of the agreement was \$33,487 as of December 31, 2016.

B. Copier Lease

The Montgomery County Sheriff's office was committed to a lease agreement for the purchase of a copying machine. The agreement requires an annual payment of \$2,616 for 60 months to be completed on December 2019. The total remaining balance of the agreement was \$7,847 as of December 31, 2016.

Note 5. Other Accounts

A. Asset Forfeiture Account

The sheriff maintains an asset forfeiture account that consists of funds obtained through drug forfeitures and seizures. The balance was \$26,582 on January 1, 2016, receipts during the year were \$5,124 and disbursements were \$10,292. As of December 31, 2016, the balance was \$21,414.

B. Cold Check Clearing Account

The sheriff maintains a cold check clearing account that consists of funds collected for cold checks. After the sheriff collects funds for cold checks, the amount collected is then paid to the business that received the cold check. The balance was \$0 on January 1, 2016. Collections during the year were \$5,856 and \$5,856 was returned to businesses. As of December 31, 2016, the balance was \$0.

Note 5. Other Accounts (Continued)

C. Drug Enforcement Account

The sheriff's office maintains a drug enforcement account. This account is funded by donations and is for the purpose of drug prevention and detections. The balance was \$960 on January 1, 2016, receipts during the year were \$3,000 and disbursements were \$2,950. As of December 31, 2016, the balance was \$1,010.

D. Citizen's Academy Police Account

The sheriff's office maintains a citizen's academy police account. This account is funded by donations and is for the purpose of educating Montgomery County citizens. The balance was \$2,547 on January 1, 2016, receipts during the year were \$2,792 and disbursements were \$2,765. As of December 31, 2016, the balance was \$2,574.

E. Bluegrass Canine Account

The sheriff's office maintains a bluegrass canine account. This account is funded by donations and is for the purpose of canine training and certification programs. The balance was \$5,903 on January 1, 2016, donations during the year were \$4,023 and disbursements were \$4,135. As of December 31, 2016, the balance was \$5,791.

F. Evidence Account

The sheriff's office maintains an evidence account. This account is funded by proceeds from drug arrests which are used for the purpose of drug prevention and detections in Montgomery County. The balance was \$18,560 on January 1, 2016. Receipts during the year were \$529 and disbursements were \$3,358. As of December 31, 2016, the balance was \$15,731.

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* THIS PAGE LEFT BLANK INTENTIONALLY



MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Wallace Johnson, Montgomery County Judge/Executive The Honorable Fred Shortridge, Montgomery County Sheriff Members of the Montgomery 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 Montgomery County Sheriff for the year ended December 31, 2016, and the related notes to the financial statement and have issued our report thereon dated December 20, 2017. The Montgomery 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 Montgomery 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 Montgomery County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Montgomery 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 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 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 that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Montgomery 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 an instance of noncompliance or other matter that is required to be reported under *Government Auditing Standards* and which is described in the accompanying Schedule of Findings and Responses as item 2016-001.

Views of Responsible Official and Planned Corrective Action

The Montgomery County Sheriff's views and planned corrective action for the finding identified in our audit are included in the accompanying Schedule of Findings and Responses. The sheriff'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

December 20, 2017

SCHEDULE OF FINDINGS AND RESPONSES

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MONTGOMERY COUNTY FRED SHORTRIDGE, SHERIFF SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2016

STATE LAWS AND REGULATIONS:

2016-001 The Montgomery County Sheriff Expended \$198 for Disallowed Disbursements

The sheriff expended \$198 from the fee account for unallowable disbursements. The sheriff paid \$187 in late fees and interest charges on credit cards. The sheriff also paid \$11 for a purchase that did not have adequate supporting documentation.

The sheriff failed to pay the credit card balance timely, and finance charges were accrued. The sheriff also paid a credit card charge that was not supported with a receipt or invoice. Expending funds on unallowable items results in fewer funds to spend on necessary expenses. Also, not obtaining adequate supporting documentation could lead to erroneous charges or inappropriate expenditures.

In <u>Funk vs. Milliken</u>, 317 S.W.2d 499 (Ky. 1958), Kentucky's highest court reaffirmed the rule that county fee officials' expenditures of public funds will be allowable only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not primarily personal in nature.

We recommend the sheriff reimburse the 2016 fee account \$198 from his personal funds for these disallowed disbursements. Furthermore, we recommend the sheriff only expend funds for allowable purposes in the future.

Sheriff's Response: Said expenditures were for interest and late fees on the office credit card and for one lost receipt for \$11.00. Will pay better attention to due dates, and will keep better track of receipts. Said disallowed expenditures were reimbursed to the 2016 Fee Account by myself, Sheriff Fred Shortridge.