

**REPORT OF THE AUDIT OF THE
FORMER CHRISTIAN COUNTY
CLERK**

**For The Year Ended
December 31, 2022**



**MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS
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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

Independent Auditor's Report

The Honorable Jerry Gilliam, Christian County Judge/Executive
The Honorable Michael Kem, Former Christian County Clerk
The Honorable Melinda Humphries, Christian County Clerk
Members of the Christian County Fiscal Court

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying Statement of Receipts and Disbursements - Regulatory Basis of the County former Clerk of Christian County, Kentucky and the Statement of Receipts, Disbursements, and Fund Balances of the former County Clerk's Operating Fund and County Fund with the State Treasurer - Regulatory Basis for the year ended December 31, 2022, and the related notes to the financial statements.

Unmodified Opinion on Regulatory Basis of Accounting

In our opinion, the accompanying financial statements present fairly, in all material respects, the receipts and disbursements of the former Christian County Clerk and the receipts, disbursements, and fund balances of the former Christian County Clerk's operating fund and county fund with the state treasurer for the year ended December 31, 2022, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

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 Opinions on U.S. Generally Accepted Accounting Principles section of our report, the financial statements referred to above do not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of the former Christian County Clerk, as of December 31, 2022, or changes in financial position or cash flows thereof for the year then ended.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS), the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Program for County Fee Officials* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statement section of our report. We are required to be independent of the former Christian County Clerk and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



The Honorable Jerry Gilliam, Christian County Judge/Executive
The Honorable Michael Kem, Former Christian County Clerk
The Honorable Melinda Humphries, Christian County Clerk
Members of the Christian County Fiscal Court

Basis for Opinion (Continued)

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

As described in Note 1 of the financial statements, the financial statements are prepared by the former Christian 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 and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America. The effects on the financial statements 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 and pervasive.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements 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 statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for the Audit of the Financial Statement

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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 former Christian County Clerk's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the former Christian County Clerk's ability to continue as a going concern for a reasonable period of time.

The Honorable Jerry Gilliam, Christian County Judge/Executive
The Honorable Michael Kem, Former Christian County Clerk
The Honorable Melinda Humphries, Christian County Clerk
Members of the Christian County Fiscal Court

Auditor's Responsibilities for the Audit of the Financial Statement (Continued)

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we have identified during the audit.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 13, 2023, on our consideration of the former Christian 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 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 effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the former Christian 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 finding:

2022-001 The Former Christian County Clerk's Fourth Quarter Financial Report Was Materially Misstated

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mike Harmon", with a long horizontal line extending to the right.

Mike Harmon
Auditor of Public Accounts
Frankfort, KY

July 13, 2023

CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS

For The Year Ended December 31, 2022

Receipts

State Fees For Services	\$	31,448
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Fiscal Court		64,471
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	\$	1,944,765
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Usage Tax		8,088,538
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Tangible Personal Property Tax		6,270,370
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Handicap Placards		3,290
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Other-

Marriage Licenses		11,840
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Occupational Licenses		7,258
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Beer and Liquor Licenses		4,363
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Deed Transfer Tax		428,909
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Delinquent Tax		527,338
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Delinquent Tax Deposits		738,795
		18,025,466

Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts		76,943
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Real Estate Mortgages		259,708
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Powers of Attorney		10,238
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Affordable Housing Trust		64,524
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All Other Recordings		138,888
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Charges for Other Services-

Candidate Filing Fees		3,340
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Title Lien		153,210
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Lien Fees		30,216
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Online Land Records		76,793
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Passports		2,814
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Document Recording Fees		111,780
		928,454

Other:

Insufficient Fund Check Fees		415
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Miscellaneous		14,706
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E-Recordings		46
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Overpayments		163,906
		179,073

Interest Earned		1,523

Total Receipts		19,230,435
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The accompanying notes are an integral part of the financial statements.

CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS
For The Year Ended December 31, 2022
(Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 1,435,443

Usage Tax 7,845,766

Tangible Personal Property Tax 2,149,738

Licenses, Taxes, and Fees-

Delinquent Tax 50,688

Legal Process Tax 54,221

Handicap Placards 2,632

Affordable Housing Trust 64,524 \$ 11,603,012

Payments to Fiscal Court:

Tangible Personal Property Tax 517,774

Delinquent Tax 79,542

Deed Transfer Tax 407,464

Occupational Licenses 4,352

Beer and Liquor Licenses 4,645

Document Fees 66,290 1,080,067

Payments to Other Districts:

Tangible Personal Property Tax 3,352,047

Delinquent Tax 229,530 3,581,577

Payments to Sheriff

45,355

Payments to County Attorney

70,675

Other Regulatory Payments:

Delinquent Tax Deposit Refunds 730,780

Other Refunds 180,542 911,322

Other Disbursements:

Bank Service Charges 257

Bad Debt Expense 4,972 5,229

Total Disbursements

\$ 17,297,237

The accompanying notes are an integral part of the financial statements.

CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS AND DISBURSEMENTS - REGULATORY BASIS
For The Year Ended December 31, 2022
(Continued)

Net Receipts		\$ 1,933,198
Payments to State Treasurer:		
75% Operating Fund *	\$ 1,498,545	
25% County Fund	<u>434,486</u>	<u>1,933,031</u>
Balance Due at Completion of Audit		<u>\$ 167</u>

* Includes reimbursed expenses in the amount of \$195,087 for the audit period.
See Note 1 of Notes to Financial Statements.

CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND
FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS

For The Year Ended December 31, 2022

	75% Operating Fund	25% County Fund	Totals
Fund Balance - January 1, 2022	\$ 921,626	\$ 29,104	\$ 950,730
<u>Receipts</u>			
Fees Paid to State - Operating Funds (75%)	1,498,545		1,498,545
Fees Paid to State - County Funds (25%)		434,486	434,486
Total Funds Available	2,420,171	463,590	2,883,761
<u>Disbursements</u>			
Christian County Fiscal Court		463,590	463,590
Personnel Services-			
Official's Statutory Maximum	126,328		126,328
Official's Expense Allowance	3,600		3,600
Official's Training Incentive	4,679		4,679
Deputies' Salaries	565,077		565,077
Employee Benefits-			
Employer's Share Social Security	51,231		51,231
Employer's Share Retirement	169,360		169,360
Employer's Share Health Insurance	233,225		233,225
Contracted Services-			
Advertising	4,701		4,701
Printing and Binding	2,966		2,966
Supplies and Materials-			
Office Supplies	35,023		35,023
Other Charges-			
Conventions and Travel	1,967		1,967
Freight	1,651		1,651
Insurance	405		405
Postage	12,000		12,000
Land Record Supplies	2,946		2,946
Maintenance Agreement	30,587		30,587
Other Contracted Services	10,988		10,988

The accompanying notes are an integral part of the financial statements.

CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND
FUND BALANCES OF THE COUNTY CLERK'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS
For The Year Ended December 31, 2022
(Continued)

	75% Operating Fund	25% County Fund	Totals
<u>Disbursements</u> (Continued)			
Capital Outlay-			
Office Equipment	\$ 19,313	\$	\$ 19,313
Furniture and Fixtures	35,641		35,641
Computer Equipment	29,750		29,750
Total Disbursements	1,341,438	463,590	1,805,028
* Fund Balance - December 31, 2022	<u>\$ 1,078,733</u>	<u>\$ 0</u>	<u>\$ 1,078,733</u>

* Excess fees in the amount of \$1,078,733 were turned over to fiscal court on April 4, 2023.

CHRISTIAN COUNTY
NOTES TO THE FINANCIAL STATEMENTS

December 31, 2022

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 due from the county clerk as determined by the audit.

KRS 64.350 establishes that a fee official in counties with a population over 70,000 have two funds with the state treasurer for the deposit of fees collected. Seventy-five percent (75%) of the fees collected are deposited in the county clerk's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected are deposited to the county fiscal court fund and paid to the fiscal courts, urban-county governments, or consolidated local governments of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. These funds are closed at the end of each official term by paying the balances to the respective county government.

Also, fee official office revenues could be considered reimbursed expenses. All reimbursed expenses are treated as revenue in the 75 percent fund.

The financial statements have 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:

- Interest receivable
- Collection on accounts due from others for 2022 services
- Reimbursements for 2022 activities
- Payments due other governmental entities for December tax and fee collections
- Payroll expenditures incurred but not paid
- Payments due vendors for goods or services provided in 2022

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).

CHRISTIAN COUNTY
 NOTES TO THE FINANCIAL STATEMENTS
 December 31, 2022
 (Continued)

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 Kentucky Public Pensions Authority (KPPA). 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 former county clerk's contribution for calendar year 2020 was \$128,090, calendar year 2021 was \$136,446, and calendar year 2022 was \$169,360.

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 CERS 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 CERS Board of Directors 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 26.95 percent for the first six months and 26.79 percent for the last six months.

Other Post-Employment Benefits (OPEB)

A. Health Insurance Coverage - Tier 1

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:

CHRISTIAN COUNTY
 NOTES TO THE FINANCIAL STATEMENTS
 December 31, 2022
 (Continued)

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

Other Post-Employment Benefits (OPEB) (Continued)

A. Health Insurance Coverage - Tier 1 (Continued)

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, they 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 78.5536.

B. Health Insurance Coverage - Tier 2 and Tier 3 - Nonhazardous

Once members reach a minimum vesting period of 15 years, they 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 78.5536. 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 Kentucky Retirement Systems 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.

CHRISTIAN COUNTY
 NOTES TO THE FINANCIAL STATEMENTS
 December 31, 2022
 (Continued)

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

Other Post-Employment Benefits (OPEB) (Continued)

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, CERS 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.

Kentucky Retirement Systems Annual Financial Report and Proportionate Share Audit Report

Kentucky Retirement Systems 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.

Kentucky Retirement Systems 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 OPEB Amounts by Employer reports and the related actuarial tables are available online at <https://kyret.ky.gov>. 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 former Christian County Clerk maintained deposits of public funds with federally insured banking institutions as required by the Department for Local Government's (DLG) *County Budget Preparation and State Local Finance Officer Policy Manual*. The DLG Manual strongly recommends perfected pledges of securities covering all public funds except direct federal obligations and funds protected by federal insurance. In order to be perfected in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the county clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met.

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 former Christian County Clerk did not have a deposit policy for custodial credit risk, but rather followed the requirements of the DLG *County Budget Preparation and State Local Finance Officer Policy Manual*. As of December 31, 2022, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

CHRISTIAN COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2022
(Continued)

Note 4. Imprest Cash Account

The Finance & Administration – County Fee Systems Branch authorized the former Christian County Clerk to administer an Imprest Cash Fund in the amount of \$10,000. This fund is to be used for expenses, such as postage and other necessary expenses \$1,000 or less that need to be paid in less than a 10 day turn around, except travel and payroll expenses.

Note 5. Lease Agreements

The former Christian County Clerk's was committed to the following lease agreements as of December 31, 2022:

Item Purchased	Monthly Payment	Term Of Agreement	Ending Date	Principal Balance December 31, 2022
Software License	\$ 1,500	12 Months	12/31/22	\$ 18,000
Postage Meter	<u>53</u>	60 Months	3/21/24	<u>636</u>
Totals	<u>\$ 1,553</u>			<u>\$ 18,636</u>

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

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

Independent Auditor's Report

The Honorable Jerry Gilliam, Christian County Judge/Executive
The Honorable Michael Kem, Former Christian County Clerk
The Honorable Melinda Humphries, Christian County Clerk
Members of the Christian County Fiscal Court

We have audited, 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 Program for County Fee Officials* issued by the Auditor of Public Accounts, Commonwealth of Kentucky, the Statement of Receipts and Disbursements - Regulatory Basis of the former County Clerk of Christian County, Kentucky, the Statement of Receipts, Disbursements, and Fund Balances of the former County Clerk's Operating Fund and County Fund with the State Treasurer - Regulatory Basis for the year ended December 31, 2022, and the related notes to the financial statements, and have issued our report thereon dated July 13, 2023. The former Christian County Clerk's financial statements are 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.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the former Christian County Clerk's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the former Christian County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Christian County Clerk's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying 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 statements 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 2022-001 to be a material weakness.



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

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the former Christian County Clerk's financial statements are free from 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 financial statements. 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 items 2022-001.

Views of Responsible Officials and Planned Corrective Action

Government Auditing Standards requires the auditor to perform limited procedures on the former Christian County Clerk's response to the finding identified in our audit and described in the accompanying Schedule of Findings and Responses. The former Christian County Clerk's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly we express no opinion on the response.

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,

A handwritten signature in black ink, appearing to read "Mike Harmon", followed by a horizontal line.

Mike Harmon
Auditor of Public Accounts
Frankfort, KY

July 13, 2023

SCHEDULE OF FINDINGS AND RESPONSES

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CHRISTIAN COUNTY
MICHAEL KEM, FORMER COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2022

FINANCIAL STATEMENT FINDING:

2022-001 The Former Christian County Clerk's Fourth Quarter Financial Report Was Materially Misstated

The former Christian County Clerk's fourth quarter financial report was materially misstated by \$730,780 due to the former county clerk not accounting for the delinquent tax sale activity in his fee account. The former county clerk placed the delinquent tax deposits along with funds from the fee account into an e-commerce bank account. This bank account was used to issue refunds of the delinquent tax deposits and also issue refunds due to motor vehicle tax assessment changes. The motor vehicle tax refunds were properly accounted for in the fee account financial statement; however, the delinquent tax activity was not included on the former clerk's fourth quarter report of his fee account, resulting in both the receipts and disbursements being understated by \$730,780.

According to the bookkeeper, the former clerk's office did not combine the delinquent tax sale deposits and refunds on the fourth quarter because they did not consider it to be a fee of the office. In addition, the bookkeeper thought accounting for the activity related to the account on the cover of the fourth quarter was sufficient. As a result, the fourth quarter financial statement was materially understated. In addition, the financial information did not reflect an accurate financial accounting of the former county clerk's office as reported to the Department for Local Government.

KRS 68.210 gives the state local finance officer the authority to prescribe a uniform system of accounts. The Department for Local Government (DLG) *County Budget Preparation and State Local Finance Officer Policy Manual* requires official to ensure accurate financial reporting. KRS 134.128(2) states, "[t]he department shall promulgate administrative regulations to establish a process for the purchase and sale of certificates of delinquency to third parties." These procedures are included in 103 KAR 5:180 and define the advance payments as fees of the county clerk. Additionally, good internal controls dictate that the financial report would be accurate and properly classified.

We recommend the Christian County Clerk's office prepare a complete and accurate fourth quarter financial report by accounting for the delinquent tax sale transactions on the fourth quarter financial report.

Former County Clerk's Response: The former Christian County Clerk's Quarterly Financial Report was not materially misstated. The amount in question was included on page one column five. Although this has been the procedure in the clerk's office for the past 7 years, in the future we will present delinquent tax overpayments and refunds in the County Clerk's Quarterly Financial Report part two as requested by the auditors.

Auditor's Reply: The former Christian County Clerk's fourth quarter financial statement was misstated since it failed to account for Delinquent Tax Deposits collected as well as Delinquent Tax Refunds remitted. Those classifications do not appear in any part of the fourth quarter financial statement. While the former county clerk did not consider these receipts to be "fees of the office", 103 KAR 5:180 Procedures for sale of certificates of delinquency by county clerks states, "(1) 'Clerks fees' means any fee required to be collected by a county clerk for the filing, recording, release, processing, or other handling of a certificate of delinquency or a lien created by a certificate of delinquency."