REPORT OF THE AUDIT OF THE MAGOFFIN COUNTY SHERIFF'S TAX SETTLEMENT - 2020 TAXES

For The Period May 16, 2020 Through April 15, 2021



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MIKE HARMON AUDITOR OF PUBLIC ACCOUNTS

The Honorable Matthew Wireman, Magoffin County Judge/Executive The Honorable Carson Montgomery, Magoffin County Sheriff Members of the Magoffin County Fiscal Court

The enclosed report prepared by Tichenor & Associates, LLP, Certified Public Accountants, presents the Magoffin County Sheriff's Settlement - 2020 Taxes for the period May 16, 2020 through April 15, 2021.

We engaged Tichenor & Associates, LLP, to perform the audit of this financial statement. We worked closely with the firm during our report review process; Tichenor & Associates, LLP, evaluated the Magoffin County Sheriff's internal controls and compliance with applicable laws and regulations.

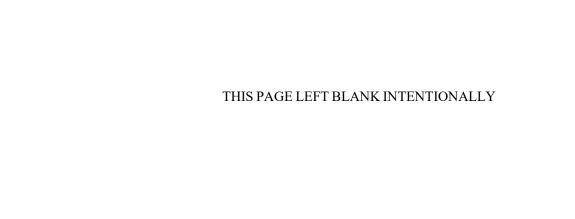
Respectfully submitted,

Mike Harmon

Auditor of Public Accounts

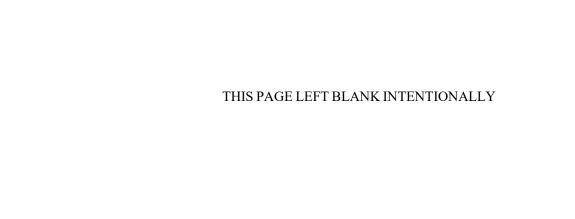
Enclosure





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To the People of Kentucky
The Honorable Andy Beshear, Governor
Holly M. Johnson, Secretary
Finance and Administration Cabinet
The Honorable Matthew Wireman, Magoffin County Judge/Executive
The Honorable Carson Montgomery, Magoffin County Sheriff
Members of the Magoffin County Fiscal Court

Independent Auditors' Report

Report on the Financial Statement

We have audited the Magoffin County Sheriff's Tax Settlement - 2020 for the period May 16, 2020 through April 15, 2021 - Regulatory Basis, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditors' 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 Sheriff's Tax Settlements*, 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 auditors' 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.

To the People of Kentucky
The Honorable Andy Beshear, Governor
Holly M. Johnson, Secretary
Finance and Administration Cabinet
The Honorable Matthew Wireman, Magoffin County Judge/Executive
The Honorable Carson Montgomery, Magoffin County Sheriff
Members of the Magoffin 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 Magoffin County Sheriff on the basis of 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 taxes charged, credited, and paid of the Magoffin County Sheriff, for the period May 16, 2020 through April 15, 2021.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period May 16, 2020 through April 15, 2021 of the Magoffin County Sheriff, 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 May 18, 2022, on our consideration of the Magoffin County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is 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. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Magoffin County Sheriff's internal control over financial reporting and compliance.

To the People of Kentucky
The Honorable Andy Beshear, Governor
Holly M. Johnson, Secretary
Finance and Administration Cabinet
The Honorable Matthew Wireman, Magoffin County Judge/Executive
The Honorable Carson Montgomery, Magoffin County Sheriff
Members of the Magoffin County Fiscal Court

Other Reporting Required by Government Auditing Standards (Continued)

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

2020-001	The Sheriff's Office Failed To Bill Franchise Tax To One Company
2020-002	The Sheriff Did Not Settle His 2018, 2017, 2014, And 2013 Tax Accounts
2020-003	The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

Tichenor & Associates, LLP

Tichenor & Associates, LLP Louisville, Kentucky

May 18, 2022

MAGOFFIN COUNTY CARSON MONTGOMERY, SHERIFF SHERIFF'S SETTLEMENT - 2020 TAXES

For The Period May 16, 2020 Through April 15, 2021

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Charges	Con	unty Taxes	Тот	ing Districts	Ç.	hool Taxes	C+	ate Taxes
Charges		unity Taxes	<u> 1 ax</u>	ing Districts	_ 50	11001 1 axes		ate Taxes
Real Estate	\$	943,817	\$	749,028	\$	1,226,960	\$	244,990
Tangible Personal Property		125,925		104,518		156,147		76,003
Fire Protection		2,929						
Franchise Taxes		215,875		179,052		267,890		
Unmined Coal - 2020 Taxes		78		62		102		20
Bank Franchises		32,168						
Supplemental		382		317		473		38
Penalties		7,362		5,448		8,899		1,907
Adjusted to Sheriff's Receipt		(2,580)		(1,860)		(3,066)		(620)
Gross Chargeable to Sheriff		1,325,956		1,036,565		1,657,405		322,338
Credits								
Exonerations		7,446		5,905		9,673		1,932
Discounts		18,026		14,265		22,931		4,815
Delinquents:								
Real Estate		43,922		34,767		56,949		11,371
Tangible Personal Property		1,530		1,270		1,897		1,377
Unmined Coal - 2020 Taxes		8		6		10		2
Franchise Taxes		792		658		982		
Unbilled Franchise Taxes		400		620		496		
Total Credits		72,124		57,491		92,938		19,497
Taxes Collected		1,253,832		979,074		1,564,467		302,841
Less: Commissions *		53,287		41,611		62,579		12,871
Taxes Due		1,200,545		937,463		1,501,888		289,970
Taxes Paid		1,199,937		936,984		1,501,105		290,539
Refunds (Current and Prior Year)		608		479		783		155
Due Districts (Refunds Due Sheriff)	\$	0	\$	0	\$	0	\$	(724)
,								

* Commissions:

4.25% on \$ 2,535,747 4% on \$ 1,564,467

MAGOFFIN COUNTY NOT<u>ES TO FINANCIAL STATEMENT</u>

April 15, 2021

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. 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.

B. Basis of Accounting

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. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

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).

D. Preparation of State Settlement

The Kentucky Department of Revenue prepares the settlement relating to taxes collected for the state under the provision of KRS 134.192(2)(a). This is reported as the "State Taxes" column on the financial statement.

Note 2. Deposits

The Magoffin County Sheriff 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 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. These requirements were met.

MAGOFFIN COUNTY NOTES TO FINANCIAL STATEMENT April 15, 2021 (Continued)

Note 2. Deposits

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 Magoffin County Sheriff does not have a deposit policy for custodial credit risk, but rather follows the requirements of the DLG County Budget Preparation and State Local Finance Officer Policy Manual. As of April 15, 2021, all deposits were covered by FDIC insurance or a properly executed collateral security.

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2020. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2021. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 29, 2020 through April 15, 2021.

B. Unmined Coal Property Taxes

The unmined coal property tax assessments were levied as of January 1, 2020. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was January 25, 2021 through June 15, 2021.

C. Franchise Taxes

The franchise tax assessments were levied by the Department of Revenue for various tax years. Franchise taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was May 16, 2020 through April 15, 2021.

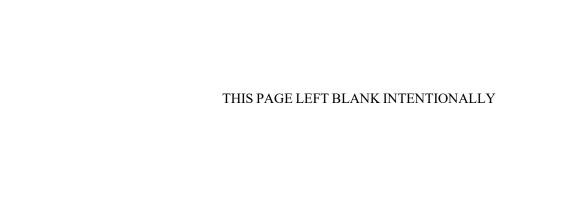
Note 4. Interest Income

The Magoffin County Sheriff earned \$119 as interest income on 2020 taxes. As of May 18, 2022, the sheriff overpaid \$5 in interest to the school district and owed \$29 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Magoffin County Sheriff collected \$17,228 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the sheriff's office.

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



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The Honorable Matthew Wireman, Magoffin County Judge/Executive The Honorable Carson Montgomery, Magoffin County Sheriff Members of the Magoffin 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 Auditors' 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 Magoffin County Sheriff's Tax Settlement - 2020 for the period May 16, 2020 through April 15, 2021 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated May 18, 2022. The Magoffin 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 Magoffin County Sheriff'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 statement, but not for the purpose of expressing an opinion on the effectiveness of the Magoffin County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Magoffin County Sheriff'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 statement will not be prevented or detected and corrected on a timely basis. We consider the deficiency described in the accompanying Schedule of Findings and Responses as item 2020-003 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 Statement Performed In Accordance With *Government Auditing Standards* (Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Magoffin 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 financial statement. 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 test disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying Schedule of Findings and Responses as items 2020-001 and 2020-002.

Views of Responsible Official and Planned Corrective Action

The Magoffin County Sheriff's views and planned corrective action for the findings identified in our audit are described in the accompanying Schedule of Findings and Responses. The sheriff's responses were not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

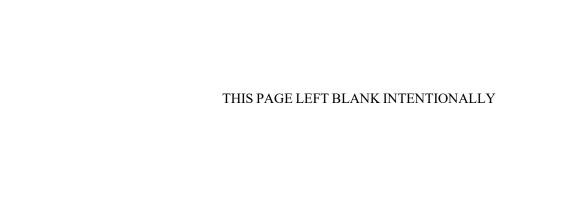
Respectfully submitted,

Tichenor & Associates, LLP

Tichenor & Associates, LLP Louisville, Kentucky

May 18, 2022





For The Period May 16, 2020 through April 15, 2021

STATE LAWS AND REGULATIONS:

2020-001 The Sheriff's Office Failed To Bill Franchise Tax To One Company

This is a repeat finding and was included in the prior year audit report as finding 2019-002. The sheriff's office failed to bill franchise tax to one company.

The sheriff's office and county clerk's office operate two separate systems for generating tax bills. Therefore, when the county clerk's office gives the sheriff's office the franchise bills, the sheriff's office re-creates these bills in their system. During this process, the sheriff's office failed to bill one company.

The total amount due to the taxing districts from these errors are the following amounts:

Taxing		Amount Not
District		Billed
County	\$	400
School		496
Library		108
Health		80
Extension		432
Soil		0
	\$	1,516

Due to lack of internal controls, the sheriff's office failed to bill a company when re-calculating the franchise tax bills in the sheriff's office tax system.

When companies are not billed and/or properly billed, the taxing districts are not receiving all of the funds to which they are entitled and the company is not paying its share of taxes due.

KRS 133.220(4) states; "[u]pon delivery to him or her of the tax bills, the sheriff or collector shall mail a notice to each taxpayer, showing the total amount of taxes due the state, county, school district, and any other taxing district for which the sheriff collects taxes, the date on which the taxes are due, and any discount to which the taxpayer may be entitled upon payment of the taxes prior to a designated date. The sheriff shall not mail tax notices prior to September 15."

Proper internal controls require a review system to be in place to check for and correct errors in the operation of the sheriff's office.

We recommend the sheriff's office implement proper internal controls to ensure that every franchise bill is prepared and without error. In addition, we recommend that the sheriff's office bill the company the franchise tax that it is legally obligated to pay.

Sheriff's Response: Once again, I did not receive an assessment for this bill, therefore I could not create it. I will be speaking to the revenue cabinet regarding this matter. Bill will be created when I receive the assessment.

STATE LAWS AND REGULATIONS: (Continued)

2020-002 The Sheriff Did Not Settle His 2018, 2017, 2014, and 2013 Tax Accounts

This is a repeat finding and was included in the prior year audit report as finding 2019-003. The sheriff failed to settle his 2018 property and unmined coal taxes by September 1, 2019. Additionally, the following receivables and liabilities are due to be collected and paid to completely settle the 2018 property and unmined coal tax accounts.

<u>Assets</u>				
Cash in Bank (All Tax Accounts)			\$	90
Receivables Per Draft:				
County				1,049
School				1,259
Library				334
Health				224
Extension				310
Soil				5
Interest Overpaid to School				3
Amount Due Back from 2018 Fee for Overpaid Commissions				1,710
Total Assets			\$	4,984
<u>Liabilities</u>				
Unpaid Obligations Per Draft - State	\$	1,679		
Interest Due Sheriff's Fee Account	Ψ	34		
			-	
Total Unpaid Obligations				1,713
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Total Fund Balance as of April 15, 2019			\$	3,271

STATE LAWS AND REGULATIONS: (Continued)

2020-002 The Sheriff Did Not Settle His 2018, 2017, 2014, and 2013 Tax Accounts (Continued)

The sheriff has not settled the 2017 property and unmined coal tax accounts due to the following reasons:

- The 2018 fee account owes \$1,078 to the 2017 franchise account.
- Over payments to the following districts need to be billed and collected:

County	\$ 416
School	311
Library	49
Health	66
Extension	96
Total	\$ 938

Collection efforts have been made, but with no follow up on billing.

• 2017 franchise account owes payments to the following districts and account:

State	\$ 1,499
Soil	176
2017 Fee Account	 55
Total	\$ 1,730

The sheriff has not settled the 2014 property tax accounts due to the following reason:

• The sheriff has not collected on its bill to the soil district for \$24. In addition, there were no follow up collection actions performed.

The sheriff has not settled the 2013 unmined coal tax accounts due to the following reason:

- The 2013 unmined coal tax account and the 2014 fee account has been closed and the remaining funds were transferred into the 2017 fee account.
- The sheriff' has not paid the \$2,772 owed to the county.
- The sheriff has not collected \$71 from the state. In addition, there were no follow-up collection actions performed.

The sheriff failed to oversee the daily operations of his tax office. As a result, receivables and liabilities were not addressed as part of the settlement process.

Failure to pay liabilities timely causes taxing districts and other governmental agencies to be deprived of funds for significant time periods. After all receivables are collected and all liabilities are paid, the sheriff will be able to close his prior years' property and unmined coal tax accounts.

STATE LAWS AND REGULATIONS: (Continued)

2020-002 The Sheriff Did Not Settle His 2018, 2017, 2014, and 2013 Tax Accounts (Continued)

KRS 134.192(1) states, "[e]ach sheriff shall annually settle his or her accounts with the department, the county, and any district for which the sheriff collects taxes on or before September 1 of each year. KRS 134.192(5) states, "[t]he report of the state and local settlement shall be filed in the county clerk's office and approved by the governing body of the county no later than September 1 of each year. The settlement shall show the amount of ad valorem tax collected for the county, the school district, and all taxing districts, and an itemized statement of the money disbursed to or on behalf of the county, the school district, and all taxing districts."

Good internal controls ensure that all receivables and liabilities are settled for each tax year.

We recommend the sheriff take the necessary steps to ensure his prior years' property and unmined coal tax accounts collected and the items listed above disbursed in order to completely settle these accounts. The remaining surplus should be put into an escrow account.

Sheriff's Response: These accounts have been settled to zero and this will be reflected in future audits.

INTERNAL CONTROL - MATERIAL WEAKNESS:

2020-003 The Sheriff's Office Lacks Adequate Segregation Of Duties

This is a repeat finding and was included in the prior year audit report as finding 2019-004. The sheriff's office lacks adequate segregation of duties and internal controls over tax receipts and disbursements. The office manager and deputy clerks collect tax receipts. The office manager or a deputy clerk prepares a daily bank deposit and reconcile the daily receipts to the daily collection report and post items to the receipts ledger. The office manager prepares the month-end tax reports, prepares checks for tax distribution based on the month-end tax reports and posts checks to the disbursements ledger. The sheriff and the office manager sign tax distribution checks. The office manager prepares the monthly bank reconciliation, although there is nothing documented to determine who prepared the reconciliation or that it was reviewed by the sheriff.

The sheriff was unable to implement an adequate internal control system to improve segregation of duties.

By not segregating these duties, there is an increased risk of misappropriation of assets either by undetected error or fraud. Internal controls and proper segregation of duties protect employees and the sheriff in the normal course of performing their daily responsibilities.

Good internal controls dictate the same employee should not receive payments, prepare deposits, and post to the receipts ledger. The same employee should not prepare monthly reports, sign checks, and post to the disbursements ledger. Also, the same employee should not deposit funds, sign checks, post to ledgers, prepare bank reconciliations, and prepare monthly reports.

We recommend the sheriff's office implement internal controls and segregate duties as much as possible. Employees receiving payments and preparing deposits should not be posting to the receipts ledger and preparing bank reconciliations. Employees preparing and signing checks should not be posting to the disbursements ledger and preparing bank reconciliations.

<u>INTERNAL CONTROL - MATERIAL WEAKNESS:</u> (Continued)

2020-003 The Sheriff's Office Lacks Adequate Segregation Of Duties (Continued)

A proper segregation of duties may not be possible with a limited number of employees, and in that case, the sheriff could take on the responsibility of preparing or reviewing the daily deposits, receipts and disbursements ledgers, monthly reports, and bank reconciliations. These reviews must be documented in a way that indicates what was reviewed, by whom, and when, because signing off on inaccurate information does not provide internal control. The sheriff's office lack of segregation of duties is largely attributed to limited resources. Therefore, we recommend the sheriff and office manager consider various methods to increase a segregation of duties within a restricted budget.

Sheriff's Response: This is a problem in all small offices, but we will try to comply.