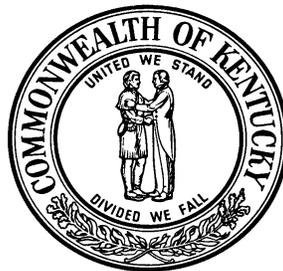


**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AGREED-UPON PROCEDURES ENGAGEMENT
OF THE
MASON COUNTY ATTORNEY**

**For The Period
July 1, 2022 Through June 30, 2023**



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SUMMARY OF PROCEDURES AND FINDINGS

**AGREED-UPON PROCEDURES OF THE
MASON COUNTY ATTORNEY**

For The Period July 1, 2022 Through June 30, 2023

The Mason County Attorney received an Agreed-Upon Procedures (AUP) engagement for the period July 1, 2022 through June 30, 2023. AUP reports present the procedures performed and the results of those procedures, called findings. The summary below presents those findings for which an exception (an instance of noncompliance with the criteria) was identified during the AUP engagement.

During the AUP engagement of the Mason County Attorney, the following exceptions were noted:

- The county attorney did not have proper supporting documentation for three disbursements totaling \$15.
- Lease agreements are for official business and properly authorized. Payments made did not agree to the lease agreement. The county attorney made payments of \$1,800 a month while the lease agreement he was operating under only required \$850.
- A list of county attorney employees and their employee classification as exempt or non-exempt for the purpose of Kentucky wage and hour laws was obtained. The county attorney did not require all non-exempt employees to maintain a timesheet. There were no bonuses paid.

Findings related to procedures for which there were no exceptions identified, and official responses to exceptions are not included in the summary above but can be found in the full report. A copy of this report is available on the Auditor of Public Accounts' website at auditor.ky.gov.

Respectfully submitted,

Allison Ball
Auditor of Public Accounts
Frankfort, KY

April 25, 2024



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ALLISON BALL
AUDITOR OF PUBLIC ACCOUNTS

Independent Accountant's Report
On Applying Agreed-Upon Procedures

The Honorable Owen McNeill, Mason County Judge/Executive
The Honorable John Estill, Mason County Attorney
Members of the Mason County Fiscal Court

We have performed the procedures enumerated below related to the Mason County Attorney's compliance with applicable sections of the Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and *the Generally Accepted Standards for Funds of County Attorney Offices* during the period July 1, 2022 through June 30, 2023.

An agreed-upon procedures engagement involves the APA performing specific procedures that the county attorney has agreed to and acknowledged to be appropriate for the intended purpose of the engagement and reporting on findings based on the procedures performed. The Mason County Attorney is responsible for compliance with these requirements. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representations regarding the sufficiency of the procedures enumerated below either for the purpose for which this report has been requested or for any other purpose.

The Mason County Attorney has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of determining the county attorney's compliance with applicable sections of the KRS, KAR, and the *Generally Accepted Standards for Funds of County Attorney Offices*. The purpose of the engagement is to assist users in determining whether the county attorney complied with the specified requirements. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and findings are as follows:

1. Procedure -

Obtain a list of bank accounts maintained by the county attorney that are applicable for the fiscal year.

Finding -

No exceptions were found as a result of applying the procedure. The county attorney maintains general fund, cold check, and restitution accounts.



The Honorable Owen McNeill, Mason County Judge/Executive
The Honorable John Estill, Mason County Attorney
Members of the Mason County Fiscal Court
(Continued)

2. Procedure -

Determine if the county attorney has a petty cash or a change fund and document the amount of the county attorney's petty cash and change fund.

Finding -

No exceptions were found as a result of applying the procedure.

3. Procedure -

Confirm all payments made by the fiscal court to the county attorney's office. Trace the fiscal court payments from the fiscal court confirmation to the county attorney's receipts ledger and official bank account.

Finding -

No exceptions were found as a result of applying the procedure.

4. Procedure -

Determine if the county attorney collects cold check fees, delinquent taxes, and traffic safety program receipts.

Finding -

The county attorney collects cold check fees, delinquent taxes, and traffic safety program receipts.

5. Procedure -

Confirm all traffic safety receipts from third party vendors who collect traffic safety program fees and trace to the county attorney's receipts ledger and bank statements.

Finding -

No exceptions were found as a result of applying the procedure.

6. Procedure -

Confirm all delinquent tax receipts received from the county clerk and trace to the county attorney's receipts ledger and bank statements.

Finding -

No exceptions were found as a result of applying the procedure.

7. Procedure -

Select five random deposits and agree total receipts per deposit tickets to the county attorney's receipts ledger and bank statement for each deposit made.

Finding -

No exceptions were found as a result of applying the procedure.

The Honorable Owen McNeill, Mason County Judge/Executive
The Honorable John Estill, Mason County Attorney
Members of the Mason County Fiscal Court
(Continued)

8. Compliance Procedure -

Determine if the county attorney received any KRS Chapter 218A asset forfeiture funds, then determine whether these funds were submitted to the Prosecutor's Advisory Council (PAC) in accordance with 40 KAR 4:010. Obtain operating expense documentation and determine if the use of these funds was for a law enforcement purpose.

Finding -

No exceptions were found as a result of applying the procedure.

9. Compliance Procedure -

Judgmentally select 17 operating disbursements from the county attorney's records and agree amounts paid to invoices or other supporting documentation and bank information. Determine if the disbursement is for official operating expenses and in accordance with KRS 514.040(5), KRS 134.545, and KRS 186.574(6)(c)1. Inspect all credit card statements (if any) to determine if disbursements are for official business.

Finding -

Operating disbursements from the county attorney's records agreed to invoices, other supporting documentation, and bank information. Disbursements were for official operating expenses and in accordance with applicable statutes. The county attorney's office did not have a credit card. However, the county attorney did not have proper supporting documentation for three disbursements totaling \$15.

County Attorney's Response: Our office is required to obtain out of state drivers record to establish whether defendants' drivers licenses are suspended, and the reasons for any suspensions. Due to the geographical location of Mason County, we are most frequently required to obtain records from the Ohio Bureau of Motor Vehicles, which are paid for by checks in the amount of \$5.00 to the Ohio State Treasurer. The three expenditures totaling \$15.00 were for such requests. The cancelled checks proved that the checks were negotiated by the Ohio State Treasurer, but no receipt is ever returned from the Ohio authorities.

10. Procedure -

Compare lease agreements, rental agreements, and service contracts to actual payments. Determine if services were for official business and properly authorized.

Finding -

Lease agreements are for official business and properly authorized. Payments made did not agree to the lease agreement. The county attorney made payments of \$1,800 a month while the lease agreement was made for \$850 a month.

The Honorable Owen McNeill, Mason County Judge/Executive
 The Honorable John Estill, Mason County Attorney
 Members of the Mason County Fiscal Court
 (Continued)

10. Procedure - (Continued)

County Attorney's Response: No office space is provided by the Commonwealth of Kentucky or the County of Mason for the Mason County Attorney's office. The Mason County Attorney leases space from the law firm of Fox, Wood, Wood & Estill for the amount of \$1800.00 per month. The lease not only includes office space, which is approximately one half of the total 4,500 square feet of office space and parking, but also includes equipment, copiers, office furniture, telephone equipment and lines, internet services, server and IT services library, miscellaneous supplies, utility expenses and other expenses. The actual costs incurred by the law firm to provide the space and other support far exceed the amount of the monthly rental, but the office of the Mason County Attorney could not afford to pay the actual costs. There is an updated lease dated April 25, 2024.

11. Compliance Procedure -

Inspect the county attorney's annual salary statement to determine if the total exceeded the maximum total allowable annual compensation as calculated by DLG. If the county attorney receives compensation for administering the child support enforcement program, determine whether the county attorney was compensated at the hourly rate stated in the child support enforcement contract.

Finding -

No exceptions were found as a result of applying the procedure.

12. Compliance Procedure -

Obtain a list of county attorney employees and their employee classification as exempt or non-exempt for the purpose of Kentucky wage and hour laws. For employees covered by KRS 337.320 requiring an employer to maintain a time record, determine over two pay periods whether such records are completed, maintained, approved, and support hours paid. For all employees, determine if any bonuses were paid.

Finding -

A list of county attorney employees and their employee classification as exempt or non-exempt for the purpose of Kentucky wage and hour laws was obtained. The county attorney did not require all non-exempt employees to maintain a timesheet. There were no bonuses paid.

County Attorney's Response: The employees of the Mason County Attorney are not required to complete time sheets. There are no full time employees of the office of the County Attorney. Employees are employed by Fox, Wood, Wood & Estill as well. Some employees regularly complete County Attorney duties, but at different times may be actually performing work for the Fiscal Court, Commonwealth of Kentucky Unified Prosecutorial System, or the Mason County Child Support office. All this must be balanced with work for the private law firm. In a perfect world, County Attorney's staff would be full time and paid from the governmental entity for which he or she is completing duties. However, as a practical matter there is insufficient funding for such a system, and as a result my employees are constantly "shifting gears." It would require numerous time sheets to track their work for different entities, and I will not require that. I do recognize that some of my employees are non-exempt and subject to Wage and Hour laws, and I ensure that employees do not work overtime without proper compensating and that their employment otherwise complies with such laws.

The Honorable Owen McNeill, Mason County Judge/Executive
The Honorable John Estill, Mason County Attorney
Members of the Mason County Fiscal Court
(Continued)

13. Compliance Procedure -

Determine if the county attorney filed an annual settlement with the Prosecutors Advisory Council within sixty (60) days of the close of the fiscal year. (KRS 69.370)

Finding -

No exceptions were found as a result of applying the procedure.

14. Compliance Procedure -

If the county attorney vacated office, determine if the county attorney filed with the fiscal court in accordance with KRS 69.370 (2) a statement accounting for all funds received, disbursed, or held by the county attorney in his or her official capacity during his or her term of office, including the transfer of remaining funds to the successor in office as required, if applicable.

Finding -

Not applicable, there was no change in county attorney during the fiscal year.

We were engaged by the Mason County Attorney to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on compliance with specified requirements. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Mason County Attorney and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

The purpose of this report is to present the procedures performed and the results of those procedures and is not intended for any other purpose. This report is intended solely for the information and use of the Mason County Attorney and the Mason County Fiscal Court and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,



Allison Ball
Auditor of Public Accounts
Frankfort, KY

April 25, 2024