



Auditor of Public Accounts
Mike Harmon

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Harmon Releases Audit of Fulton County Clerk's Fee Account

FRANKFORT, Ky. – State Auditor Mike Harmon today released the audit of the 2016 financial statement of Fulton County Clerk Betty Abernathy. State law requires the auditor to conduct annual audits of county clerks and sheriffs.

Auditing standards require the auditor's letter to communicate whether the financial statement presents fairly the receipts, disbursements, and excess fees of the Fulton County Clerk in accordance with accounting principles generally accepted in the United States of America. The clerk's financial statement did not follow this format. However, the clerk's financial statement is fairly presented in conformity with the regulatory basis of accounting, which is an acceptable reporting methodology. This reporting methodology is followed for all 120 clerk audits in Kentucky.

As part of the audit process, the auditor must comment on noncompliance with laws, regulations, contracts, and grants. The auditor must also comment on material weaknesses involving the internal control over financial operations and reporting.

The audit contains the following comment:

The Fulton County Clerk had \$112 of disallowed disbursement from the 2016 fee account. The Fulton County Clerk made an expenditure for \$112 for 200 personalized office pens that had her name and office information on them.

According to Funk vs. Milliken, 317 S.W.2d 499 (Ky. 1958), Kentucky's highest court ruled that county fee officials' expenditures of public funds will be allowed only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not primarily personal in nature. Due to the clerk spending public funds on pens that had her name on them, which is considered personal in nature and not necessary for the office, she is not in compliance with Funk vs. Milliken.

We recommend the Fulton County Clerk repay \$112 to the fiscal court as additional excess fees.

County Clerk's response: A personal check was given to Judge/Executive for Fulton County Fiscal Court as excess fees in the amount of \$112.00 to pay for ink pens used in the County Clerk's office.

The county clerk's responsibilities include collecting certain taxes, issuing licenses, maintaining county records and providing other services. The clerk's office is funded through statutory fees collected in conjunction with these duties.

The audit report can be found on the [auditor's website](#).

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