

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

**For The Year Ended
December 31, 2016**



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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jesse Perry, Graves County Judge/Executive
The Honorable Barry Kennemore, Former Graves County Clerk
The Honorable Devonda Wilford, Graves County Clerk
Members of the Graves 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 former County Clerk of Graves 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 this 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 a 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 this 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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The Honorable Jesse Perry, Graves County Judge/Executive
The Honorable Barry Kennemore, Former Graves County Clerk
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Members of the Graves 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 former Graves 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, 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 former Graves County Clerk, 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 former Graves County Clerk 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 May 16, 2018, on our consideration of the former Graves 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 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 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 comments:

- 2016-001 The Former Graves County Clerk Did Not Reconcile Account Receivable Subsidiary Ledgers to the Fee Ledgers
- 2016-002 The Former Graves County Clerk Did Not Properly Support All Credit Card Transactions

Respectfully submitted,



Mike Harmon
Auditor of Public Accounts

May 16, 2018

GRAVES COUNTY
 BARRY KENNEMORE, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2016

Receipts

State Grant	\$	18,948	
State Fees For Services			12,699
Fiscal Court			45,934
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	1,601,726	
Usage Tax		4,772,346	
Tangible Personal Property Tax		3,235,586	
Other-			
Lien Fees		18,418	
Fish and Game Licenses		3,403	
Marriage Licenses		7,956	
Occupational Licenses		955	
Spouse Abuse		3,120	
Deed Transfer Tax		95,829	
Delinquent Tax		<u>305,597</u>	10,044,936
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		21,446	
Real Estate Mortgages		49,242	
Chattel Mortgages and Financing Statements		115,338	
Powers of Attorney		1,896	
Affordable Housing Trust		33,810	
All Other Recordings		66,295	
Charges for Other Services-			
Copywork		12,117	
Postage		<u>3,099</u>	303,243
Other:			
Credit Cards		4,503	
Miscellaneous Receipts		<u>143</u>	4,646
Interest Earned			<u>47</u>
Total Receipts			10,430,453

The accompanying notes are an integral part of this financial statement.

GRAVES COUNTY
 BARRY KENNEMORE, FORMER COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2016
 (Continued)

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 1,185,882

Usage Tax 4,625,693

Tangible Personal Property Tax 1,241,663

Licenses, Taxes, and Fees-

Fish and Game Licenses 3,367

Delinquent Tax 35,894

Legal Process Tax 36,102

Affordable Housing Trust 33,810 \$ 7,162,411

Payments to Fiscal Court:

Tangible Personal Property Tax 266,369

Delinquent Tax 28,951

Deed Transfer Tax 91,037

Occupational Licenses 605 386,962

Payments to Other Districts:

Tangible Personal Property Tax 1,594,874

Delinquent Tax 142,657 1,737,531

Payments to Sheriff

26,322

Payments to County Attorney

38,022

Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Salaries 532,032

Employee Benefits-

Employer's Share Social Security 43,467

Materials and Supplies-

Election Expenses 5,648

Office Supplies 8,112

The accompanying notes are an integral part of this financial statement.

GRAVES COUNTY
 BARRY KENNEMORE, FORMER COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2016
 (Continued)

Disbursements (Continued)

Operating Disbursements and Capital Outlay: (Continued)

Other Charges-		
Conventions and Travel	\$	4,647
Dues		1,380
Postage		18,884
Refunds		40,324
Insurance and Bonds		2,872
Tax Bill Preparation		7,329
Bad Debt Expense		1,249
Library and Archives		18,948
Miscellaneous		4,227
	\$	689,119
Capital Outlay-		
Office Equipment		1,495
Total Disbursements	\$	10,041,862
Less: Disallowed Disbursement		17
Total Allowable Disbursements		10,041,845
Net Receipts		388,608
Less: Statutory Maximum		95,264
Excess Fees		293,344
Less: Expense Allowance		3,600
Training Incentive Benefit		3,969
		7,569
Excess Fees Due County for 2016		285,775
Payment to Fiscal Court - January 23, 2017		225,000
Payment to Fiscal Court - February 13, 2017		59,156
Balance Due Fiscal Court at Completion of Audit *	\$	1,619

* - The county clerk presented a check in the amount of \$841 to the fiscal court for excess fees on June 21, 2017.

The accompanying notes are an integral part of this financial statement.

GRAVES 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 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, including excess fees, due from the county clerk as determined by the audit. KRS 64.152 requires the county clerk to settle excess fees with the fiscal court by March 15 each year.

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
- Payments due other governmental entities for December tax and fee collections and 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 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).

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.

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

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

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 the plan. 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.

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 members contribute five percent of their annual creditable compensation and 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 nonhazardous 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.

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.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. 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.

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

Note 3. Deposits

The former Graves County Clerk 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 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.

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 Graves County Clerk 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. Grant

The former Graves County Clerk's office received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$18,948. All funds were expended during the year, for their intended purpose.

Note 5. Escrow Account

The former Graves County Clerk maintained a separate account for unclaimed funds resulting from refunds and overpayments. As of December 31, 2016, the clerk's escrowed amounts are as follows:

2013	\$91
2014	\$180
2015	\$43

KRS 393.090 states that after three years, if funds have not been claimed, they are presumed abandoned and are required to be sent to the Kentucky State Treasurer pursuant to KRS 393.110. For the calendar year 2016, abandoned funds of \$91 are due to be transferred to the state treasury.

Note 6. Delinquent Tax Sale Account

The former Graves County Clerk maintained a separate account for delinquent tax sales. The account holds the fees from potential buyers, and refunds fees to the potential buyer if no sale is made. Any sales are transferred to the fee account. During calendar year 2016, the beginning balance of the Delinquent Tax Sale Account was \$2. Receipts totaling \$175,108 were received, and \$175,107 was expended. The ending balance as of December 31, 2016 was \$3.

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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AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jesse Perry, Graves County Judge/Executive
The Honorable Barry Kennemore, Former Graves County Clerk
The Honorable Devonda Wilford, Graves County Clerk
Members of the Graves 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 former Graves County Clerk for the year ended December 31, 2016, and the related notes to the financial statement and have issued our report thereon dated May 16, 2018. The former Graves County Clerk'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 former Graves County Clerk'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 former Graves County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Graves County Clerk's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph 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. 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 2016-001 to be a material weakness.

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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 former Graves County Clerk'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 matters that is required to be reported under *Government Auditing Standards* and which is described in the accompanying Schedule of Findings and Responses as item 2016-002.

Views of Responsible Official and Planned Corrective Action

The former Graves County Clerk's views and planned corrective action for the findings identified in our audit are described in the accompanying Schedule of Findings and Responses. The former Graves County Clerk'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,



Mike Harmon
Auditor of Public Accounts

May 16, 2018

SCHEDULE OF FINDINGS AND RESPONSES

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GRAVES COUNTY
BARRY KENNEMORE, FORMER COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2016

INTERNAL CONTROL - MATERIAL WEAKNESS:

2016-001 The Former Graves County Clerk Did Not Reconcile Account Receivable Subsidiary Ledgers to the Fee Ledgers

This is a repeat finding and was included in the prior year report as finding 2015-001. During calendar 2016, the former Graves County Clerk allowed customers to charge for services provided by the county clerk's office, and those receivables did not reconcile with the accounts receivable subsidiary ledger. For calendar year 2016, total charged business exceeded \$664,000. According to the former county clerk's ledgers and settlement, \$761 has yet to be collected.

The former county clerk relied on the point of sale system to account for all customer charges; however, individual charge accounts on the point of sale system were not reconciled to the total amount of charges recorded on the former county clerk's ledgers. Due to there not being subsidiary ledgers that reconcile to the amount on the settlement, it is not possible to determine if the outstanding balance as of the settlement has since been collected.

This could lead to customers receiving services without settling their account. Accounts receivable are vulnerable to manipulation and should be accounted for by each individual account and reconciled to the total account balance. Subsidiary ledgers are needed to account for these charges to ensure the correct amounts are being reported.

We recommend the Graves County Clerk's office strengthen controls over accounting for these charges by developing a written policy regarding charges and maintaining subsidiary records for each customer reconciled to the county clerk's ledgers monthly. In addition, the former Graves County Clerk should pay to his fee account \$761 from his personal funds and pay additional excess fees of \$761 to the Graves County Fiscal Court.

Former County Clerk's Response: The Clerk relies on the point of sale system to account for all customer charges. This system is provided by the State of Kentucky.

Auditor's Reply: The County Clerk's office is ultimately responsible for establishing proper internal controls over all funds to ensure they are properly accounted for.

STATE LAWS AND REGULATIONS:

2016-002 The Former Graves County Clerk Did Not Properly Support All Credit Card Transactions

The former Graves County Clerk Office did not properly maintain itemized invoices for the credit card disbursements. Auditors tested statements from two different months, during these months there were 47 transactions and four were not properly supported with itemized invoices. These transactions totaled \$152.07. Additionally, there was one other instance where the former county clerk paid a statement and did not have any support for a purchase in the amount of \$17.25.

According to the former county clerk, the receipt is missing due to an oversight, as the receipt was not kept with the credit card statement. As for the itemized receipts, the former county clerk failed to obtain itemized copies from the businesses. Fees of the former county clerk's office were used to pay for items that were not properly supported. Therefore, fees were not available for the operation of the county clerk's office or as excess fees.

GRAVES COUNTY
BARRY KENNEMORE, FORMER COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES
For The Year Ended December 31, 2016
(Continued)

STATE LAWS AND REGULATIONS: (Continued)

2016-002 The Former Graves County Clerk Did Not Properly Support All Credit Card Transactions
(Continued)

In accordance with Funk vs. Milliken, 317 S.W.2d 499 (Ky. 1958), Kentucky's highest court ruled 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. We recommend the Graves County Clerk's office maintain proper documentation in order to support all credit card transactions. In addition, the former Graves County Clerk needs to reimburse his fee account in the amount \$17.25 from his personal funds in order to comply with Funk v. Milliken, 317 S.W.2d 499, (Ky. 1958) and pay additional excess fees of \$17.25 to the Graves County Fiscal Court.

Former County Clerk's Response: I personally lost a receipt, it was an oversight on my part.