

**REPORT OF THE AUDIT OF THE  
FORMER LOGAN COUNTY  
SHERIFF'S SETTLEMENT - 2017 TAXES**

**For The Period  
April 18, 2017 Through April 16, 2018**



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

To the People of Kentucky

The Honorable Matthew G. Bevin, Governor  
William M. Landrum III, Secretary  
Finance and Administration Cabinet  
The Honorable Logan Chick, Logan County Judge/Executive  
The Honorable Wallace Whittaker, Former Logan County Sheriff  
The Honorable Stephen Stratton, Logan County Sheriff  
Members of the Logan County Fiscal Court

Independent Auditor's Report

**Report on the Financial Statement**

We have audited the former Logan County Sheriff's Settlement - 2017 Taxes for the period April 18, 2017 through April 16, 2018 - 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.

**Auditor's 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 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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### **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 Logan 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 former Logan County Sheriff, for the period April 18, 2017 through April 16, 2018.

### **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 April 18, 2017 through April 16, 2018 of the former Logan 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 December 4, 2018, on our consideration of the former Logan 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 former Logan County Sheriff's internal control over financial reporting and compliance.

To the People of Kentucky

The Honorable Matthew G. Bevin, Governor

William M. Landrum III, Secretary

Finance and Administration Cabinet

The Honorable Logan Chick, Logan County Judge/Executive

The Honorable Wallace Whittaker, Former Logan County Sheriff

The Honorable Stephen Stratton, Logan County Sheriff

Members of the Logan 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 comment:

2017-001 The Former Sheriff Had Weak Internal Controls Over Franchise Tax Collections

Respectfully submitted,

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

Mike Harmon  
Auditor of Public Accounts

December 4, 2018

LOGAN COUNTY  
WALLACE WHITTAKER, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2017 TAXES

For The Period April 18, 2017 Through April 16, 2018

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 1,519,007	\$ 2,159,554	\$ 6,109,822	\$ 1,425,529
Tangible Personal Property	382,779	416,219	1,119,251	1,409,382
Fire Protection	2,132			
Increases Through Exonerations	13,193	12,077	30,234	23,451
Omitted Taxes	220	301	900	206
Franchise Taxes	162,763	154,486	414,036	
Additional Billings	621	866	2,258	582
In Lieu of Taxes - EPB	19,756			
Oil Property Taxes	23	31	79	21
Omitted Limestone, Sand, and Gravel Reserves	2	3	7	2
Limestone, Sand, and Gravel Reserves	310	421	2,026	291
Bank Franchises	103,511			
Penalties	7,299	10,309	29,606	7,042
Adjusted to Sheriff's Receipt	691	(17,037)	(193)	(408)
Gross Chargeable to Sheriff	<u>2,212,307</u>	<u>2,737,230</u>	<u>7,708,026</u>	<u>2,866,098</u>
 <u>Credits</u>				
Exonerations	32,328	41,079	137,006	65,815
Discounts	34,499	43,312	121,118	49,009
Delinquents:				
Real Estate	21,430	30,791	89,531	20,086
Tangible Personal Property	1,006	917	3,967	546
Franchise Taxes	43	39	99	
Total Credits	<u>89,306</u>	<u>116,138</u>	<u>351,721</u>	<u>135,456</u>
Taxes Collected	2,123,001	2,621,092	7,356,305	2,730,642
Less: Commissions *	<u>90,227</u>	<u>111,397</u>	<u>165,517</u>	<u>116,052</u>
Taxes Due	2,032,774	2,509,695	7,190,788	2,614,590
Taxes Paid	2,030,302	2,506,052	7,181,328	2,611,806
Refunds (Current and Prior Year)	<u>2,941</u>	<u>4,075</u>	<u>11,856</u>	<u>2,784</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Audit	<u>\$ (469)</u>	<u>\$ (432)</u>	<u>\$ (2,396)</u>	<u>\$ 0</u>
		**	***	

\*, \*\*, and \*\*\* See next page.

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



LOGAN COUNTY  
WALLACE WHITTAKER, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2017 TAXES  
For The Period April 18, 2017 Through April 16, 2018  
(Continued)

\* Commissions:

4.25% on \$	7,474,741
2.25% on \$	7,356,305

\*\* Special Taxing Districts:

Library District	\$	(238)
Health District		(54)
Extension District		<u>(140)</u>

Due Districts or (Refunds Due Sheriff)	\$	<u>(432)</u>
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\*\*\* School Taxing Districts:

County School	\$	363
Russellville Independent Schools		<u>(2,759)</u>

Due Districts or (Refunds Due Sheriff)	\$	<u>(2,396)</u>
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LOGAN COUNTY  
NOTES TO FINANCIAL STATEMENT

April 16, 2018

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).

Note 2. Deposits

The former Logan County Sheriff maintained deposits of public funds with depository institutions insured by the 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 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.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the former sheriff's deposits may not be returned. The former sheriff 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 April 16, 2018, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of November 8, 2017, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the former sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured                      \$10,709,189

LOGAN COUNTY  
 NOTES TO FINANCIAL STATEMENT  
 April 16, 2018  
 (Continued)

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2017. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2017. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 30, 2017 through April 16, 2018.

B. Oil Property Taxes

The oil property tax assessments were levied as of January 1, 2017. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 13, 2017 through May 15, 2018.

C. Limestone, Sand, and Gravel Reserves

The limestone, sand, and gravel property tax assessments were levied as of January 1, 2017. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 13, 2017 through May 15, 2018.

D. Franchise Taxes

The franchise tax assessments were levied by the Department of Revenue for various tax years. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was May 1, 2017 through April 30, 2018.

Note 4. Sheriff's 10% Add-On Fee

The former Logan County Sheriff collected \$44,086 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the former sheriff's office.

Note 5. Unrefundable Duplicate Payments And Unexplained Receipts

The former sheriff deposited unrefundable duplicate payments and unexplained receipts in an interest-bearing account. The former sheriff's escrowed amounts were as follows:

2012	\$134
2013	\$649
2014	\$6
2015	\$5

KRS 393.090 states that if the funds have not been claimed after three years, they are presumed abandoned. Abandoned funds are required to be sent to the Kentucky State Treasurer pursuant to KRS 393.110 and its accompanying regulations.

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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*

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

The Honorable Logan Chick, Logan County Judge/Executive  
The Honorable Wallace Whittaker, Former Logan County Sheriff  
The Honorable Stephen Stratton, Logan County Sheriff  
Members of the Logan 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 former Logan County Sheriff's Settlement - 2017 Taxes for the period April 18, 2017 through April 16, 2018 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated December 4, 2018. The former Logan 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 former Logan County Sheriff'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 Logan County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Logan County Sheriff'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 2017-001 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  
Statement Performed In Accordance With *Government Auditing Standards*  
(Continued)

**Compliance And Other Matters**

As part of obtaining reasonable assurance about whether the former Logan County Sheriff's financial statement is 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 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 no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Views of Responsible Official and Planned Corrective Action**

The former Logan County Sheriff's views and planned corrective action for the finding identified in our audit are described in the accompanying Schedule of Findings and Responses. The former Logan County Sheriff's response was not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on it.

**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

December 4, 2018



## SCHEDULE OF FINDINGS AND RESPONSES

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LOGAN COUNTY  
WALLACE WHITTAKER, FORMER SHERIFF  
SCHEDULE OF FINDINGS AND RESPONSES

For The Period April 18, 2017 Through April 16, 2018

INTERNAL CONTROL - MATERIAL WEAKNESS:

2017-001 The Former Sheriff Had Weak Internal Controls Over Franchise Tax Collections

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The former Logan County Sheriff's controls over franchise collections did not catch the following errors:

- The aircraft/railroad multiplier was incorrectly used on a 2016 bill resulting in a \$1,001 underpayment by the taxpayer.
- A 2017 bill was paid twice by the taxpayer and was received twice by the sheriff resulting in an overpayment of \$1,815.
- A 2017 bill was paid twice by the taxpayer and was received twice by the former sheriff resulting in an overpayment of \$2,585.
- Five instances of an incorrect assessment being used that resulted in small overpayments or underpayments.

According to the former sheriff, these errors occurred because of a lack of oversight over franchise tax collections. The former sheriff did not realize it was his responsibility to ensure assessments were correct. By having a lack of oversight and poor internal controls over franchise tax collections, the former sheriff created the opportunity for undetected misappropriation of assets and inaccurate reporting. It is essential to have good internal controls over franchise taxes to reduce the risk of misappropriation and help to prevent inaccurate financial reporting.

We recommend the Logan County Sheriff's office strengthen internal controls over franchise tax collections. We further recommend the sheriff's office ensure that taxpayers are billed the correct amount.

*Former Sheriff's Response: Tax bills will be checked by office staff to check for accurate bills prepared by clerk.*