

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

**For The Year Ended
December 31, 2018**



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MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Harry Clark, Rowan County Judge/Executive
The Honorable Kim Davis, Former Rowan County Clerk
The Honorable Elwood Caudill, Jr., Rowan County Clerk
Members of the Rowan 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 Rowan County, Kentucky, for the year ended December 31, 2018, 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.



The Honorable Harry Clark, Rowan County Judge/Executive
The Honorable Kim Davis, Former Rowan County Clerk
The Honorable Elwood Caudill, Jr., Rowan County Clerk
Members of the Rowan 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 Rowan 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 the former Rowan County Clerk, as of December 31, 2018, 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 Rowan County Clerk for the year ended December 31, 2018, 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 August 7, 2019, on our consideration of the former Rowan 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 former Rowan County Clerk'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 comment:

2018-001 The Former County Clerk Did Not Turn Over Funds In Accordance With KRS 64.830

Respectfully submitted,



Mike Harmon
Auditor of Public Accounts

August 7, 2019

ROWAN COUNTY
KIM DAVIS, FORMER COUNTY CLERK
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2018

Receipts

State Grant	\$	36,068	
State Fees For Services		5,051	
Fiscal Court		34,193	
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	840,673	
Usage Tax		3,198,701	
Tangible Personal Property Tax		1,693,846	
Other-			
Fish and Game Licenses		4,426	
Marriage Licenses		8,201	
Miscellaneous Licenses		1,805	
Deed Transfer Tax		46,456	
Delinquent Tax		315,154	6,109,262
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		11,593	
Real Estate Mortgages		24,151	
Chattel Mortgages and Financing Statements		71,444	
Powers of Attorney		1,526	
Affordable Housing Trust		18,744	
All Other Recordings		14,533	
Charges for Other Services-			
Candidate Filing Fees		1,430	
Copywork		3,637	
Postage		1,726	148,784
Other:			
Refunds and Overpayments		31,281	
Miscellaneous		17,040	
Lien Release Fees		13,752	62,073
Interest Earned		2,751	
Total Receipts			6,398,182

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

ROWAN COUNTY
 KIM DAVIS, FORMER COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2018
 (Continued)

Disbursements

Payments to State:

Motor Vehicle-		
Licenses and Transfers	\$ 577,771	
Usage Tax	3,102,009	
Tangible Personal Property Tax	753,505	
Licenses, Taxes, and Fees-		
Fish and Game Licenses	4,278	
Delinquent Tax	30,853	
Legal Process Tax	21,643	
Affordable Housing Trust	18,744	\$ 4,508,803

Payments to Fiscal Court:

Tangible Personal Property Tax	102,576	
Delinquent Tax	17,838	
Deed Transfer Tax	44,133	
Miscellaneous	90	164,637

Payments to Other Districts:

Tangible Personal Property Tax	769,965	
Delinquent Tax	167,560	937,525

Payments to Sheriff 24,888

Payments to County Attorney 37,500

Operating Disbursements:

Personnel Services-	
Deputies' Salaries	304,204
Employee Benefits-	
Employer's Share Social Security	29,569
Contracted Services	49,270
Materials and Supplies-	
Office Supplies	25,968

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

ROWAN COUNTY
 KIM DAVIS, FORMER COUNTY CLERK
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2018
 (Continued)

Operating Disbursements: (Continued)

Other Charges-		
Conventions and Travel	\$ 4,551	
Dues	2,768	
Postage	5,574	
Bank Charges	659	
Refunds	46,601	
Insurance and Bonds	50	
Libraries and Archives Grant Expenditures	36,068	
Miscellaneous	<u>2,669</u>	\$ 507,951
Debt Service:		
Computer Lease Agreements	76,135	
Copier Lease Agreements	4,855	
Postage Meter Lease Agreement	<u>1,946</u>	<u>82,936</u>
Total Disbursements		<u>\$ 6,264,240</u>
Net Receipts		133,942
Less: Statutory Maximum		<u>93,086</u>
Excess Fees		40,856
Less: Expense Allowance	3,600	
Training Incentive Benefit	<u>4,137</u>	<u>7,737</u>
Excess Fees Due County for 2018		33,119
Payment to Fiscal Court - December 28, 2018		<u>32,913</u>
Balance Due Fiscal Court at Completion of Audit*		<u>\$ 206</u>

* The former county clerk presented a check to the fiscal court for excess fees on August 12, 2019.

ROWAN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2018

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 is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis 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 2018 services
- Reimbursements for 2018 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2018

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 clerk's office has 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.

ROWAN COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 31, 2018
 (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 be allocated as follows: five percent will go to the member's account and one percent will go to the KRS insurance fund.

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 covered employees contribute five percent of their annual creditable compensation. Nonhazardous members also contribute 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 KRS Board of Directors 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 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.

The county's contribution rate for nonhazardous employees was 19.18 percent for the first half of the year and 21.48 percent for the second half of the year.

Other Post-Employment Benefits (OPEB)

A. Health Insurance Coverage - Tier 1

CERS 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%

ROWAN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2018
(Continued)

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

Other Post-Employment Benefits (OPEB) (Continued)

A. Health Insurance Coverage - Tier 1 (Continued)

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.

Benefits are covered under KRS 161.714 with exception of COLA and retiree health benefits after July 2003.

B. Health Insurance Coverage - Tier 2 and Tier 3 - Nonhazardous

Once members reach a minimum vesting period of 15 years, 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 by 1.5 percent. This was established for Tier 2 members during the 2008 Special Legislative Session by House Bill 1. During the 2013 Legislative Session, Senate Bill 2 was enacted, creating Tier 3 benefits for members.

The monthly insurance benefit has been increased annually as a 1.5 percent cost of living adjustment (COLA) since July 2003 when the law changed. The annual increase is cumulative and continues to accrue after the member's retirement.

Tier 2 member benefits are covered by KRS 161.714 with exception of COLA and retiree health benefits after July 2003. Tier 3 members are not covered by the same provisions.

C. Cost of Living Adjustments - Tier 1

The 1996 General Assembly enacted an automatic cost of living adjustment (COLA) provision for all recipients of KRS benefits. During the 2008 Special Session, the General Assembly determined that each July beginning in 2009, retirees who have been receiving a retirement allowance for at least 12 months will receive an automatic COLA of 1.5 percent. The COLA is not a guaranteed benefit. If a retiree has been receiving a benefit for less than 12 months, and a COLA is provided, it will be prorated based on the number of months the recipient has been receiving a benefit.

D. Cost of Living Adjustments - Tier 2 and Tier 3

No COLA is given unless authorized by the legislature with specific criteria. To this point, no COLA has been authorized by the legislature for Tier 2 or Tier 3 members.

E. Death Benefit

If a retired member is receiving a monthly benefit based on at least 48 months of service credit, KRS will pay a \$5,000 death benefit payment to the beneficiary designated by the member specifically for this benefit. Members with multiple accounts are entitled to only one death benefit.

ROWAN COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2018
(Continued)

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

KRS Annual Financial Report and Proportionate Share Audit Report

KRS issues a publicly available annual financial report that includes financial statements and required supplementary information on CERS. 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.

KRS also issues proportionate share audit reports for both total pension liability and other post-employment benefits for CERS determined by actuarial valuation as well as each participating county's proportionate share. Both the Schedules of Employer Allocations and Pension Amounts by Employer and the Schedules of Employer Allocations and OPEB Amounts by Employer reports and the related actuarial tables are available online at <https://kyret.ky.gov>. The complete actuarial valuation report, including all actuarial assumptions and methods, is also available on the website or can be obtained as described in the paragraph above.

Note 3. Deposits

The Rowan 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 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, 2018, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Grant

The former Rowan County Clerk's office was awarded a local records microfilming grant from the Kentucky Department for Libraries and Archives on July 1, 2016, in the amount of \$43,830. The grant account balance was \$20,797 as of January 1, 2018. In July 2018, the grant agreement was amended and additional funding in the amount of \$19,018 was provided. The account earned \$15 in interest. Funds in the amount of \$36,068 were expended during the year, leaving a grant account balance of \$3,762 as of December 31, 2018.

Note 5. Lease Agreements

- A. The former Rowan County Clerk's office committed to a lease for computer software in May 2016 that requires 60 monthly payments of \$4,125. The balance of the agreement as of December 31, 2018, was \$124,410.
- B. The former Rowan County Clerk's office committed to a lease for computer hardware in May 2016 that requires 60 monthly payments of \$2,210. The balance of the agreement as of December 31, 2018, was \$66,300.

ROWAN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2018
(Continued)

Note 5. Lease Agreements (Continued)

- C. The former Rowan County Clerk's office entered into a lease for a copier in February 2018 that requires 60 monthly payments that increase slightly each year to offset inflation. For 2018, the lease required payments of \$140. Due to the annual increase in payment amount each year not being known in advance, the ending balance of the agreement as of December 31, 2018, cannot be determined.
- D. The former Rowan County Clerk's office entered into a lease for a copier in February 2018 that requires 60 monthly payments that increase slightly each year to offset inflation. For 2018, the lease required payments of \$250. Due to the annual increase in payment amount each year not being known in advance, the ending balance of the agreement as of December 31, 2018, cannot be determined.
- E. The former Rowan County Clerk's office entered into a lease for a postage meter in January 2015 that requires 60 monthly payments of \$162, billed quarterly. The balance of the agreement as of December 31, 2018, was \$1,946.

Note 6. Escrow Account

The former Rowan County Clerk's office maintains an escrow account for unclaimed balances. The account is comprised of \$163 of unclaimed refunds from the 2014 fee account, \$3,867 from an unclaimed delinquent tax bill payment to a third party purchaser during 2016, and \$113 of unclaimed funds from the 2015 fee account, \$144 of funds on behalf of the previous administration, \$111 of unclaimed funds from the 2016 fee account, and \$12 of unclaimed funds from the 2017 fee account, making the balance \$4,410 as of December 31, 2018. KRS 393.090 states that after three years, if the funds are unclaimed, they are presumed abandoned. Abandoned funds are required to be sent to the Kentucky State Treasurer in accordance with KRS 393.110.

Note 7. Contingencies

The former Rowan County Clerk's office is involved in multiple lawsuits that arose from the normal course of doing business. While individually they may not be significant, in the aggregate they could negatively impact the former Rowan County Clerk's financial position. Due to the uncertainty of the litigation, a reasonable estimate of the financial impact on the former Rowan County Clerk's office cannot be made at this time.

Note 8. Subsequent Event

The former county clerk retired on December 31, 2018, and a new county clerk was appointed by the county judge/executive on January 1, 2019.

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 Harry Clark, Rowan County Judge/Executive
The Honorable Kim Davis, Former Rowan County Clerk
The Honorable Elwood Caudill, Jr., Rowan County Clerk
Members of the Rowan 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 Rowan County Clerk for the year ended December 31, 2018, and the related notes to the financial statement and have issued our report thereon dated August 7, 2019. The former Rowan 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 Rowan 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 Rowan County Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Rowan County Clerk's internal control.

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. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we considered to be material weaknesses. However, material weaknesses may exist that have not been identified. We identified a certain deficiency in internal control, which is described in the accompanying Schedule of Findings and Responses as item 2018-001 that we consider to be a significant deficiency.



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

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

August 7, 2019

SCHEDULE OF FINDINGS AND RESPONSES

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ROWAN COUNTY
KIM DAVIS, FORMER COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES

For The Year Ended December 31, 2018

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

2018-001 The Former County Clerk Did Not Turn Over Funds In Accordance With KRS 64.830

Upon vacating office, the former county clerk did not turn the escrow account or the libraries and archives bank account over to the new county clerk. The libraries and archives grant account and escrow account are funds of the county clerk's office and were not remitted to the incoming county clerk as required by KRS 64.830.

The libraries and archives account balance of \$3,762 is comprised of a final amount due to the microfilming company of \$3,730, as well as a small amount of interest of \$32 earned over the course of the grant. The portion of interest can be paid to the fee account or the fiscal court. As for the remaining amount due to the microfilming company, the former county clerk wrote a check to the microfilming company and left it in a sealed envelope in the grant folder. However, the check cannot be sent to the microfilming company until the clerk's office receives an invoice. At this time, there is no set date when the final invoice will be sent out to finish the microfilming grant. The invoice will be sent to the Rowan County Clerk's office and the new clerk will not have access to the funds.

The former county clerk has an escrow bank account which contains amounts held in escrow until the three-year period ends and at that time they are eligible to be remitted to the Kentucky State Treasurer. As of the audit date, the escrow bank account has an account balance of \$4,410, and it is all eligible to be remitted to the Kentucky State Treasurer.

According to the former county clerk, she intended to retain custody of the two bank accounts until a check cleared in the libraries and archives account and she remitted amounts due to the Kentucky State Treasurer from the escrow account. Once the accounts were settled, she planned on closing the accounts.

The former county clerk did not have procedures in place to ensure she was remitting amounts to the Kentucky State Treasurer timely. As a result, the former clerk is not in compliance with KRS 64.830, KRS 393.090, and KRS 393.110. KRS 64.830 states:

- (1) An outgoing official, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as county official[.]
- (2) Each outgoing county official shall make a final settlement with the fiscal court of his county by March 15 immediately following the expiration of his term of office for all money received by him as county official and...immediately thereafter he shall deliver these records to the incumbent county official
- (3) The outgoing county official and his bondsmen or sureties shall be relieved...of his accounts of all responsibility for collecting and accounting for the amounts covered by the receipt and the incoming county official shall be charged with full responsibility for collecting and accounting for these amounts as otherwise provided by law for the collection and accounting of taxes.

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

We recommend the former county clerk turn these accounts over to the new clerk pursuant to KRS 64.830.

Former County Clerk's Response: The 2 open and active accounts remaining were not turned over due to activity expected in them. I had planned on waiting until after audit to make sure that everything checked out, and then I was going to turn them over to present clerk. I was unaware that there was a time frame to turn over

ROWAN COUNTY
KIM DAVIS, FORMER COUNTY CLERK
SCHEDULE OF FINDINGS AND RESPONSES
December 31, 2018
(Continued)

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY: (Continued)

2018-001 The Former County Clerk Did Not Turn Over Funds In Accordance With KRS 64.830 (Continued)

Former County Clerk's Response: (Continued)

all monies, since those two accounts were not funded thru the office as "general funds," and all other accts had closed.

It is my intention to turn over these accounts to the present clerk upon exit conference. All materials and information needed to turn over the escrow acct. is housed in the current clerk's information, as that was left for him. I was neither instructed and told what an exiting clerk must do (Clerk's association or the office of Public Auditor).