



BLAIR COUNTY

COMPLIANCE AUDIT REPORT

FOR THE PERIOD

JANUARY 1, 2010 TO DECEMBER 31, 2012

RELEASED MARCH 2014

COMMONWEALTH OF PENNSYLVANIA

EUGENE A. DEPASQUALE - AUDITOR GENERAL

DEPARTMENT OF THE AUDITOR GENERAL





Commonwealth of Pennsylvania Department of the Auditor General Harrisburg, PA 17120-0018 Facebook: Pennsylvania Auditor General Twitter: @PAAuditorGen

EUGENE A. DEPASQUALE AUDITOR GENERAL

Mr. Darrel K. Bean, President PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION Blair County

We have conducted a compliance audit of the Phoenix Volunteer Firefighters' Relief Association pursuant to authority derived from Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code, Act of April 9, 1929, (P.L. 343, No. 176), and mandated by the Volunteer Firefighters' Relief Association Act, as consolidated by the Act of November 23, 2010 (P.L. 1181, No. 118), at 35 Pa.C.S. § 7411 *et seq.*, for the period January 1, 2010 to December 31, 2012.

We conducted this compliance audit in accordance with *Government Auditing Standards* applicable to performance audits, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our audit results and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our audit results and conclusions based on our audit results and conclusions based on our audit results and conclusions based on our audit objectives.

The objectives of the audit were:

- 1. To determine if the volunteer firefighters' relief association took appropriate corrective action to address the findings contained in our prior audit report; and
- 2. To determine if the volunteer firefighters' relief association received and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures.

Our audit was limited to the areas related to the objectives identified above.

Volunteer firefighters' relief association officers are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the Phoenix Volunteer Firefighters' Relief Association's administration of state aid and accumulated relief funds

complies with applicable state laws, contracts, bylaws and administrative procedures including the safeguarding of assets. In conducting our audit, we obtained an understanding of the volunteer firefighters' relief association's internal controls as they relate to the association's compliance with those requirements and that we considered to be significant within the context of the audit objectives, and assessed whether those significant controls were properly designed and implemented. Our audit procedures also included tests of documentary evidence supporting the Phoenix Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Phoenix Volunteer Firefighters' Relief Association's cash, investments, and certain other assets and liabilities as of December 31, 2012, with the custodians of the funds, debtors, creditors, and financial institutions to the extent necessary to satisfy the audit objectives. Additionally, we performed procedures to provide a reasonable assurance of detecting instances of violations of legal and regulatory requirements or violations of provisions of contracts that are significant within the context of the audit objectives.

The results of our audit, for the period January 1, 2010 to December 31, 2012, found the Phoenix Volunteer Firefighters' Relief Association did not take appropriate corrective action to address the three findings contained in our prior audit report, as detailed below and discussed in the Status of Prior Findings section of this report. In addition, the results of our audit found the Phoenix Volunteer Firefighters' Relief Association did not, in all significant respects, receive state aid and expend state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures, as noted in the findings listed below and discussed in detail in the Findings and Recommendations section of this report; therefore, the Phoenix Volunteer Relief Association will be subject to the potential withhold of its upcoming state aid distribution, as discussed in the Phoenix Volunteer Firefighters' Relief Association will be subject to the potential withhold of this report. The results of our tests also indicated the Phoenix Volunteer Firefighters' Relief Association expended funds as presented in the Accompanying Expenditure Information and, as of December 31, 2012, had a cash balance of \$9,996 and an investment balance with fair value of \$80,371.

Finding No. 1 – Noncompliance with Prior Audit Recommendation –
Unauthorized Expenditures

- Finding No. 2 Noncompliance with Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster
- Finding No. 3 Noncompliance with Prior Audit Recommendation Inadequate Financial Record-Keeping System
- Finding No. 4 Undocumented Expenditure

Finding No. 5 – Failure to Maintain Surety (Fidelity) Bond Coverage

Furthermore, a scope limitation on our audit exists, as detailed in the Observation section of this report.

The contents of this report were discussed with the management of the Phoenix Volunteer Firefighters' Relief Association and, where appropriate, their responses have been included in the report.

Eugent: O-Pager

July 24, 2013

EUGENE A. DEPASQUALE Auditor General

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BACKGROUND

Pursuant to Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code, Act of April 9, 1929, (P.L. 343, No. 176), and the Volunteer Firefighters' Relief Association Act, as consolidated by the Act of November 23, 2010, (P.L. 1181, No. 118), at 35 Pa.C.S. § 7411 *et seq.*, the Department of the Auditor General's duty is to audit the accounts and records of every volunteer firefighters' relief association to determine that funds received under the Foreign Fire Insurance Tax Distribution Law, Act of December 18, 1984, (P.L. 1005, No. 205), as amended, 53 P.S. § 895.701 *et seq.* (commonly referred to as Act 205), are properly expended.

The Phoenix Firemen's Relief Association, herein referred to as Phoenix Volunteer Firefighters' Relief Association, is a charitable organization that was formed primarily to afford financial protection to volunteer firefighters and to encourage individuals to participate in volunteer fire service.

Act 118 governs the overall operation of the volunteer firefighters' relief association. The relief association's bylaws define the specific operational procedures by which the volunteer firefighters' relief association conducts business. To fulfill its primary purpose, Act 118 authorizes specific types of expenditures and prescribes appropriate volunteer firefighters' relief association investment options. Within the parameters established by Act 118, it is the responsibility of the volunteer firefighters' relief association to choose investments in a proper and prudent manner.

Volunteer firefighters' relief associations receive public tax monies, and the association officers therefore have a responsibility to the public to conduct the association's financial affairs in a businesslike manner and to maintain sufficient financial records to support the propriety of all association transactions. Volunteer firefighters' relief association officers are also responsible for ensuring that the association operates in accordance with applicable state laws, contracts, bylaws and administrative procedures.

Act 205 sets forth the computation of the Foreign Fire Insurance Tax Distribution paid to each applicable municipality throughout the Commonwealth of Pennsylvania. The amount of the distribution is based upon the population of each municipality and the market value of real estate within the municipality. Upon receipt of this distribution, the municipality must allocate the funds to the volunteer firefighters' relief association of the fire service organization or fire service organizations, which is or are recognized as providing the service to the municipality.

The Phoenix Volunteer Firefighters' Relief Association was allocated state aid from the following municipalities:

Municipality	County	2010	2011	2012	
Blair Township	Blair	\$ 8,316	\$12,402	\$ 7,065	
Hollidaysburg Borough	Blair	\$33,157	\$52,367	\$29,712	

BACKGROUND (Continued)

The volunteer firefighters' relief association and the affiliated fire service organization are separate, legal entities. The Phoenix Volunteer Firefighters' Relief Association is affiliated with the following fire service organization:

Phoenix Volunteer Fire Company

PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The Phoenix Volunteer Firefighters' Relief Association has not complied with the following prior audit findings. These findings are noted below and discussed in detail in the Findings and Recommendations section of this report:

• Noncompliance With Prior Audit Recommendation – Unauthorized Expenditures

Even though the relief association was reimbursed \$750, (\$250 on November 18, 2009 and \$500 on September 21, 2012), for unauthorized expenditures identified during our prior audit, the relief association made additional unauthorized expenditures during the current audit period totaling \$3,450, as discussed in Finding No. 1 in the Findings and Recommendations section of this report.

- Noncompliance With Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster
- Noncompliance With Prior Audit Recommendation Inadequate Financial Record-Keeping System

We are concerned with the volunteer firefighters' relief association's failure to correct the previously reported audit findings. The association management should strive to implement the recommendations and corrective actions noted in this audit report.

<u>Finding No. 1 – Noncompliance With Prior Audit Recommendation –</u> <u>Unauthorized Expenditures</u>

<u>Condition</u>: Despite being cited in our prior two audit reports, relief association officials, continue to make unauthorized expenditures. During the current audit period, relief association officials expended funds for the following items that are not authorized by Act 118:

Date	Check No.	Description		mount
06/28/10	5099	Fire company Surety (Fidelity) bond	\$	250
04/03/12	5257	Repair of heating system on fire company		2,950
12/06/12	5296	owned property Fire company Surety (Fidelity) bond		250
		Total	\$	3,450

<u>Criteria</u>: Act 118 at 35 Pa.C.S. § 7416(f)(1) states:

The funds of any volunteer firefighters' relief association may be spent:

(1) To pay for such normal and reasonable running expenses as may be appropriate to the businesslike conduct of the affairs of the association, including legal fees, rental or purchase of offices, payment of reasonable compensation of employees and purchase of office equipment and supplies.

Costs associated with repairs of the affiliated fire company's owned property, and the purchase of the affiliated fire company's Surety (Fidelity) bond, do not qualify as authorized volunteer firefighters' relief association expenditures; consequently, these disbursements are not authorized under Act 118.

<u>Cause</u>: Even though notified during our two prior audits that the purchase of a Surety (Fidelity) bond for the affiliated fire company, was not authorized by Act 118, the relief association lacked adequate procedures to discontinue theses unauthorized bond premiums. Conversely, relief association officials were not aware that costs incurred to repair the heating system of an affiliated fire company were not authorized by Act 118.

<u>Effect</u>: As a result of these improper expenditures, relief association funds were not available for investment purposes, or to pay for expenditures authorized by Act 118. Furthermore, as a result of these unauthorized expenditures, the relief association will be subject to a total withholding of its state aid, unless appropriate corrective action is taken, as detailed on page 13 of this report.

Finding No. 1 – (Continued)

<u>Recommendation</u>: We recommend that the relief association be reimbursed \$3,450 for the unauthorized expenditures made during the current audit period and that relief association officials become familiar with Act 118 particularly 35 Pa.C.S. § 7416(f) to aid them in determining the propriety of future expenditures. For further guidance, please also refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Finding No. 2 – Noncompliance With Prior Audit Recommendation –</u> <u>Failure to Maintain a Complete and Accurate Equipment Roster</u>

<u>Condition</u>: As cited in our prior two audit reports, relief association officials again failed to maintain a complete and accurate roster of equipment owned by the relief association. During the current audit period, the relief association officials only provided a listing detailing equipment purchases made during the current audit period. In addition, there was no indication that a physical inventory of equipment was conducted on an annual basis, nor whether such inventory accounted for all of the relief association's equipment.

<u>Criteria</u>: Prudent business practice dictates the relief association should establish adequate internal control procedures to ensure the maintenance of a cumulative equipment roster of all items purchased by the relief association in order to provide an effective accounting control over the relief association's equipment. A cumulative equipment roster of all relief association equipment should include the following:

- Types of equipment purchased;
- Dates of purchase;
- Unit costs;
- Names of suppliers;
- Serial numbers, if applicable;
- Current locations of items;
- Final dispositions of sold or damaged equipment; and
- Evidence of the performance and results of an annual physical inventory.

<u>Cause</u>: Even though notified of this condition during our two prior audits, relief association officials neglected to establish adequate internal control procedures over equipment requiring the maintenance of a cumulative equipment roster and the performance of an annual physical inventory of equipment.

<u>Effect</u>: The failure to properly record equipment purchases in a detailed equipment roster prevents officials from effectively monitoring the relief association's equipment purchases. In addition, the failure to maintain a detailed equipment roster and perform an annual physical inventory of equipment prevents adequate accountability for, and safeguarding of, relief association equipment.

Furthermore, the relief association's continuous failure to maintain a complete and accurate equipment roster and to ensure that annual physical inventories of relief association owned equipment are conducted, and the results properly documented, the relief association will be subject to a total withholding of its state aid, unless appropriate corrective action is taken, as detailed on page 13 of this report.

Finding No. 2 – (Continued)

<u>Recommendation</u>: We recommend the relief association officials maintain a cumulative equipment roster of all relief association owned equipment. Furthermore, the relief association should ensure that it performs an annual physical inventory of all operable equipment and that the completion of the inventory be sufficiently documented. For further guidance, please also refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Finding No. 3 – Noncompliance With Prior Audit Recommendation –</u> <u>Inadequate Financial Record-Keeping System</u>

<u>Condition</u>: As cited in our prior two audit reports, the relief association's financial record keeping system continued to fail to provide effective control over cash receipts, disbursements, and monetary assets, and does not meet the minimum requirements of maintaining financial records established by this department. The following are the noted deficiencies:

- The check register used to record the relief association's receipts and disbursements did not include expenditure classifications and a running balance; and
- Documentation to support various expenditures was not available for examination at the time of the audit.

Criteria: Act 118 at 35 Pa.C.S. § 7415(a) states:

A volunteer firefighters' relief association may be a body corporate, governed by a charter and bylaws or an unincorporated association of individuals governed by bylaws and a constitution. In either case, it must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

In addition, an adequate system of accounting and record keeping is a prerequisite for sound administration of relief association assets.

<u>Cause</u>: Even though notified of this condition during our two prior audits, the relief association officials, again, neglected their various record-keeping responsibilities.

<u>Effect</u>: The failure of relief association officials to maintain adequate records prohibits the membership from effectively monitoring the relief association's financial operations.

<u>Recommendation</u>: We recommend that the relief association establish and maintain a financial record-keeping system that meets the minimum record-keeping requirements of this department. For further guidance, please also refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Finding No. 4 – Undocumented Expenditure

<u>Condition</u>: The relief association was unable to provide adequate supporting documentation for an October 22, 2012, \$5,000 expenditure made to the affiliated fire company.

Criteria: Act 118 at 35 Pa.C.S. § 7418(a) states:

The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the Act of December 18, 1984 (P.L. 1005, No. 205), [FN1] known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

Without adequate supporting documentation-such as proper invoices, this department is unable to determine whether relief association funds were expended for purposes authorized by Act 118. Furthermore, prudent business practice dictates that supporting documentation be maintained to verify the propriety of all financial transactions.

<u>Cause</u>: Relief association officials failed to establish adequate internal control procedures to ensure supporting documentation is maintained for all expenditures. The relief association stated the \$5,000 was intended to be transferred to the relief association's savings account that was inadvertently transferred to the affiliated fire company's account.

<u>Effect</u>: Lack of supporting documentation, such as an invoice and detailed minutes of relief association meetings or bank statements, made it impossible to determine if the expenditure was made in accordance with Act 118 at 35 Pa.C.S. § 7416(f). In addition, the failure to maintain adequate supporting documentation for relief association expenditures can lead to an increased risk of errors occurring and funds being misappropriated. Furthermore, as a result of this undocumented expenditure, the relief association will be subject to a total withholding of its state aid, unless appropriate corrective action is taken, as detailed on page 13 of this report.

<u>Recommendation</u>: We recommend the relief association provide this department with adequate supporting documentation, such as an invoice or bank transfer and/or deposit records, to determine the validity of the expenditure or that the relief association be reimbursed \$5,000 for the undocumented expenditure. We further recommend that relief association officials maintain supporting documentation for all future expenditures. For further guidance, please also refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Finding No. 4 – (Continued)

Finding No. 5 – Failure to Maintain Surety (Fidelity) Bond Coverage

<u>Condition</u>: The relief association failed to maintain Surety (Fidelity) bond coverage on its authorized disbursing officer, as required by Act 118. Even though the relief association maintained bond coverage during the current audit period, subsequent to the current audit period, the relief association's Surety (Fidelity) bond coverage lapsed from February 1, 2013 through May 29, 2013, our audit fieldwork completion date.

Criteria: Act 118 at 35 Pa.C.S. § 7415(c)(4) states, in part, that:

. . . the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time during the fiscal year, and the premium on the bond shall be a proper charge against the funds of the association.

<u>Cause</u>: Relief association officials said the Surety (Fidelity) bond bill was misplaced and not paid. This resulted in the insurance provider canceling the policy.

<u>Effect</u>: As a result of the authorized disbursing officer of the relief association not being bonded, the relief association's cash assets were not adequately safeguarded. Furthermore, as a result of the relief association's failure to maintain Surety (Fidelity) bond coverage, the relief association will be subject to a total withholding of its state aid, unless appropriate corrective action is taken, as detailed on page 13 of this report.

<u>Recommendation</u>: We recommend that the relief association officials obtain and continue to maintain-Surety (Fidelity) bond coverage on the relief association's authorized disbursing officer in an amount greater than the relief association's maximum cash balance, as required by Act 118. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OBSERVATION

Observation – Scope Limitation

The Phoenix Volunteer Firefighters' Relief Association (VFRA) does not maintain canceled or imaged checks. Without copies of canceled or imaged checks, we could not determine whether two VFRA officers authorized and signed VFRA checks. While the VFRA provided bank statements, the VFRA failed to provide copies of canceled or imaged checks.

Act 118 at 35 Pa.C.S. § 7415(c)(3) requires that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

Act 118 at 35 Pa.C.S. § 7418(a) provides that the Department of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association . . . as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

Generally Accepted Government Auditing Standards (GAGAS) Section No. 6.56 states that "auditors must obtain sufficient appropriate evidence to provide a reasonable basis for their findings and conclusions." GAGAS Section No. 6.61(f) states: "evidence obtained from a knowledgeable, credible, and unbiased third party is generally more reliable than evidence from management of the audited entity or others who have a direct interest in the audited entity."

Our inability to review canceled checks or imaged checks constitutes a scope limitation on our audit.

PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION POTENTIAL WITHHOLD OF STATE AID

Conditions of the repeat findings, such as those reported in Finding Nos. 1 and 2, will lead to a total withholding of state aid unless these findings are corrected. Furthermore, conditions such as those reported in Finding Nos. 4 and 5 will also lead to a total withholding of state aid unless these findings are corrected. However, such action will not be considered if sufficient documentation is provided within 60 days to verify compliance with this department's recommendations. Such documentation should be submitted by the volunteer firefighters' relief association to: Department of the Auditor General, Bureau of Firefighters' Relief Association Audits, Room 316-D Finance Building, Harrisburg, PA 17120.

PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ACCOMPANYING EXPENDITURE INFORMATION FOR THE PERIOD JANUARY 1, 2010 TO DECEMBER 31, 2012

Act 118 at 35 Pa.C.S. § 7412 states: a volunteer firefighters' relief association is an organization formed primarily for the purpose of affording financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more fire companies and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.

Act 118 at 35 Pa.C.S. § 7416 authorizes the investment of relief association funds and outlines the types of benefits and services that can be provided with volunteer firefighters' relief association funds.

Furthermore, all expenditures must be properly authorized as prescribed in the volunteer firefighters' relief association bylaws and approved at an association meeting.

USES OF FUNDS:

Benefit Services:		
Insurance premiums	\$	61,557
Transfer to VFD for erroneous deposit	\$	25,902
Total Benefit Services	\$	87,459
Fire Services:		
Equipment purchased	\$	87,583
Equipment maintenance		37,526
Training expenses		14,485
Fire prevention materials		925
Total Fire Services	\$	140,519
Administrative Services:		
Officer compensation	\$	1,800
Other administrative expenses	Ψ	606
Total Administrative Services	\$	2,406
Other Expenditures:		
Undocumented expenditure	\$	5,000
Total Other Expenditures	\$	5,000

PHOENIX VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett Governor Commonwealth of Pennsylvania

Phoenix Volunteer Firefighters' Relief Association Governing Body:

Mr. Darrel K. Bean, President

Mr. Mark Slonaker, Vice President

Mr. David Zeek, Secretary

Mr. Anthony DiBona, Treasurer

The following municipalities allocated foreign fire insurance tax monies to this relief association and received a copy of this report.

Ms. Betty Robertson, Secretary Blair Township Ms. Patricia J. Duron, Secretary Hollidaysburg Borough

This report is a matter of public record and is available online at <u>www.auditorgen.state.pa.us.</u> Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 231 Finance Building, Harrisburg, PA 17120; via email to: <u>news@auditorgen.state.pa.us</u>.