

THE VOLUNTEER FIREMEN'S RELIEF ASSOCIATION OF ELLWOOD CITY, PA

LAWRENCE 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

Robert Blaine, President ELLWOOD CITY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION Lawrence County

We have conducted a compliance audit of the Ellwood City 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 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 state aid 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 Ellwood City 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 Ellwood City Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Ellwood City 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 Ellwood City 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 Ellwood City Volunteer Firefighters' Relief Association, in all significant respects, received state aid and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures, except as noted in the findings listed below and discussed in detail in the Finding and Recommendations section of this report. The results of our tests also indicated the Ellwood City Volunteer Firefighters' Relief Association expended funds as presented in the Accompanying Expenditure Information and, as of December 31, 2012, had a cash balance of \$119,402 and an investment balance with a fair value of \$40,858.

- Finding No. 1 Noncompliance with Prior Audit Finding and Recommendation Failure to Obtain a Federal Tax Identification Number
- Finding No. 2 Noncompliance with Prior Audit Finding and Recommendation Inadequate Relief Association Bylaws
- Finding No. 3 Noncompliance with Prior Audit Finding and Recommendation Failure to Maintain a Complete and Accurate Equipment Roster
- Finding No. 4 Undocumented Expenditures
- Finding No. 5 Unauthorized Expenditures

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 Ellwood City Volunteer Firefighters' Relief Association and, where appropriate, their responses have been included in the report.

August 30, 2013

EUGENE A. DEPASQUALE

Eugent O-Pager

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 Volunteer Firemen's Relief Association of Ellwood City, PA, herein referred to as Ellwood City 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 Ellwood City Volunteer Firefighters' Relief Association was allocated state aid from the following municipality:

Municipality	County	2010	2011	2012	
Ellwood City Borough	Lawrence	\$55,253	\$66,330	\$37,565	

BACKGROUND (Continued)

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

Ellwood City Volunteer Fire Department

ELLWOOD CITY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The Ellwood City 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 Failure to Obtain a Federal Tax Identification Number
- Noncompliance With Prior Audit Recommendation Inadequate Relief Association Bylaws
- Noncompliance With Prior Audit Recommendation –
 Failure to Maintain a Complete and Accurate Equipment Roster

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> Failure to Obtain a Federal Tax Identification Number

<u>Condition</u>: As cited in our four prior audit reports, the volunteer firefighters' relief association failed to comply with the Tax Equity and Fiscal Responsibility Act by not obtaining a federal tax identification number. The relief association is inappropriately using the fire service organization's federal tax identification number, although the fire service organization and the relief association are separate legal entities.

<u>Criteria</u>: All businesses, both profit and nonprofit, are required to obtain a federal tax identification number and provide this number to any financial institution where funds are earning interest. If their tax identification number is not provided, the financial institution is required to withhold 31 percent of interest earned and transmit these funds to the Internal Revenue Service, representing federal income taxes.

<u>Cause</u>: Even though notified of this condition during our prior four audits, the relief association again, neglected to take the appropriate steps to obtain its own federal tax identification number.

<u>Effect</u>: Failure to comply with the Tax Equity and Fiscal Responsibility Act could cause the relief association to be penalized by the Internal Revenue Service, resulting in the loss of funds otherwise available for general operating expenditures or for investment purposes.

Recommendation: We, again, recommend the relief association immediately apply for its own federal tax identification number through the Internal Revenue Service and furnish this number to its financial institutions. The relief association should also consider applying to the Internal Revenue Service for tax exempt status as a nonprofit corporation under Internal Revenue Code 501(c). For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation

<u>Finding No. 2 – Noncompliance With Prior Audit Recommendation – Inadequate Relief Association Bylaws</u>

Condition: As cited in our prior two audit reports, the existing bylaws of the Ellwood City Volunteer Firefighters' Relief Association do not contain all of the provisions required by Act 118 at 35 Pa.C.S. § 7415(c). Specifically, the bylaws do not address the requirement that one of the required signatures shall be that of the disbursing office in order to bind the relief association by formal contract or issue any negotiable instruments.

<u>Criteria</u>: Act 118 at 35 Pa.C.S. § 7415(c)(3) states, that the relief association's bylaws shall:

(3) Require 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.

<u>Cause</u>: Even though notified of this condition during our prior two audits, relief association officials, again, neglected to amend the relief association's bylaws to meet the mandatory bylaw provisions established by Act 118.

<u>Effect</u>: As a result of the mandatory provisions not being included in the bylaws, the relief association may have conducted its affairs without proper authorization.

<u>Recommendation</u>: We, again, recommend that relief association officials review and update the bylaws governing their organization so that the bylaws meet the requirements set forth in Act 118 and properly authorize the operating procedures of the relief association. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation.

<u>Finding No. 3 – Noncompliance With Prior Audit Recommendation – Failure to Maintain a Complete and Accurate Equipment Roster</u>

Condition: As cited in our prior audit report, relief association officials failed to maintain a complete and accurate roster of equipment owned by the relief association. Although a roster was maintained for 2008 during the prior audit period, and for 2011 and 2012 during the current audit period, a roster was not maintained for all items purchased in 2009 or 2010. The relief association's equipment purchases totaled \$17,647 in 2009 and \$12,801 in 2010. While documentation was provided that physical inventories of equipment were conducted during 2011 and 2012, these inventories were not cumulative as neither roster included equipment purchased during 2009 and 2010. Furthermore, there was no indication that physical inventories of equipment were conducted during 2009 and 2010 to account for all the relief association's equipment.

<u>Criteria</u>: Sound 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 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 prior two audits, relief association officials, again, neglected to ensure that equipment purchased during the 2009 and 2010 years was properly accounted for.

<u>Effect</u>: The failure to properly record all 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 all equipment purchases prevents adequate accountability for, and safeguarding of, relief association equipment.

Finding No. 3 – (Continued)

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

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation.

Finding No. 4 – Undocumented Expenditures

<u>Condition</u>: The relief association was unable to provide adequate supporting documentation for the following expenditures:

Date	Check No.	Description	Amount
1/05/10	1362	Administrative Expenditure	\$ 44
1/13/10	1366	Training Expenditure	60
1/15/10	1367	Maintenance Expenditure	43
2/02/10	1371	Training Expenditure	108
2/02/10	1374	Maintenance Expenditure	25
2/02/10	1375	Training Expenditure	82
2/15/10	1376	Maintenance Expenditure	40
3/02/10	1380	Training Expenditure	55
3/02/10	1381	Training Expenditure	120
3/05/10	1383	Training Expenditure	120
3/18/10	1384	Maintenance Expenditure	40
5/04/10	1394	Maintenance Expenditure	59
5/04/10	1395	Training Expenditure	165
5/04/10	1396	Maintenance Expenditure	100
6/01/10	1397	Maintenance Expenditure	43
6/01/10	1399	Token of Sympathy & Goodwill	25
6/01/10	1402	Training Expenditure	80
6/01/10	1404	Training Expenditure	175
6/14/10	1406	Maintenance Expenditure	43
7/06/10	1410	Equipment Purchase	45
7/06/10	1411	Administrative Expenditure	12
8/03/10	1415	Maintenance Expenditure	570
8/13/10	1417	Maintenance Expenditure	86
9/07/10	1418	Training Expenditure	72
9/07/10	1421	Maintenance Expenditure	83
9/07/10	1422	Token of Sympathy & Goodwill	100
10/05/10	1424	Maintenance Expenditure	37
10/05/10	1427	Token of Sympathy & Goodwill	20
11/02/10	1429	Administrative Expenditure	44
11/02/10	1432	Maintenance Expenditure	211
11/02/10	1434	Training Expenditure	191
12/07/10	1439	Training Expenditure	500
2/22/11	1457	Relief Benefit	90
3/01/11	1458	Token of Sympathy & Goodwill	50
5/12/11	1481	Maintenance Expenditure	40

Finding No. 4 – (Continued)

6/11/11	1487	Token of Sympathy & Goodwill	25
7/15/11	1490	Maintenance Expenditure	90
8/12/11	1495	Administrative Expenditure	44
8/12/11	1496	Maintenance Expenditure	90
12/13/11	1518	Token of Sympathy & Goodwill	25
4/07/12	1541	Maintenance Expenditure	40
4/07/12	1542	Administrative Expenditure	45
7/05/12	1564	Maintenance Expenditure	90
		•	

Total \$ 4,027

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 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 evidence 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.

<u>Effect</u>: Lack of supporting documentation, such as invoices, made it impossible to determine if the expenditures were 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.

However, as a result of our audit and subsequent to the period under review on May 8, 2013 the relief association received reimbursement totaling \$2,174 towards the total balance of undocumented expenditures. Then on May 15, 2013 and May 17, 2013 the relief association provided documentation evidencing \$1,612 of the total undocumented expenditures balance. Finally, on June 6, 2013 the relief association was reimbursed \$241 from the affiliated fire company for the remaining balance of undocumented expenditures.

Finding No. 4 – (Continued)

<u>Recommendation</u>: We recommend the relief association officials maintain supporting documentation for all future expenditures. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and indicated they will take action to comply with the recommendation.

<u>Finding No. 5 – Unauthorized Expenditures</u>

<u>Condition</u>: The relief association expended funds for the following items that are not authorized by Act 118:

Date	Check No.	Description	An	nount
2-02-10 6-15-12	1373 1555	Banquet Fees Fire Company Surety (Fidelity) Bond	\$	66 433
		Total	\$	499

Criteria: Act 118 at 35 Pa.C.S. § 7416(f)(1,4,11,12) 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.
- (4) To pay in full or in part for damage or loss in any of the categories mentioned in paragraph (2) above in a specific case where; (i) no policy of insurance is in force covering the risk; or (ii) the amount payable under insurance policies in force is inadequate to cover the loss.
- (11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service.
- (12) To secure insurance against the legal liability of volunteer firefighters for loss and expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

Costs associated with the payment of members' attendance at a banquet 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.

Finding No. 5 – (Continued)

<u>Cause</u>: Relief association officials were unaware that the aforementioned expenditures 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.

Recommendation: We recommend the relief association be reimbursed \$499 for the unauthorized expenditures and that relief association officials become familiar with Act 118 at 35 Pa.C.S. § 7416(f) to aid them in determining the propriety of future expenditures. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Management's Response</u>: Relief association management agreed with the finding, as presented by telephone on June 24, 2013, and indicated they will take action to comply with the recommendation.

ELLWOOD CITY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OBSERVATION

<u>Observation – Scope Limitation</u>

The Ellwood City Volunteer Firefighters' Relief Association (VFRA) investment balance reported at \$40,858, as of December 31, 2012, could not be confirmed. Requests for independent confirmations of the investment balance were made on April 24, 2013 and June 24, 2013 to the financial institution from which the VFRA purchased the investment. While the VFRA provided a December 31, 2012 financial institution statement, the financial institution failed to provide an independent confirmation of the investment balance.

Act 118 at 35 Pa.C.S. § 7418(a) states, in part, that 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 . . . 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. 7.55 states, "Auditors must obtain sufficient appropriate evidence to provide a reasonable basis for their findings and conclusions." GAGAS Section No. 7.60(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."

Statement of Auditing Standards (SAS) No. 106 requires auditors to request independent confirmations of investment balances directly from the financial institution from which the VFRA purchased the investment.

Our inability to confirm the relief association's investment balance constitutes a scope limitation on our audit.

ELLWOOD CITY 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	\$	68,481
Death benefits		2,500
Tokens of sympathy and goodwill		75
Total Benefit Services	\$	71,056
Fire Services:		
1110 801 11008	ф	22 041
Equipment purchased	\$	22,841
Equipment maintenance		7,622
Training expenses		4,269
Total Fire Services	\$	34,732
Administrative Services:		
	Ф	2.700
Officer compensation	\$	3,700
Other administrative expenses		1,611
Total Administrative Services	\$	5,311
Other Expenditures:		
Refund of erroneous deposit	\$	17,000
Undocumented Expenditures		4,027
Total Other Expenditures	\$	21,027

ELLWOOD CITY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett Governor Commonwealth of Pennsylvania

Ellwood City Volunteer Firefighters' Relief Association Governing Body:

Robert Blaine, President

Edward Spurk Jr., Vice President

Jeffery Magnifico, Secretary

Josh Coulter, Treasurer

A report was also distributed to the following municipality, which allocated foreign fire insurance tax monies to this relief association.

Linda List, Secretary Ellwood City Borough

This report is a matter of public record and is available online at www.auditorgen.state.pa.us. 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: news@auditorgen.state.pa.us.