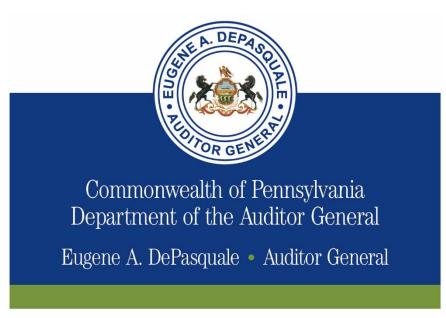
### **COMPLIANCE AUDIT**

# The North Bangor Fireman's Relief Association of Upper Mount Bethel Township, Northampton County, Pennsylvania For the Period January 1, 2013 to December 31, 2016

### January 2018







Commonwealth of Pennsylvania
Department of the Auditor General
Harrisburg, PA 17120-0018
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EUGENE A. DEPASQUALE AUDITOR GENERAL

Mr. Frederick Farleigh, President The North Bangor Fireman's Relief Association Of Upper Mount Bethel Township, Northampton County, Pennsylvania

We have conducted a compliance audit of The North Bangor Fireman's Relief Association Of Upper Mount Bethel Township, Northampton County, Pennsylvania (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, 2013 to December 31, 2016.

#### The objectives of the audit were:

- 1. To determine if the relief association took appropriate corrective action to address the findings contained in our prior audit report.
- 2. To determine if the relief association complied with applicable state laws, contracts, bylaws, and administrative procedures as they relate to the receipt of state aid and the expenditure of relief association funds.

Our audit was limited to the areas related to the objectives identified above and was not required to be and was not conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

Relief association officers are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the 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. Relief association officers are responsible for complying with applicable state laws, contracts, bylaws, and administrative procedures. It is our responsibility to perform procedures to obtain sufficient, appropriate evidence to the extent necessary to satisfy the audit objectives. We believe that our audit provides a reasonable basis for our conclusions.

Based on our audit procedures, we conclude that, for the period January 1, 2013 to December 31, 2016:

- The relief association did not take appropriate corrective action to address the findings contained in our prior audit report, as detailed below and discussed in the Status of Prior Findings section of this report.
- Because of the significance of the matters described in the findings below and discussed
  later in this report, the relief association did not, in all significant respects, comply with
  applicable state laws, contracts, bylaws, and administrative procedures as they relate to the
  receipt of state aid and the expenditure of relief association funds, collectively as a whole.
  Therefore, the relief association may be subject to the potential withholding of its
  upcoming state aid distribution, as discussed in the Potential Withhold of State Aid section
  of this report.
  - Finding No. 1 Noncompliance With Prior Audit Recommendation Undocumented Expenditures
  - Finding No. 2 Unauthorized Expenditures
  - Finding No. 3 Inappropriate Ownership Of Rescue Vehicle
  - Finding No. 4 Noncompliance With Prior Audit Recommendation Failure To Maintain A Complete And Accurate Equipment Roster
  - Finding No. 5 Noncompliance With Prior Audit Recommendation Failure To Define Discretionary Benefits
  - Finding No. 6 Failure To Maintain A Complete And Accurate Membership Roster

All three prior audit findings contained in this report cite conditions that existed in the operation of the relief association and were communicated as findings during the current audit period. We are concerned by the number of findings noted and strongly encourage timely implementation of the recommendations noted in this audit report.

The supplementary financial information contained in this report is presented for purposes of additional disclosure and analysis. We performed only limited procedures on the supplementary financial information and, accordingly, express no form of assurance on it.

The contents of this report were discussed with the management of the relief association and, where appropriate, their responses have been included in the report. We would like to thank the relief association officials for the cooperation extended to us during the conduct of the audit.

January 8, 2018

EUGENE A. DEPASQUALE

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**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 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 volunteer firefighters' relief associations. Relief association bylaws define the specific operational procedures by which relief associations conduct 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 relief associations 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 that is or are recognized as providing the service to the municipality.

### **BACKGROUND** – (Continued)

The relief association was allocated state aid from the following municipality:

Municipality	County	2013	2014	2015	2016
Upper Mount Bethel Township	Northampton	\$28,954	\$27,155	\$25,368	\$25,212

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

North Bangor Fire Company

### THE NORTH BANGOR FIREMAN'S RELIEF ASSOCIATION OF UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA STATUS OF PRIOR FINDINGS

#### NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The 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:

#### • Undocumented Expenditures

Although the relief association provided adequate documentation to support \$4,401 for the prior audit period undocumented expenditures and received reimbursement of \$1,921 from the affiliated fire company for the remaining undocumented expenditures that were made in the prior audit period, the relief association again failed to provide adequate documentation to support all expenditures in the current audit period as further disclosed in Finding No. 1 of this report.

- Failure To Maintain A Complete And Accurate Equipment Roster
- Failure To Define Discretionary Benefits

We are concerned by the relief association's failure to correct those 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 - Undocumented Expenditures</u>

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

Date	Check No.	Payee Description		 Amount
09/02/15	153	Equipment vendor		\$ 8,565
04/05/16	169	Equipment vendor		 1,120
			Total	\$ 9,685

A similar condition was noted in our two prior audit reports.

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), 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 an invoice, 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.

Effect: Lack of supporting documentation, such as invoices and detailed minutes of meetings, 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. Furthermore, the relief association's future state aid allocations may be withheld until the finding recommendation is complied with.

#### Finding No. 1 – (Continued)

Recommendation: We recommend that the relief association officials provide this department with adequate supporting documentation, such as invoices, to ensure the propriety of the expenditures or that the relief association be reimbursed \$9,685 for the undocumented expenditures. We also recommend that 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>Auditor's Conclusion</u>: Due to the potential withhold of state aid, the relief association's compliance with the finding recommendation will be monitored subsequent to the release of the audit report and through our next audit of the relief association.

#### <u>Finding No. 2 – Unauthorized Expenditures</u>

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

Date	Check No.	Description		Amount
11/04/13	117	Insurance on a fire company-owned vehicle	\$	717
10/09/15	156	Pediatric defibrillator pads		82
02/01/16	165	Grant services package and grant-writing training course		2,000
11/04/13	172	Lodging incurred for a grant-writing course		330
11/04/13	175	Meals incurred for grant-writing training course		136
11/04/13	176	Fuel used for attendance at a grant-writing course		128
			4	
		Total	\$	3,393

#### Finding No. 2 – (Continued)

Criteria: Act 118 at 35 Pa.C.S. § 7416(f)(1), (10) and (11) 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.
- (10) To pay reasonable expenses actually and necessarily incurred for attending bona fide firefighters' training schools.
- (11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service.

The cost for the purchase of the fire company's insurance premium noted above does not qualify as an authorized volunteer firefighters' relief association expenditure; consequently, this disbursement is not authorized under Act 118. Pediatric pads have not been determined to be an allowable expenditure under Act 118; therefore, they are not authorized. Finally, grant writing classes and any affiliated expenditures have not been determined to be allowable; consequently, these training expenditures are not authorized under Act 118.

<u>Cause</u>: Relief association officials indicated that they 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.

<u>Recommendation</u>: We recommend that the relief association be reimbursed \$3,393 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 at the audit exit conference and indicated they will take action to comply with the recommendation.

Auditor's Conclusion: Compliance will be subject to verification through our next audit.

#### Finding No. 3 – Inappropriate Ownership Of Rescue Vehicle

<u>Condition</u>: As cited as a verbal observation in our prior audit, on February 5, 2012, the relief association completed the purchase of a rescue vehicle. The cost of the vehicle was \$70,000 and its purpose is to carry personnel and safeguard equipment. However, the title was not made available for examination to prove the vehicle is owned by the relief association. Without evidence to prove otherwise, it appears the rescue vehicle is owned by the fire company.

<u>Criteria</u>: Prudent business practice dictates that the relief association should maintain sole ownership of all equipment purchased by the relief association. As such, rescue vehicles purchased by the relief association are to be titled in the name of the relief association.

<u>Cause</u>: Even though notified of this condition during our prior audit, relief association officials failed to establish adequate internal control procedures to ensure that the rescue vehicle purchased was titled in the name of the relief association.

<u>Effect</u>: As a result of the relief association not being able to provide a title for this vehicle, it was not possible to determine if the relief association owned the vehicle and; therefore, this relief association asset was not properly safeguarded. Furthermore, the relief association's future state aid allocations may be withheld until the finding recommendation is complied with.

<u>Recommendation</u>: We recommend that the rescue vehicle be titled in the name of the relief association. If such action is not taken, we recommend that the relief association be reimbursed \$70,000. 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>Auditor's Conclusion</u>: Due to the potential withhold of state aid, the relief association's compliance with the finding recommendation will be monitored subsequent to the release of the audit report and through our next audit of the relief association.

### <u>Finding No. 4 – Noncompliance With Prior Audit Recommendation – Failure To Maintain</u> A Complete And Accurate Equipment Roster

<u>Condition</u>: The relief association failed to maintain a complete and accurate roster of equipment owned by the relief association. Specifically, the relief association purchased \$89,083 of equipment during the current audit period and there was no equipment roster created or maintained for these purchases. In addition, there was no indication that a physical inventory of equipment was conducted on an annual basis to account for the equipment owned by the relief association.

A similar condition was noted in our prior audit report.

<u>Criteria</u>: Prudent business practice dictates that 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 all of 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
- Evidence of the performance and results of an annual physical inventory

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

<u>Effect</u>: The continued 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.

#### Finding No. 4 – (Continued)

<u>Recommendation</u>: We again recommend that the relief association officials maintain a cumulative equipment roster of all equipment owned by the relief association. 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.

Auditor's Conclusion: Compliance will be subject to verification through our next audit.

### <u>Finding No. 5 – Noncompliance With Prior Audit Recommendation – Failure To Define Discretionary Benefits</u>

Condition: The relief association did not formally define and approve discretionary benefits that were being offered to its members. During the prior audit period, the relief association paid \$4,500 in discretionary benefits to a member injured while riding in an emergency apparatus that was involved in an accident. Although these expenditures were authorized by Act 118, the types, amounts, and criteria to be met before receiving the benefits were not described in a formal policy approved by the relief association membership.

A similar condition was noted in our prior audit report.

Criteria: Act 118 at 35 Pa.C.S. § 7413 (3) and (5) states, funds shall be available:

- (3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and to establish criteria which members must meet in order to qualify as participants in a death benefit fund. [Emphasis added.]
- (5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service <u>for a specified minimum term</u>, are no longer physically able to continue participation and are in need of financial assistance. [Emphasis added.]

#### Finding No. 5 – (Continued)

Furthermore, prudent business practice dictates that when a relief association offers death benefits, disability benefits, officer compensation, or any other type of discretionary benefit provided by Act 118, it should establish a precedent for those benefits being offered. Such a precedent should be documented in the bylaws, a formal relief association policy, or in the official meeting minutes. The formal approval is necessary to clarify the types and amounts of benefits offered to its membership as well as the criteria to be met in order to receive the benefits.

<u>Cause</u>: Even though notified of this condition during our prior audit, relief association officials indicated that they were not aware of the specific stipulations of Act 118 and did not perceive the formal approval to be an essential internal control in safeguarding relief association assets. As a result, relief association officials again failed to establish procedures to formally define the benefits and related criteria for the benefits offered to members.

<u>Effect</u>: The relief association's continued failure to formally define discretionary benefits prevents the membership from being aware of the types and amounts of benefits offered to its membership. The absence of formal approval increases the risk of unauthorized expenditures and could also lead to benefits not being applied equally to all members of the relief association.

Recommendation: We again recommend that the relief association officials formally define and document the criteria of the discretionary benefits being offered to its membership. The formal approval of benefits and related criteria should be documented in the bylaws, a policy statement, or in the official meeting minutes, and should be maintained for an indefinite period of time so as to afford the membership of the relief association with a formal document defining the benefits offered and the criteria to be met before receiving the benefit. Furthermore, all approved discretionary benefits should be in accordance with provisions of Act 118. 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.

Auditor's Conclusion: Compliance will be subject to verification through our next audit.

#### Finding No. 6 – Failure To Maintain A Complete And Accurate Membership Roster

<u>Condition</u>: The relief association officials did not maintain a complete and accurate roster of relief association members. Specifically, the membership roster provided by the relief association only

documented each member's name.

#### Finding No. 6 – (Continued)

<u>Criteria</u>: Relief association officials should maintain a complete and accurate roster of the relief association's membership, as identified by criteria set forth in the relief association's bylaws. A comprehensive roster of all relief association members should include the following:

- Names of each member
- Members' mailing addresses
- Dates of births
- Dates of memberships
- Membership classifications

In addition, when warranted, a notation should be made on the roster identifying the date of a member's resignation or death.

<u>Cause</u>: Relief association officials indicated that they were unaware that they should maintain a comprehensive roster of relief association members.

<u>Effect</u>: The failure to maintain a comprehensive membership roster could result in the payment of benefits to nonmembers, or deprive eligible relief association members from receiving authorized benefit payments.

<u>Recommendation</u>: We recommend that the relief association officials compile and maintain a complete and accurate roster of the relief association's membership. For additional 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>Auditor's Conclusion</u>: Compliance will be subject to verification through our next audit.

### THE NORTH BANGOR FIREMAN'S RELIEF ASSOCIATION OF UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA POTENTIAL WITHHOLD OF STATE AID

Conditions such as those reported by Finding Nos. 1 and 3 contained in this audit report may lead to a total withholding of state aid in the future unless those findings are corrected. However, such action may 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 relief association to: Department of the Auditor General, Bureau of Fire Relief Audits, Room 327 Finance Building, Harrisburg, PA 17120.

# THE NORTH BANGOR FIREMAN'S RELIEF ASSOCIATION OF UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA SUPPLEMENTARY FINANCIAL INFORMATION CASH AND INVESTMENT BALANCES AS OF DECEMBER 31, 2016

Cash	\$ 56,427
Fair Value of Investments	35,880
Book Value of Other Investments	 41,124
Total Cash and Investments	\$ 133,431

## THE NORTH BANGOR FIREMAN'S RELIEF ASSOCIATION OF UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA SUPPLEMENTARY FINANCIAL INFORMATION SUMMARY OF EXPENDITURES FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016

#### Expenditures:

Benefit Services:		
Insurance premiums	\$	9,795
Fire Services:		
Equipment purchased	\$	89,083
Equipment maintenance		7,324
Training expenses		228
Fire prevention materials		1,547
Total Fire Services	\$	98,182
Administrative Services:		
Other administrative expenses	\$	6,870
Bond premiums		2,277
Total Administrative Services	\$	9,147
Other Expenditures:		
Undocumented expenditures	\$	9,685
Unauthorized expenditures		3,393
Miscellaneous		3,000
Total Other Expenditures	\$	16,078
	*	100.000
Total Expenditures	\$	133,202

### THE NORTH BANGOR FIREMAN'S RELIEF ASSOCIATION OF UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

#### The Honorable Tom W. Wolf

Governor Commonwealth of Pennsylvania

The North Bangor Fireman's Relief Association Of Upper Mount Bethel Township, Northampton County, Pennsylvania Governing Body:

Mr. Frederick Farleigh

President

Mr. Donald Black

Vice President

Mr. Jeremy Miller Secretary

Mr. Todd Pinto

Treasurer

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

Ms. Melissa Mastrogiovanni

Secretary
Upper Mount Bethel Township

This report is a matter of public record and is available online at <a href="www.PaAuditor.gov">www.PaAuditor.gov</a>. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: <a href="mailto:news@PaAuditor.gov">news@PaAuditor.gov</a>.