

# ATTESTATION ENGAGEMENT

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Borough of Casselman  
Somerset County, Pennsylvania  
55-405

Liquid Fuels Tax Fund  
For the Period  
January 1, 2012 to December 31, 2014

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April 2016



Commonwealth of Pennsylvania  
Department of the Auditor General  
Eugene A. DePasquale • Auditor General

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EUGENE A. DePASQUALE  
AUDITOR GENERAL

### Independent Auditor's Report

The Honorable Leslie Richards  
Secretary  
Department of Transportation  
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Casselman, Somerset County, for the period January 1, 2012 to December 31, 2014. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Borough of Casselman, Somerset County's Forms MS-965 for the period January 1, 2012 to December 31, 2014 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

As described in Note 4, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

### Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the borough expended \$1,316.85 in 2012 and \$1,620.00 in 2013 from the Liquid Fuels Tax Fund for snow removal done by the president of council's brother, which are related party transactions.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Casselman, Somerset County, for the period January 1, 2012 to December 31, 2014, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Forms MS-965; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Forms MS-965. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

*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 combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 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 over reporting on the Forms MS-965 was for the limited purpose of expressing an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Independent Auditor's Report (Continued)

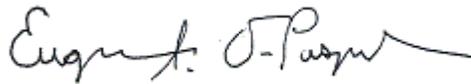
As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Casselman, Somerset County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Related Party Transactions - Recurring.
- Late Receipt Of Allocations - Recurring.

We are concerned that the municipality failed to comply with our prior examination findings for related party transactions and late receipt of allocations. Because related party transactions violate *The Borough Code* and the Ethics Act, the borough could be required by the Pennsylvania Department of Transportation to reimburse \$2,936.85 to its Liquid Fuels Tax Fund. Additionally, because the municipality failed to file required documents and information timely, the municipality did not have use of the 2012 allocation for more than seven months, the 2013 allocation for more than four months, and the 2014 allocation for one month.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Borough of Casselman, Somerset County, and is not intended to be and should not be used by anyone other than these specified parties.

We appreciate the courtesy extended by the Borough of Casselman, Somerset County, to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.



Eugene A. DePasquale  
Auditor General

February 12, 2016

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BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state, and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

*The Vehicle Code*, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In this case, the municipality may borrow money or transfer money from its General Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
3. A report of elected and appointed officials by January 31 of each year.
4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2012 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	294.35	-	294.35
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	2,349.40	-	2,349.40
Traffic control devices	-	-	-
Street lighting	1,074.99	-	1,074.99
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	1,395.00	-	1,395.00
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Note 6)	1,699.80	-	1,699.80
 Total (To Section 2, Line 5)	 <u>\$ 6,813.54</u>	 <u>\$ -</u>	 <u>\$ 6,813.54</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2012 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2012	\$ 17,606.57	\$ -	\$ 17,606.57
Receipts:			
2. State allocation	5,753.02	-	5,753.02
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	3.72	-	3.72
2c. Miscellaneous (Note 5)	1,601.23	(121.58)	1,479.65
3. Total receipts	<u>7,357.97</u>	<u>(121.58)</u>	<u>7,236.39</u>
4. Total funds available	<u>24,964.54</u>	<u>(121.58)</u>	<u>24,842.96</u>
5. Expenditures (Section 1)	<u>6,813.54</u>	<u>-</u>	<u>6,813.54</u>
6. Balance, December 31, 2012	<u>\$ 18,151.00</u>	<u>\$ (121.58)</u>	<u>\$ 18,029.42</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2012 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 14,214.41	\$ -	\$ 14,214.41
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	1,150.60	-	1,150.60
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	15,365.01	-	15,365.01
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>15,365.01</u>	<u>-</u>	<u>15,365.01</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 15,365.01</u>	<u>\$ -</u>	<u>\$ 15,365.01</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2013 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	2,844.44	-	2,844.44
Traffic control devices	-	-	-
Street lighting	1,281.68	-	1,281.68
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	14,273.96	-	14,273.96
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 18,400.08</u>	 <u>\$ -</u>	 <u>\$ 18,400.08</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2013 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2013	\$ 18,151.00	\$ (121.58)	\$ 18,029.42
Receipts:			
2. State allocation	5,657.23	-	5,657.23
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2.75	-	2.75
2c. Miscellaneous	-	-	-
3. Total receipts	<u>5,659.98</u>	<u>-</u>	<u>5,659.98</u>
4. Total funds available	<u>23,810.98</u>	<u>(121.58)</u>	<u>23,689.40</u>
5. Expenditures (Section 1)	<u>18,400.08</u>	<u>-</u>	<u>18,400.08</u>
6. Balance, December 31, 2013	<u>\$ 5,410.90</u>	<u>\$ (121.58)</u>	<u>\$ 5,289.32</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2013 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 15,365.01	\$ -	\$ 15,365.01
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	1,131.45	-	1,131.45
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	16,496.46	-	16,496.46
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>16,496.46</u>	<u>-</u>	<u>16,496.46</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 5,410.90</u>	<u>\$ (121.58)</u>	<u>\$ 5,289.32</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	393.98	-	393.98
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	2,676.92	(483.95)	2,192.97
Traffic control devices	-	-	-
Street lighting	990.00	-	990.00
Storm sewers and drains	-	483.95	483.95
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	1,335.00	-	1,335.00
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 5,395.90</u>	 <u>\$ -</u>	 <u>\$ 5,395.90</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2014	\$ 5,410.85	\$ (121.53)	\$ 5,289.32
Receipts:			
2. State allocation	6,092.55	-	6,092.55
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	.80	-	.80
2c. Miscellaneous (Note 5)	-	121.58	121.58
3. Total receipts	<u>6,093.35</u>	<u>121.58</u>	<u>6,214.93</u>
4. Total funds available	<u>11,504.20</u>	<u>.05</u>	<u>11,504.25</u>
5. Expenditures (Section 1)	<u>5,395.90</u>	<u>-</u>	<u>5,395.90</u>
6. Balance, December 31, 2014	<u>\$ 6,108.30</u>	<u>\$ .05</u>	<u>\$ 6,108.35</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 5,410.85	\$ (121.53)	\$ 5,289.32
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	1,218.51	-	1,218.51
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	6,629.36	(121.53)	6,507.83
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>6,629.36</u>	<u>(121.53)</u>	<u>6,507.83</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 6,108.30</u>	<u>\$ .05</u>	<u>\$ 6,108.35</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria

Section 1

This section of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

- Major equipment purchases are purchases of road machinery and road equipment with varying yearly costs in excess of the amounts indicated below:

Prior To 2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

- Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs, or less, than the amounts indicated below:

Prior To 2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

- Agility projects are exchanges of services with the Department of Transportation.

Section 2

This section of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the state allocation in March of each year beginning in 2014. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the turnback allocation in March of each year beginning in 2014. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (Continued)

Section 2 (Continued)

- Expenditures include the total transferred from Section 1.

Section 3

This section of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

Basis Of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Forms MS-965 have been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, dated 1956 and as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (Continued)

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments are prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

2. Deposits

*The Borough Code*, Title 53 P.S. § 46316, authorizes the borough to deposit its funds in the following:

- Deposits in savings accounts or time deposits, other than certificates of deposit or share accounts of institutions having their principal place of business in the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation (FDIC) or other like insurance. For any amount above the insured maximum, the depository shall pledge approved collateral.
- Certificates of deposit purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan or savings bank's assets minus liabilities.

Deposits consist of receipts and deposits in a financial institution. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2014. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the borough's name.

Fund Balance

The fund balance consists of the following:

Cash	<u><u>\$6,108.35</u></u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$3.72 during 2012, \$2.75 during 2013, and \$.80 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2012 - Section 2

An adjustment of \$(121.58) was made to "Miscellaneous" because these receipts were understated.

2013 - Section 2

An adjustment of \$(121.58) was made to "Balance, January 1, 2013" to reflect the adjustment made to the fund balance in 2012 - Section 2.

2014 - Section 1

Adjustments were made to "Winter maintenance services" and "Storm sewers and drains" because expenditures of \$483.95 were misclassified.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

4. Adjustments (Continued)

2014 - Section 2

An adjustment of \$(121.53) was made to “Balance, January 1, 2014” to reflect the adjustment made to the fund balance in 2013 - Section 2.

An adjustment of \$121.58 was made to “Miscellaneous” because these receipts were understated (see Note 7)

5. Miscellaneous Receipts

The following miscellaneous receipts were deposited into the Liquid Fuels Tax Fund during the examination period:

<u>Source</u>	<u>Description</u>	<u>2012</u>	<u>2014</u>
General Fund	Correction of transfer in error (Note 7)	\$ 128.24	\$ -
General Fund	Transfer in error (Note 7)	1,351.41	-
General Fund	Correction of payment in error (Note 8)	-	121.58
		<u>          </u>	<u>          </u>
Total		<u>\$1,479.65</u>	<u>\$121.58</u>

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

6. Miscellaneous Expenditures

The following miscellaneous expenditures were paid from the Liquid Fuels Tax Fund during the examination period:

<u>Payee</u>	<u>Description</u>	<u>2012</u>
Financial institution	Bank service charge	\$ 98.15
General Fund	Transfer in error (Note 7)	128.24
General Fund	Correction of transfer in error (Note 7)	1,351.83
Vendor	Payment in error (Note 8)	121.58
	Total	<u>\$1,699.80</u>

7. Transfers In Error

On February 3, 2012, the municipality transferred \$128.24 from its Liquid Fuels Tax Fund to its General Fund in error. On February 16, 2012, the municipality transferred this amount from its General Fund to its Liquid Fuels Tax Fund to correct the transfer in error.

On May 31, 2012, the municipality transferred \$1,351.41 from its General Fund to its Liquid Fuels Tax Fund in error. On June 6, 2012, the municipality transferred this \$1,351.83 from its Liquid Fuels Tax Fund to its General Fund, which was \$.42 more than the amount required to correct the transfer in error.

8. Payments In Error

On May 16, 2012, the municipality expended \$121.58 from its Liquid Fuels Tax Fund in error. On March 3, 2014, the municipality transferred this amount from its General Fund to its Liquid Fuels Tax Fund to correct the payment in error.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Related Party Transactions - Recurring**

Our examination disclosed that the borough expended \$1,316.85 during 2012 and \$1,620.00 during 2013 from the Liquid Fuels Tax Fund for snow removal. These amounts were paid to the brother of the president of council. Due to the president of council's financial interest in the company and the lack of an open and public award process, these contracts appear to violate *The Borough Code* and The Public Official and Employee Ethics Act. Therefore, they should not have been entered into by the borough.

*The Borough Code*, 53 P.S. § 46404, as amended, states, in part:

. . . no borough official, either elected or appointed, or township employee who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any purchase made or contract entered into or expenditure of money made by the borough or relating to the business of the borough, involving the expenditure by the borough of more than one thousand dollars (\$1000.00) in any calendar year, but this limitation shall not apply to cases where such officer or appointee of the borough is an employee of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby either financially or otherwise. But in the case of a councilman or mayor, if he knows that he is within the exception just mentioned he shall so inform council and shall refrain from voting on the expenditure or any ordinance relating thereto, and shall in no manner participate therein. . . .

This information is also published in § 1404 of *The Borough Code* as published by the Local Government Commission.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Related Party Transactions - Recurring (Continued)**

The Public Official and Employee Ethics Act (“Ethics Act”), 65 P.S. 1103(f), states, in part:

No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

Because these contracts violate *The Borough Code* and the Ethics Act, the borough could be required by the Pennsylvania Department of Transportation to reimburse \$2,936.85 to its Liquid Fuels Tax Fund.

Copies of this finding will be forwarded to the Pennsylvania Department of Transportation and the State Ethics Commission for their review and whatever action they may deem appropriate.

We did not note any related party transactions made from the Liquid Fuels Tax Fund during 2014.

**Recommendations**

We recommend that the borough reimburse \$2,936.85 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

Further, we again recommend that, in the future, the borough continues to comply with *The Borough Code* and the Ethics Act.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Related Party Transactions - Recurring (Continued)**

Management's Response

The borough officials stated:

After the previous audit I never received notification from Penn Dot as the appropriate action to take. Therefore, it carried over into 2012 and 2013.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendations.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 2 - Late Receipt Of Allocations - Recurring**

We cited the municipality for receiving its allocations late in our prior report for the period January 1, 2009 to December 31, 2011. Our current examination disclosed that the 2012 and 2013 Liquid Fuels Tax Fund allocations of \$5,753.02 and \$5,657.23, respectively, which should have been distributed from the Department of Transportation to the municipality during the first week of April of each year, were not received until November 9, 2012 and August 13, 2013, respectively. Additionally, the 2014 Liquid Fuels Tax Fund allocation of \$6,092.55, which should have been distributed from the Department of Transportation to the municipality during the first week of March of that year, was not received until April 4, 2014. The borough did not receive its allocations timely because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31<sup>st</sup> and the Survey of Financial Condition by March 15<sup>th</sup>.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2012 allocation for more than seven months, the 2013 allocation more than four months, and the 2014 allocation for one month. Furthermore, had the allocations been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

This finding occurred because the municipality did not comply with our prior examination recommendation to comply with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
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JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 2 - Late Receipt Of Allocations - Recurring (Continued)**

Recommendation

We again recommend that, in the future, the municipality complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

Management's Response

The municipal officials stated:

The Forms MS-965's were filed late.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendations. During our next examination we will determine if the municipality complied with our recommendation.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATION RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

Summary Of Prior Examination Recommendations

In our prior examination we recommended that:

- The municipality improve internal control procedures over disbursements by requiring at least two signatures on all disbursements from the Liquid Fuels Tax Fund account.
- The borough complies with *The Borough Code* and the Ethics Act regarding related party transactions.
- The municipality complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

During our current examination we noted that the municipality complied with our first bulleted recommendation, complied with our second bulleted recommendation during 2014 (see Finding No. 1), and failed to comply with our third bulleted recommendation (see Finding No. 2).

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

An exit conference was held December 7, 2015. Those participating were:

BOROUGH OF CASSELMAN

Mrs. Lisa A. Purbaugh, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Ronald J. Fairman, Auditor

The results of the examination were presented and discussed in their entirety.

BOROUGH OF CASSELMAN  
SOMERSET COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

This report was initially distributed to:

**The Honorable Leslie Richards**  
Secretary  
Department of Transportation

**Mr. Robert P. Caruso**  
Executive Director  
State Ethics Commission  
Room 309 Finance Building  
P.O. Box 11470  
Harrisburg, PA 17108

**Borough of Casselman**  
Somerset County  
202 Grant Street  
Rockwood, PA 15557

**The Honorable Adam B. Purbaugh**  
President of Council

**Mrs. Lisa A. Purbaugh**  
Secretary/Treasurer

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