COMPLIANCE AUDIT

Folcroft Volunteer Firemen's Relief Association Delaware County, Pennsylvania For the Period January 1, 2019 to December 31, 2021

September 2022



Commonwealth of Pennsylvania Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR AUDITOR GENERAL

Mr. Rich Kesser, President Folcroft Volunteer Firemen's Relief Association Delaware County

We have conducted a compliance audit of the Folcroft Volunteer Firemen's Relief Association (relief association) for the period January 1, 2019 to December 31, 2021. The audit was conducted pursuant to authority derived from Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania; Section 403 of The Fiscal Code, 72 P.S. § 403; and the Volunteer Firefighters' Relief Association Act ("VFRA Act"), see 35 Pa.C.S. § 7418.

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, nor was it required to be, 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.

We were not able to obtain independent confirmations of the cash balance and the investment balance directly from the financial institutions. Therefore, while the relief association provided bank and investment statements that indicated that, as of December 31, 2021, the relief association had a cash balance of \$52,618 and an investment balance with a fair value of \$80,992, we were not able to verify those cash and investment balances.

Based on our audit procedures, we conclude that, for the period January 1, 2019 to December 31, 2021:

- The relief association did not take appropriate corrective action to address the finding contained in our prior audit report, as detailed below and discussed in the Status of Prior Finding section of this report.
- Except for the effects, if any, of the matter described in the preceding paragraph, the relief association, in all significant respects, 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, except as noted in the findings listed below and discussed later in this report.

Finding No. 1	 Noncompliance With Prior Audit Recommendation – Inadequate Minutes Of Meetings 		
Finding No. 2	 Unauthorized Expenditures 		
Finding No. 3	- Duplicate Payments		
Finding No. 4 – Inadequate Financial Record-Keeping System			
Finding No. 5	 Inadequate Internal Controls 		
Finding No. 6	 Failure To Define Discretionary Benefits 		
Finding No. 7	 Failure To Maintain A Complete And Accurate Membership Roster 		

We are concerned by the number of findings noted and strongly encourage timely implementation of the recommendations noted in this audit report.

The contents of this report were discussed with and provided to the management of the relief association for their response, and where appropriate, their responses have been included in the report.

Timothy L. Detoor

Timothy L. DeFoor Auditor General August 11, 2022

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BACKGROUND

Pursuant to Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code¹, and the Volunteer Firefighters' Relief Association Act² ("VFRA Act"), 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 Law³ (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.

The VFRA Act 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, the VFRA Act authorizes specific types of expenditures and prescribes appropriate volunteer firefighters' relief association investment options. Within the parameters established by the VFRA Act, 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.

¹ 72 P.S. § 403 (as last amended by Act 44 of 2017).

² 35 Pa.C.S. § 7411 *et seq*. See specifically, 35 Pa.C.S. § 7418 (amended by Act 91 of 2020).

³ 53 P.S. § 895.701 et seq. (Act 205 of 1984, as amended by Act 119 of 1990).

BACKGROUND – (Continued)

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

Municipality	County	2019	2020	2021
Folcroft Borough	Delaware	\$31,482*	\$31,707*	\$28,780*

* Although Folcroft Borough prepared and returned a Certification Form AG 385 for 2019, 2020 and 2021, the borough failed to submit the 2019, 2020 and 2021 Receipt And Distribution Of Foreign Fire Insurance Premium Tax Forms 706-B to this department as required by the instructions accompanying Form 706-B and the instructions accompanying the 2019, 2020 and 2021 state aid allocations received by the borough disclosing this information.

Folcroft Borough is still required to complete the 2018, 2019, 2020 and 2021 Receipt And Distribution Of Foreign Fire Insurance Premium Tax Forms 706-B online within the Department of Community & Economic Development's Municipal Statistics website (MunStats) immediately.

Based on the relief association's records, its total cash and investments as of December 31, 2021 were \$133,610, as illustrated below:

Cash	\$ 52,618
Fair Value of Investments	 80,992
Total Cash and Investments	\$ 133,610

BACKGROUND – (Continued)

Based on the relief association's records, its total expenditures for the period January 1, 2019 to December 31, 2021 were \$104,901, as noted below. The accuracy of these expenditures was evaluated as part of the Department's audit to conclude on the relief association's compliance 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.⁴ The scope of the Department's audit does not include the issuance of an opinion on the accuracy of these amounts.

Expenditures:

Benefit Services:	
Insurance premiums	\$ 32,209
Death benefits (see Finding No. 6)	6,000
Total Benefit Services	\$ 38,209
Fire Services:	
Equipment purchased	\$ 19,623
Equipment maintenance	26,268
Training expenses	5,450
Total Fire Services	\$ 51,341
Administrative Services:	
Other administrative expenses*	\$ 6,657
Bond premiums	723
Total Administrative Services	\$ 7,380
Other Expenditures:	
Unauthorized expenditures (see Finding No. 2)	\$ 2,551
Duplicate payments (see Finding No. 3)	765
Federal tax withheld (see Finding No. 5)	27
Erroneous transfer to fire company (see Finding No. 5)	2,000
Erroneous payment of fire company obligation (see Finding No. 5)	 2,628
Total Other Expenditures	\$ 7,971
Total Expenditures	\$ 104,901

* A portion of the Other administrative expenses includes \$4,325 for an Emergency Reporting system and \$1,988 for data plans.

⁴ Accuracy was evaluated for a selection of transactions based on dollar amount, category, and/or random selection.

BACKGROUND – (Continued)

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:

Folcroft Volunteer Fire Company

FOLCROFT VOLUNTEER FIREMEN'S RELIEF ASSOCIATION STATUS OF PRIOR FINDING

NONCOMPLIANCE WITH PRIOR AUDIT FINDING AND RECOMMENDATION

The relief association has not complied with the following prior audit finding. This finding is noted below and discussed in detail in the Finding and Recommendation section of this report:

• Inadequate Minutes Of Meetings

We are concerned by the relief association's failure to correct this previously reported audit finding. The relief association management should strive to implement the recommendation and corrective action noted in this audit report.

<u>Finding No. 1 – Noncompliance With Prior Audit Recommendation – Inadequate Minutes</u> Of Meetings

<u>Condition</u>: The relief association failed to maintain detailed minutes of meetings as required by the VFRA Act. Specifically, the relief association's minutes did not address all of the financial-related transactions that occurred during the audit period. In addition, the meeting minutes were not signed by the recording secretary.

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

Criteria: Section 7415(a) of the VFRA Act states, in part, that the relief association:

... must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

The relief association's bylaws at Article III, Section 3 states, in part:

The Secretary shall keep a true record of the proceedings of every meeting in the minutes. The minutes shall note authorization by the membership of all association financial transactions and all other pertinent business discussed at meetings.

<u>Cause</u>: The relief association officials indicated that this deficiency occurred due to a lack of internal control to ensure meeting minutes were adequate. Relief association officials further indicated that meeting minutes were not reviewed and approved on a monthly basis.

<u>Effect</u>: Without detailed minutes of meetings, evidence that relief association business was presented before the membership for approval does not exist.

<u>Recommendation</u>: We again recommend that the relief association officials maintain detailed minutes of meetings, evidencing the discussion and approval of all financial-related business conducted by the relief association and ensure that the meeting minutes are signed by the Secretary 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.

Finding No. 1 – (Continued)

<u>Auditor's Conclusion</u>: We are concerned by the relief association's failure to correct this previously reported audit finding and strongly encourage timely implementation of the recommendation noted in this audit report.

Finding No. 2 – Unauthorized Expenditures

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

Date	Check No.	Description		 Amount
01/29/19	995060	PA Sales tax paid		\$ 7
03/04/19	995062	PA Sales tax paid		20
03/23/20	995086	Building maintenance		37
09/29/20	995101	PA Sales tax paid		4
12/28/20	995118	PA Sales tax paid		4
12/28/20	995112	PA Sales tax paid		9
01/08/21	995113	PA Sales tax paid		5
02/23/21	995122	Building generator repair		575
06/07/21	995137	Building generator repair		700
06/07/21	995140	Building generator repair		530
12/23/21	995168	Building generator repair		 660
			Total	\$ 2,551
			Total	\$ 2,55

<u>Criteria</u>: Section 7416(f) of the VFRA Act states:

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

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

Costs associated with the maintenance of the building and the repair of the building's generator do not qualify as authorized volunteer firefighters' relief association expenditures; consequently, these disbursements are not authorized under the VFRA Act.

Finding No. 2 – (Continued)

<u>Cause</u>: The relief association officials indicated that this deficiency occurred due to their belief that the expenditures were considered allowable under the VFRA Act.

<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 the VFRA Act.

<u>Recommendation</u>: We recommend that the relief association be reimbursed \$2,551 for the unauthorized expenditures and that relief association officials become familiar with Section 7416(f) of the VFRA Act 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 – Duplicate Payments

<u>Condition</u>: The relief association erroneously made five duplicate payments in the total amount of \$765 during the audit period, as noted below:

- 1. On December 28, 2020, the relief association expended \$77 for equipment maintenance. On December 28, 2020, the relief association erroneously made a duplicate payment for the same equipment maintenance.
- 2. On March 10, 2021, the relief association expended \$84 for vehicle maintenance. On March 24, 2021, the relief association erroneously made a duplicate payment for the same vehicle maintenance.
- 3. On July 2, 2021, the relief association expended \$19 for vehicle maintenance. On July 7, 2021, the relief association erroneously made a duplicate payment for the same vehicle maintenance.
- 4. On August 27, 2021, the relief association expended \$468 (4 payments of \$117) for data plans. On September 17, 2021, the relief association erroneously made a duplicate payment for the same data plan.
- 5. On October 19, 2021, the relief association expended \$117 for data plans. On October 19, 2021, the relief association erroneously made a duplicate payment for the same data plan.

Finding No. 3 – (Continued)

As such, the second payments were considered unauthorized disbursements because no goods or services were received for the payments.

<u>Criteria</u>: Adequate accounting and internal control procedures should be implemented to prevent duplicate payments of invoices and to ensure duplicate payments are recouped.

<u>Cause</u>: The relief association officials indicated this deficiency occurred due to a lack general financial bookkeeping oversight.

<u>Effect</u>: As a result of making the erroneous payments and failing to obtain reimbursement for the erroneous payments, the relief association was unable to use these funds for other general operating expenses or for investment purposes.

<u>Recommendation</u>: We recommend that the relief association be reimbursed \$765 for the erroneous duplicate payments. The relief association officials should consider contacting the vendor to recover the duplicate payments. In addition, the relief association officials should establish accounting and internal control procedures to monitor future relief association 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. 4 – Inadequate Financial Record-Keeping System

<u>Condition</u>: The relief association's financial record-keeping system did not establish adequate accounting procedures to allow the membership to effectively monitor the relief association's financial operations. The following are the noted deficiencies:

- Journals were not maintained to record the receipts and disbursements of the relief association.
- Ledgers were utilized to record the transactions of the relief association accounts; however, the ledgers did not include all expenditures made during the audit period.
- Ledgers did not include the check numbers or dates of checks.

Finding No. 4 – (Continued)

Criteria: Section 7415(a) of the VFRA Act states:

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

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

<u>Cause</u>: The relief association officials indicated this deficiency occurred due a lack of general financial bookkeeping oversight.

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

<u>Recommendation</u>: We recommend that the relief association officials establish and maintain a financial record-keeping system that allows the membership to effectively monitor the relief association's financial operations. 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. 5 – Inadequate Internal Controls

<u>Condition</u>: The relief association has failed to establish adequate internal controls. The following conditions noted during the current audit period are indicative of internal control weaknesses:

- \$27 in Federal Tax was withheld from a money market account because the name on the bank account does not match the taxpayer identification number.
- \$49 in Pennsylvania sales tax was paid because the Pennsylvania sales tax exemption number was not updated with a vendor. The relief association did have a valid sales tax exemption number. See Finding No. 2 for additional details.
- The relief association erroneously transferred \$2,000 intended for another relief association account to the affiliated Fire Company. The relief association received reimbursement from the affiliated Fire Company during the audit period, prior to the conduct of our audit.
- The relief association erroneously paid \$2,628 for an insurance premium for a policy related to the affiliated Fire Company. The affiliated Fire Company reimbursed the relief association during the audit period, prior to the conduct of our audit.
- The relief association membership roster was not cumulative and did not contain the names of all members who received training and relief benefits. See Finding No.7 for additional details.
- Periodic physical inventories of equipment owned were not performed.

Criteria: Section 7415(a) of the VFRA Act states, in part, that the relief association:

.... must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

Furthermore, prudent business practice dictates that:

- Financial institutions have up-to-date account information.
- Vendors have up-to-date Pennsylvania sales tax exemption status.
- Payments are made for authorized relief association expenses only.
- A cumulative membership roster, noting dates of resignation or death, should be maintained.
- Periodic physical inventories of equipment owned should be conducted.

<u>Cause</u>: The relief association officials indicated this deficiency occurred due to a lack of oversight by officials responsible for the financial booking responsibilities.

<u>Effect</u>: The failure to establish adequate internal controls prevented the relief association from adequately safeguarding its assets and prevented the verification as to whether relief association business was presented before the membership for discussion and approval. Furthermore, the lack of effective internal controls places the relief association funds at greater risk for misappropriation.

Finding No. 5 – (Continued)

<u>Recommendation</u>: We recommend that the relief association officials adopt internal control procedures which will require the following:

- Update of account information at the necessary financial institution.
- Discontinue the payment of Pennsylvania sales tax.
- Ensure transfers are made between relief association accounts only.
- Ensure payments are made for relief association expenses only.
- Maintain a cumulative membership roster, noting the dates of resignation or death.
- Conduct periodic physical inspections of equipment owned.

For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION.

<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 Define Discretionary Benefits

<u>Condition</u>: The relief association did not formally define and approve discretionary benefits that were being offered to its members. During the current audit period, the relief association paid \$6,000 in death benefits. Although these expenditures are authorized by the VFRA Act, 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.

Criteria: Section 7413 of the VFRA Act states that 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.)

Finding No. 6 – (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 the VFRA Act, it should establish a precedent for those benefits being offered. Such a precedent should be documented in the bylaws, a formal relief association policy, and/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>: The relief association officials did not provide a reason for why this occurred.

<u>Effect</u>: The relief association's 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.

<u>Recommendation</u>: We 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, and/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 the VFRA Act. 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 did not provide a response to the finding as presented at the audit exit conference.

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

<u>Finding No. 7 – Failure To Maintain A Complete And Accurate Membership Roster</u>

<u>Condition</u>: The relief association officials did not maintain a complete and accurate roster of relief association members. Although a listing of members was provided, it did not contain the names of all members who received training and relief benefits during the audit period.

Finding No. 7 – (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.

Cause: The relief association officials did not provide a reason for why this occurred.

<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 did not provide a response to the finding as presented at the audit exit conference.

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

FOLCROFT VOLUNTEER FIREMEN'S RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom W. Wolf Governor Commonwealth of Pennsylvania

Mr. Charles J. McGarvey, Sr. State Fire Commissioner

Folcroft Volunteer Firemen's Relief Association Governing Body:

Mr. Rich Kesser President

Mr. Bill Kesser Vice President

Mr. William Matthews Treasurer

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

Mr. Andrew Hayman Secretary Folcroft Borough

This report is a matter of public record and is available online at <u>www.PaAuditor.gov.</u> 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: <u>news@PaAuditor.gov</u>.