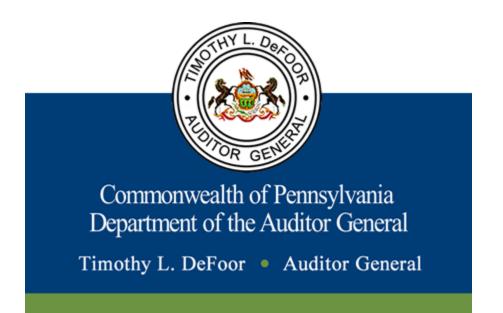
## **COMPLIANCE AUDIT**

# Hempfield Fire Department Relief Association

Lancaster County, Pennsylvania For the Period January 1, 2019, to December 31, 2021

January 2023





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

TIMOTHY L. DEFOOR AUDITOR GENERAL

Mr. Douglas Howard, President Hempfield Fire Department Relief Association Lancaster County

We have conducted a compliance audit of the Hempfield Fire Department 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.

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 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 matter described in Finding No. 2 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	<ul> <li>Noncompliance With Prior Audit Recommendation – Failure To Maintain A Complete And Accurate Equipment Roster</li> </ul>				
Finding No. 2	<ul> <li>Duplicate Payment</li> </ul>				
Finding No. 3	<ul> <li>Undocumented Expenditures</li> </ul>				
Finding No. 4	<ul> <li>Noncompliance With Prior Audit Recommendation – Unauthorized Expenditure</li> </ul>				
Finding No. 5	<ul> <li>Inadequate Minutes Of Meetings</li> </ul>				
Finding No. 6	<ul> <li>Failure To Comply With Relief Association Bylaws And The VFRA Act Results In Inadequate Internal Controls</li> </ul>				

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 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.

Timothy L. Detaor

Timothy L. DeFoor Auditor General January 12, 2023

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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<sup>1</sup>, and the Volunteer Firefighters' Relief Association Act<sup>2</sup> ("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 Law<sup>3</sup> (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.

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

Municipality	County	2019	2020	2021
East Hempfield Township	Lancaster	\$74,542	\$74,989	\$66,481

<sup>&</sup>lt;sup>1</sup> 72 P.S. § 403 (as last amended by Act 44 of 2017).

<sup>&</sup>lt;sup>2</sup> 35 Pa.C.S. § 7411 et seq. See specifically, 35 Pa.C.S. § 7418 (amended by Act 91 of 2020).

<sup>&</sup>lt;sup>3</sup> 53 P.S. § 895.701 et seq. (Act 205 of 1984, as amended by Act 119 of 1990).

#### **BACKGROUND** – (Continued)

Based on the relief association's records, its total cash as of December 31, 2021, was \$146,241, as illustrated below:

\$ 146,241

Based on the relief association's records, its total expenditures for the period January 1, 2019, to December 31, 2021, were \$194,476, 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.<sup>4</sup> The scope of the Department's audit does not include the issuance of an opinion on the accuracy of these amounts.

Expenditures:

Cash

Benefit Services: Insurance premiums Relief benefits		19,029 75
Total Benefit Services	\$	19,104
Fire Services:		
Equipment purchased		119,128
Equipment maintenance		13,870
Training expenses		20,351
Total Fire Services	\$	153,349
Administrative Services: Bond premiums	\$	642
Other administrative expenses *	Ψ	14,026
Total Administrative Services		14,668
Other Expenditures:		
Undocumented expenditures	\$	682
Unauthorized expenditures		583
Duplicate expenditure		6,090
Total Other Expenditures	\$	7,355
Total Expenditures	\$	194,476

<sup>&</sup>lt;sup>4</sup> Accuracy was evaluated for a selection of transactions based on dollar amount, category, and/or random selection.

## BACKGROUND – (Continued)

\* A majority of the other administrative expenses represent \$13,998 expended during the audit period for monthly and year-end accounting services, as well as tax preparation.

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:

Hempfield Fire Department

## HEMPFIELD FIRE DEPARTMENT RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

## NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The relief association has not complied with any of the prior audit findings. The findings are noted below and discussed in detail in the Findings and Recommendations section of this report:

- Failure To Maintain A Complete And Accurate Equipment Roster
- <u>Unauthorized Expenditures</u>

We are concerned by the relief association's failure to correct the previously reported audit findings. The relief 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 – Failure To Maintain</u> <u>A Complete And Accurate Equipment Roster</u>

<u>Condition</u>: The relief association failed to maintain a complete and accurate roster of equipment owned by the relief association. Although a listing of relief association owned equipment was provided during the current audit period, this listing was incomplete and did not accurately identify all of the equipment owned by the relief association. 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>: The relief association officials stated that an equipment auditing committee was not formed to address the prior audit deficiencies and an annual audit of the equipment was not performed, despite the relief association being notified of the condition during the prior audit.

<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. 1 – (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.

<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 – Duplicate Payment**

<u>Condition</u>: On March 25, 2021, the relief association expended \$6,090 for an insurance premium. On May 12, 2021, the relief association erroneously made a duplicate payment of \$6,090 for the same insurance premium. As such, the second payment is considered an unauthorized disbursement because no goods or services were received for the payment. The relief association failed to obtain reimbursement for the duplicate payment during the current audit period.

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

<u>Cause</u>: The relief association officials stated the reason for the duplicate payment was an accounting error.

<u>Effect</u>: As a result of failing to obtain reimbursement for the erroneous payment, the relief association was unable to use these funds for other general operating expenses or for investment purposes. 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 relief association be reimbursed \$6,090 for the erroneous duplicate payment. The relief association officials should consider contacting the vendor to recover the duplicate payment. 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.

#### **Finding No. 2 – (Continued)**

<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.

#### Finding No. 3 – Undocumented Expenditures

<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
07/29/2021	3142	Bank	532
10/25/2021	3150	Training provider	 150
		Total	\$ 682

In addition, it appears that the relief association does not have adequate internal control procedures in place to ensure supporting documentation for disbursements of relief association funds is maintained.

Criteria: Section 7418(a) of the VFRA Act 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.

Furthermore, prudent business practice dictates that effective internal controls be implemented and monitored to ensure supporting documentation is maintained to evidence the propriety of all financial transactions.

#### **Finding No. 3 – (Continued)**

<u>Cause</u>: Although the relief association officials did not provide a reason for why this occurred, they stated they would contact the vendors to obtain the invoices.

<u>Effect</u>: Lack of supporting documentation, such as invoices, itemized receipts, and detailed minutes of meetings, made it impossible to determine if the expenditures were made in accordance with Section 7416(f) of the VFRA Act. 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.

<u>Recommendation</u>: We recommend that the relief association officials provide this department with adequate supporting documentation, such as invoices and/or itemized receipts, to ensure the propriety of the expenditures or that the relief association be reimbursed \$682 for the undocumented expenditures. We also recommend that the relief association officials implement and monitor effective internal control practices to 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.

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

## <u>Finding No. 4 – Noncompliance With Prior Audit Recommendation – Unauthorized</u> <u>Expenditure</u>

<u>Condition</u>: The relief association expended \$583 for grant writing during the current audit period that is not authorized by the VFRA Act.

A similar condition was noted in our prior audit report.

<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.

#### **Finding No. 4 – (Continued)**

In addition, Section 7418(b) of the VFRA Act states:

(b) Findings -- If the Auditor General finds that money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the commissioner, upon receiving notice of the finding from the auditor general, shall decline to approve payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

Costs associated with grant writing fees do not qualify as an authorized volunteer firefighters' relief association expenditure; consequently, this disbursement is not authorized under the VFRA Act.

<u>Cause</u>: The relief association officials did not provide a reason why this occurred despite the relief association being notified of this condition during our prior audit.

<u>Effect</u>: As a result of this improper expenditure, relief association funds were not available for investment purposes or to pay for expenditures authorized by the VFRA Act. In addition, because of stipulations within the VFRA Act, failure to obtain reimbursement of the improperly expended funds will result in a withholding of future state aid fund disbursements until the improperly expended fire relief association monies identified in the finding have been reimbursed to the relief association.

<u>Recommendation</u>: We recommend that the relief association be reimbursed \$583 for the unauthorized expenditure 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. All supporting documentation verifying the receipt of reimbursement for the unauthorized expenditure should be submitted by the relief association to: Department of the Auditor General, Bureau of Fire Relief Audits, Room 316-E Finance Building, Harrisburg, PA 17120. 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>: 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. Compliance for future expenditures will be subject to verification through our next audit.

#### Finding No. 5 – Inadequate Minutes Of Meetings

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

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 V, Section 3 states, in part:

The Secretary shall attend all meetings and shall record all votes and minutes of meetings.

In addition, the relief association's bylaws at Article V, Section 4 states, in part:

The treasurer shall keep a complete and accurate record of all financial transactions of the Corporation, receive all bills for payment and present same at each regular meeting for approval. He shall submit a copy of his report at each regular meeting of the members.

<u>Cause</u>: Relief association officials stated that numerous people were recording the minutes and were unaware of the requirements.

<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 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. 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. 6 – Failure To Comply With Relief Association Bylaws And The VFRA Act</u> <u>Results In Inadequate Internal Controls</u>

<u>Condition</u>: The relief association did not adhere to numerous provisions in the relief association's bylaws and the VFRA Act. Specifically, the relief association did not abide by the following stipulations as noted below:

- The position of relief association treasurer was vacated and was not filled according to the established procedure outlined in the bylaws.
- The individual holding the position of relief association treasurer is to be the same as the individual elected as treasurer of the affiliated fire department.

Furthermore, the relief association has failed to establish adequate internal controls to comply with relief association bylaws and the VFRA Act. In addition to the deficiencies noted in Finding Nos. 1, 2, 3, 4 and 5 of the audit report, the following specific conditions noted during the current audit period are indicative of internal control weaknesses and warrant corrective action by the relief association:

- The relief association did not establish compensating internal controls during the time the treasurer's position is vacant.
- One of the signers on the relief association checks is not an officer.

<u>Criteria</u>: Section 7415(c) of the VFRA Act states that the relief association's bylaws should include the following provisions:

- (1) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.
- (10) Contain such other provisions as may, to the membership, seem appropriate or necessary to the orderly conduct of affairs of the association.

The relief association's bylaws at Article IV, Section 1 states, in part:

The Officers and Board of Directors of this Corporation shall be the same as those elected by the voting membership of the Hempfield Fire Department, namely: President, Vice President, Secretary, Treasurer, two (2) Directors and one Fire Chief.

#### **Finding No. 6 – (Continued)**

The relief association's bylaws at Article V, Section 4 states, in part:

The treasurer shall keep a complete and accurate record of all financial transactions of the Corporation, receive all bills for payment and present same at each regular meeting for approval. He shall submit a copy of his report at each regular meeting.

The relief association's bylaws at Article V, Section 4(d) states, in part:

A vacancy in any office because of death, resignation, removal, disqualification, or any other cause, shall be filled by the Board of Directors...and if the office is one for which these bylaws prescribe a term, shall be filled for the unexpired portion of the term.

In addition, the relief association's bylaws at Article XI, Section 2, states in part:

The signature of at least 2 officers, one of whom shall be the treasurer, are required for the issuance of relief association check.

Furthermore, prudent business practice dictates that:

- The treasurer position be filled.
- The treasurer should be performing the duties outlined in bylaws or the bylaws need to be amended.
- Two officers must be check signers; one of which must be the disbursing officer.

<u>Cause</u>: The relief association officials indicated that the high turnover rate of officers is the reason why this occurred.

<u>Effect</u>: The failure to adhere to relief association bylaws and the VFRA Act and the failure to establish adequate internal controls prevented the relief association from adequately safeguarding its assets and prevented the assurance that relief association business was conducted in accordance with the VFRA act. Furthermore, the lack of effective internal controls places the relief association funds at greater risk of being lost or for misappropriation to occur.

## **Finding No. 6 – (Continued)**

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

- Election or appointment of a treasurer be performed immediately and subsequently in accordance with the VFRA act and the relief association bylaws.
- Assurance that the elected treasurer performs duties as outlined in the relief association bylaws or that the bylaws be amended to allow for an outside firm to perform such duties.
- Ensure signatory authority of authorized check signers is accurate, current and include only check signers who are authorized by the VFRA Act and within the relief association bylaws.
- Ensure an evaluation is performed to determine and consider appropriate steps are taken to reduce turnover in relief association positions.
- Ensure the relief association treasurer keeps a complete and accurate record of all financial transactions.

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.

### HEMPFIELD FIRE DEPARTMENT RELIEF ASSOCIATION POTENTIAL WITHHOLD OF STATE AID

A condition such as that reported by Finding No. 2 contained in this audit report may lead to a total withholding of state aid in the future unless that finding is 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 316E Finance Building, Harrisburg, PA 17120.

#### HEMPFIELD FIRE DEPARTMENT RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

#### The Honorable Joshua D. Shapiro

Governor Commonwealth of Pennsylvania

Hempfield Fire Department Relief Association Governing Body:

## Mr. Douglas Howard President

#### Mr. Alex Borten Vice President

#### Mr. James H. Wert Secretary

#### Mr. Jerry Stevens Director

#### Mr. Joshua Newcomer Director

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

Ms. Cindy A. Schweitzer Secretary East Hempfield Township

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>.