COMPLIANCE AUDIT

Lancaster Township Fire Department Relief Association

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

May 2023



Commonwealth of Pennsylvania Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR AUDITOR GENERAL

Mr. Greg Kolb, President Lancaster Township Fire Department Relief Association Lancaster County

We have conducted a compliance audit of the Lancaster Township 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.

We were not able to obtain an independent confirmation of a portion of the cash balance directly from the financial institution. Therefore, while the relief association provided bank statements that indicated that, as of December 31, 2021, the relief association had a cash balance of \$470,162, we were not able to verify a portion of this cash balance.

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.
- 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 Signatory Authority For The Disbursement Of Funds
 - Finding No. 2 Noncompliance With Prior Audit Recommendation Inadequate Minutes Of Meetings And Relief Association Bylaws
 - Finding No. 3 Noncompliance With Prior Audit Recommendation Duplicate Payment
 - Finding No. 4 Undocumented Expenditures
 - Finding No. 5 Unauthorized Expenditures
 - Finding No. 6 Failure To Maintain A Complete And Accurate Equipment Roster

Three of the seven audit findings contained in this report cite conditions that existed in the operation of the relief association during the prior audit period and were not corrected during the current audit period. We are concerned by the number of findings noted and strongly encourage timely implementation of the recommendations noted in this audit report.

The 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. DeFoor Auditor General

April 3, 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 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.

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

Municipality	County	2019	2020	2021	
Lancaster Township	Lancaster	\$90,716	\$91,374	\$81,496	

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)

Based on the relief association's records, its total cash as of December 31, 2021, were \$470,162, as illustrated below:

Cash \$ 470,162

Based on the relief association's records, its total expenditures for the period January 1, 2019, to December 31, 2021, were \$183,666, 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	\$ 30,762
Fire Services:	
Equipment purchased	\$ 121,929
Equipment maintenance	26,097
Total Fire Services	\$ 148,026
Administrative Services:	
Bond premiums	\$ 1,296
Other administrative expenses	68
Total Administrative Services	\$ 1,364
Other Expenditures:	
Undocumented expenditures	\$ 2,644
Unauthorized expenditures	870
Total Other Expenditures	\$ 3,514
Total Expenditures	\$ 183,666

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:

Lancaster Township Fire Department

LANCASTER TOWNSHIP FIRE DEPARTMENT RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

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

- Inadequate Signatory Authority For The Disbursement Of Funds
- <u>Inadequate Minutes Of Meetings</u>
- <u>Duplicate Payment</u>

We are concerned by the relief association's failure to correct those 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 – Inadequate Signatory</u> Authority For The Disbursement Of Funds

Condition: During the current audit engagement, we identified 59 checks out of 64 checks drawn from the relief association's checking account that did not contain the proper signatory authority. Of these 59 checks, 56 contained the signatures of two relief association officers (the Relief Association President and the Relief Association Vice President); however, neither of the two signatures were that of the disbursing officer as required by the VFRA Act and the relief association's bylaws. The three remaining checks only contained the signature of one officer (either the Relief Association President or Vice President) even though two signatures are required by the VFRA Act and the relief association's bylaws.

A similar condition was noted in our prior audit report.

<u>Criteria</u>: Section 7415(c)(3) of the VFRA Act states, in part:

The bylaws shall require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

In addition, the relief association's bylaws at Article VII, Section 1 states:

The signatures of at least two officers, one of whom shall be the treasurer, shall be required for the issuance of relief association checks, withdrawal from the association savings account, the redemption of any relief association investment or on any other negotiable instrument issued by the association. Authorized signees are the president, vice president and treasurer.

Furthermore, prudent business practice dictates that the relief association has sufficient internal control procedures in place to ensure the signatures of at least two relief association officials are included on all negotiable instruments. Adequate internal control procedures require that checks be signed only after the propriety of the expenditure has been determined and the payee, date, and amount to be paid has been confirmed. Additionally, responsible relief association officers should compare this information with supporting documentation, such as invoices, contracts, etc., prior to approving the checks.

<u>Cause</u>: The relief association officials did not designate the treasurer to be a signer on the checking account despite the relief association being notified of this condition during our prior audit.

<u>Effect</u>: As a result of the relief association officers issuing checks without the signature of the disbursing officer and only one relief association official, assets were placed at greater risk without the disbursing officer having the opportunity to verify the propriety of the expenditures.

Finding No. 1 – (Continued)

<u>Recommendation</u>: We again recommend that the relief association officials establish adequate internal control procedures to ensure that the signatures of at least two relief association officers, one of whom shall be the Treasurer, are included on all relief association negotiable instruments as defined by the VFRA Act and the relief association's bylaws. 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.

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

<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 the financial-related transactions that occurred during the audit period.

A similar condition was noted in our prior audit report.

In addition, the existing bylaws of the relief association contains language to conduct business pertaining to the disbursement and investment of funds that is based on Act 84. The relief association has not updated the bylaws to govern their organization to meet the requirements set forth in the VFRA Act (Act 118 of 2010 and Act 91 of 2020).

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.

Finding No. 2 – (Continued)

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

Secretary: 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 there was a turnover in the secretary's position, and they were unaware that maintaining detailed minutes of meetings was required by the VFRA Act and the relief association's bylaws despite the relief association being notified of this condition during our prior audit. In addition, the relief association officials did not provide a reason why the financial-related transactions were not addressed or why the bylaws were not updated to meet the requirements of the VFRA Act.

<u>Effect</u>: Without detailed minutes of meetings, evidence that relief association business was presented before the membership for approval does not exist. In addition, because of not updating the bylaws governing their organization, the relief association may have conducted its affairs without proper authorization.

<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. We also recommend that the relief association officials review and update the bylaws governing their organization to remove the language referring to Act 84 so that the bylaws meet the requirements set forth in the VFRA Act (Act 118 of 2010 and Act 91 of 2020). 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. 3 - Noncompliance With Prior Audit Recommendation - Duplicate Payment

Condition: During the prior audit, on May 7, 2017, the relief association expended \$344 for an equipment purchase, and on August 5, 2018, the relief association erroneously made a duplicate payment for the same equipment purchase. As such, the second payment was considered an unauthorized disbursement because no goods or services were received for the payment. The relief association officials did not take corrective action to address the duplicate payment prior to the current audit period ending December 31, 2021.

<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 cited an oversight error despite the relief association being notified of this condition during our prior audit.

<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.

<u>Recommendation</u>: We again recommend that the relief association be reimbursed \$344 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.

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and as a result of our audit, subsequent to the period under review the affiliated fire company reimbursed the relief association \$344 for the duplicate payment on March 18, 2023.

<u>Auditor's Conclusion</u>: We reviewed documentation verifying that the reimbursement of \$344 was received. Compliance for expenditures made during the next audit period will be subject to verification through our next audit.

<u>Finding No. 4 – Undocumented Expenditures</u>

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

Date	Check No.	Payee Description			Amount
04/25/2019	803	Supply vendor		\$	439
04/25/2019	804	Affiliated fire company			75
05/30/2019	805	Equipment vendor			62
08/10/2020	828	Supply vendor			484
11/20/2020	834	Equipment vendor			326
02/28/2021	841	Equipment vendor			202
04/04/2021	844	Equipment vendor			6
04/04/2021	845	Equipment vendor			183
04/04/2021	846	Supply vendor			337
07/11/2021	848	Equipment vendor			135
07/15/2021	847	Equipment vendor			389
12/03/2021	860	Equipment vendor			6
		To	otal	\$	2,644

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.

Prudent business practice dictates that supporting documentation be maintained to evidence the propriety of all financial transactions.

<u>Cause</u>: The relief association officials did not provide a reason why this occurred.

<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.

Finding No. 4 – (Continued)

Recommendation: 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 \$2,644 for the undocumented expenditures. We also recommend that the relief association officials maintain supporting documentation for all future expenditures. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Management's Response</u>: Relief association management agreed with the finding as presented at the audit exit conference and, as a result of our audit, the affiliated fire company reimbursed the relief association \$2,644 for the undocumented expenditures on March 18, 2023.

<u>Auditor's Conclusion</u>: We reviewed documentation verifying that the reimbursement of \$2,644 was received. Compliance for expenditures made during the next audit period will be subject to verification through our next audit.

Finding No. 5 – 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
12/08/2019 08/12/2021 12/03/2021	819 852 861	Presentation helmet – not for firefighting Pennsylvania sales tax paid on purchases Pennsylvania sales tax paid on purchases	\$ 604 95 171
		Total	\$ 870

<u>Criteria</u>: Section 7415(e) of the VFRA Act states:

A volunteer firefighters' relief association organized or conducted in accordance with the requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.

Finding No. 5 – (Continued)

In addition, Section 7416(f) of the VFRA Act states:

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

- (11) To purchase safeguards for preserving life, health, and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service, including necessary training.
- (23) To purchase equipment used for emergency response.

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.

The cost associated with the purchase of a presentation helmet and the payment of Pennsylvania sales tax on purchases does not qualify as authorized volunteer firefighters' relief association expenditures; consequently, these disbursements are not authorized under the VFRA Act.

<u>Cause</u>: The relief association officials indicated that the purchase of the presentation helmet using relief association funds was an oversight. Additionally, the relief association officials indicated that they were unaware of the necessity to provide their state sales tax exemption number to all vendors from which the relief association purchases equipment.

<u>Effect</u>: As a result of this improper expenditure related to the presentation helmet, relief association funds were not available for investment purposes or to pay for expenditures authorized by the VFRA Act. Additionally, as a result of the relief association's failure to provide its sales tax exemption number to all vendors, the relief association was required to pay Pennsylvania sales tax on its purchases, which reduced the funds otherwise available for general operating expenditures and for investment purposes.

Finding No. 5 – (Continued)

Recommendation: We recommend that the relief association be reimbursed \$604 for the unauthorized expenditure related to the presentation helmet 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. Additionally, we recommend that the relief association officials seek reimbursement or a refund of the sales tax paid, in the amount of \$266, by filing an appeal form (REV-65BA) with the Pennsylvania Department of Revenue's Board of Appeals. In addition, we recommend that, in the future, relief association officials furnish its state sales tax exemption number to all vendors from which the relief association purchases equipment. 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, as a result of our audit, the affiliated fire company reimbursed the relief association \$604 for the unauthorized expenditure related to the presentation helmet on March 18, 2023.

<u>Auditor's Conclusion</u>: We reviewed documentation verifying that the reimbursement of \$604 was received. We continue to recommend that the relief association officials seek reimbursement or seek a refund of the sales tax paid, in the amount of \$266. Full compliance for expenditures made during the next audit period will be subject to verification through our next audit.

Finding No. 6 - Failure To Maintain A Complete And Accurate Equipment Roster

<u>Condition</u>: The relief association did not maintain a complete and accurate roster of equipment owned by the relief association. In addition, there was no indication that a physical inventory of equipment was conducted on an annual basis, nor whether such inventory accounted for all equipment owned by the relief association.

Finding No. 6 – (Continued)

<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

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

<u>Effect</u>: The 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.

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

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

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

LANCASTER TOWNSHIP FIRE DEPARTMENT RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Joshua D. Shapiro

Governor Commonwealth of Pennsylvania

Lancaster Township Fire Department Relief Association Governing Body:

Mr. Greg Kolb
President

Mr. Glenn Usdin Vice President

Mr. Andrew Foster
Secretary

Mr. Jason Haines
Treasurer

Mr. Mark Clair Director

Mr. Justin Brian
Director

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

Mr. William M. Laudien

Secretary Lancaster Township

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