COMPLIANCE AUDIT

The Gilberton Borough Firemen's Relief Association of Pennsylvania Schuylkill County

For the Period January 1, 2018 to December 31, 2021

June 2022



Commonwealth of Pennsylvania Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR AUDITOR GENERAL

Mr. Steve Bolusky, President The Gilberton Borough Firemen's Relief Association of Pennsylvania Schuylkill County

We have conducted a compliance audit of The Gilberton Borough Firemen's Relief Association of Pennsylvania (relief association) for the period January 1, 2018 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 the investment balance directly from the financial institution. Therefore, while we obtained the historical data price of the shares of stock that indicated that, as of December 31, 2021, the relief association had an investment balance of \$1,683, we were not able to verify this investment balance.

Based on our audit procedures, we conclude that, for the period January 1, 2018 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 Relief Association Bylaws
 - Finding No. 2 Noncompliance With Prior Audit Recommendation Inadequate Investments Records
 - Finding No. 3 Noncompliance With Prior Audit Recommendation Failure To Maintain A Pennsylvania Sales Tax Exemption Number
 - Finding No. 4 Noncompliance With Prior Audit Recommendation Inadequate Financial Record-Keeping System
 - Finding No. 5 Noncompliance With Prior Audit Recommendation Failure To Maintain Minutes Of Meetings
 - Finding No. 6 Insufficient Surety (Fidelity) Bond Coverage
 - Finding No. 7 Inadequate Signatory Authority For The Disbursement Of Funds

Five 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

Timothy L. Detool

May 12, 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.

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

Municipality	County	2018	2019	2020	2021
Gilberton Borough	Schuylkill	\$2,375	\$2,579	\$2,633	\$2,352

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).

BACKGROUND – (Continued)

Based on the relief association's records, its total cash and investments as of December 31, 2021 were \$22,238, as illustrated below:

Cash	\$ 20,555
Fair Value of Investments	 1,683
Total Cash and Investments	\$ 22,238

Based on the relief association's records, its total expenditures for the period January 1, 2018 to December 31, 2021 were \$12,468, 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. 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	\$ 2,631
Fire Services:	
Equipment maintenance	\$ 3,651
Administrative Services:	
Other administrative expenses	\$ 370
Bond premiums	400
Total Administrative Services	\$ 770
Total Investments Purchased	\$ 5,316
Other Expenditures:	
Miscellaneous*	\$ 100
Total Expenditures	\$ 12,468

^{*} In 2021, the relief association erroneously paid the insurance company; however, the error was rectified immediately and the \$100 was deposited into a relief association account on January 11, 2022.

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 organizations are separate, legal entities. The relief association is affiliated with the following fire service organizations:

American Hose Company No. 2

Continental Hose Company No. 3

THE GILBERTON BOROUGH FIREMEN'S RELIEF ASSOCIATION OF PENNSYLVANIA STATUS OF PRIOR FINDINGS

NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

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

- Inadequate Relief Association Bylaws
- <u>Inadequate Investment Records</u>
- Failure To Maintain A Pennsylvania Sales Tax Exemption Number
- <u>Inadequate Financial Record-Keeping System</u>
- Failure To Maintain Minutes Of Meetings

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 Relief Association Bylaws</u>

Condition: As disclosed in prior audit reports, the existing bylaws of the relief association do not contain all of the provisions required by Section 7415(c) of the VFRA Act. Specifically, the bylaws do not address the procedures to be followed in amending the bylaws and specify the notice to be required with respect to the proposed amendments.

Criteria: Section 7415(c) of the VFRA Act states that the relief association's bylaws shall:

- (7) Set out the procedure to be followed in amending bylaws.
- (8) Specify notice required with respect to proposed bylaw amendments, including the time, place and date when the proposed amendments shall be considered.
- (9) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.

Furthermore, the relief association bylaws should authorize and clearly specify the criteria to be met before receiving death or relief benefits and the amount of any benefit payments. In addition, the bylaws should address the authorization of compensation to relief association officers.

Cause: Relief association officials indicated that they misunderstood the prior audit finding.

<u>Effect</u>: As a result of the mandatory provisions not being included in the bylaws, the relief association may have conducted its affairs without proper authorization.

<u>Recommendation</u>: We again recommend that the relief association officials review and update the bylaws governing their organization so that the bylaws meet the requirements set forth in the VFRA Act and properly authorize the operating procedures 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.

<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 Investment Records</u>

<u>Condition</u>: As disclosed in prior audit reports, relief association officials did not maintain adequate records of investments purchased and sold, as well as the source of investment income. Specifically, none of the investment transactions were recorded in the relief association's journal, nor were the investment transactions identified in the minutes of the relief association's meetings. In addition, relief association officials failed to maintain investment statements for the investments held by the relief association.

Furthermore, according to the dividends and distribution statements, the relief association received \$129 dividend proceeds during the current audit period and \$118 dividend proceeds from the prior audit periods. However, only \$22 of the \$129 from the current audit period was deposited into a relief association account leaving \$118 of the prior audit dividends and \$107 of the current audit dividends for a total of \$225 dividend proceeds that were not deposited into a relief association account. Also, there were no investment statements to verify dividends received for the fourth quarter in 2018 and 2020.

<u>Criteria</u>: 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.

Additionally, sound accounting procedures for investment purchases and sales should include maintaining investment statements and recording the following:

- Date of purchase or sale of the security
- Identification number of the security
- Rate of interest
- Date of receipt of interest income
- Date of maturity

<u>Cause</u>: The relief association officials did not provide a reason why adequate investment records were not maintained, recorded and the source identified. Relief association officials stated that they advised the treasurer to deposit the investment checks and she failed to do so.

Finding No. 2 – (Continued)

<u>Effect</u>: The continued failure to maintain an adequate record-keeping system for investment transactions prevents officials from effectively monitoring the relief association's financial position.

<u>Recommendation</u>: We again recommend that the relief association officials take the necessary steps to maintain and record all investments purchased and sold, and identify the source and amount of investment income, so that all investment transactions are sufficiently documented. In addition, the relief association officials should determine where the \$225 of dividends received were deposited during the prior and current audit periods and deposit these dividends into a relief association account. 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. 3 – Noncompliance With Prior Audit Recommendation – Failure To Maintain</u> A Pennsylvania Sales Tax Exemption Number

<u>Condition</u>: As disclosed in prior audit reports, the relief association failed to maintain a Pennsylvania sales tax exemption number. Although the relief association did have its own sales tax exemption number, it expired on May 29, 2005, and is no longer valid.

Criteria: 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.

<u>Cause</u>: Relief association officials indicated that they did not have enough information to fill out the form.

Finding No. 3 – (Continued)

<u>Effect</u>: As a result of the relief association's continued failure to maintain a sales tax exemption number, the relief association may be required to pay Pennsylvania sales tax on their purchases, which ultimately reduces the funds otherwise available for general operating expenditures or for investment purposes.

<u>Recommendation</u>: We again recommend that the relief association officials immediately reapply for a new state sales tax exemption number from the Department of Revenue and furnish this exemption number to all vendors from whom 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 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. 4 – Noncompliance With Prior Audit Recommendation – Inadequate Financial Record-Keeping System</u>

<u>Condition</u>: As disclosed in our prior audit report, 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:

- A journal was not maintained during the audit period to record the receipts and disbursements of the relief association.
- Ledgers were not utilized to record the transactions of the relief association accounts during the audit period.
- A checkbook register was not maintained during the audit period to record expenditures purchased.

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.

Finding No. 4 – (Continued)

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

<u>Cause</u>: Relief association officials stated that they advised the treasurer to keep adequate financial records but she failed to do so.

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

<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. 5 – Noncompliance With Prior Audit Recommendation – Failure To Maintain Minutes Of Meetings</u>

Condition: The relief association did not maintain 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 and the minutes were not signed by the secretary of the relief association. In addition, meetings were only held in two months during 2018 and 2021, and one month in 2019 and 2020.

A similar condition was noted in our prior audit report.

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. 5 – (Continued)

The relief association's bylaws at Article VI states:

The association shall meet Quarterly on the second Sunday of March, June, September and December, having alternate meetings at the Continental Hose Co. No. 3 and American Hose Co. No. 2.

In addition, the relief association's bylaws at Article V, Section 5 states, in part:

The duties of the secretary shall be to keep a complete and accurate record of all activities of the association, keeping a record of the minutes of the meetings in a record book.

<u>Cause</u>: Relief association officials indicated that they were unaware that they were required to have quarterly minutes of meetings as required by their bylaws and did not provide a reason for why the meeting minutes did not address all the financial-related transactions that occurred and were not signed by the secretary.

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

Recommendation: We again recommend that the relief association officials hold all required meetings and maintain a permanent record of all relief association meetings as required by the VFRA Act and the relief association's bylaws. The minutes should include an adequate record of all financial-related business conducted by the relief association and ensure that the 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.

<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. 6 - Insufficient Surety (Fidelity) Bond Coverage

Condition: The relief association did not maintain a Surety (Fidelity) bond in a sufficient amount to cover the relief association's authorized disbursing officer. The relief association's Surety (Fidelity) bond coverage amount was \$20,000; however, as of December 31, 2021, the relief association's cash assets totaled \$20,555.

Criteria: Section 7415(c)(4) of the VFRA Act states, in part, that:

. . . the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time during the fiscal year, and the premium on the bond shall be a proper charge against the funds of the association.

Cause: Relief association officials were not aware that the bond coverage was exceeded.

<u>Effect</u>: As a result of the authorized disbursing officer of the relief association being insufficiently bonded, the relief association's cash assets were not adequately safeguarded.

Recommendation: We recommend that the relief association officials ensure that its Surety (Fidelity) bond sufficiently covers the relief association's authorized disbursing officer, as required by the VFRA Act. This requirement may be accomplished by increasing the Surety (Fidelity) bond coverage on the relief association's authorized disbursing officer to an amount greater than the expected maximum balance of the relief association's cash assets, or by decreasing the relief association's cash assets to an amount anticipated to remain below the policy coverage amount. In addition, relief association officials should monitor the relief association's cash balance to ensure that unexpected events affecting the relief association's current funds do not again result in insufficient Surety (Fidelity) bond coverage on the relief association's authorized disbursing officer. 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 relief association increased their bond coverage to \$30,000 on February 11, 2022.

<u>Auditor's Conclusion</u>: We reviewed documentation verifying that the bond coverage was increased to \$30,000. Compliance for sufficient bond coverage during the next audit period will be subject to verification through our next audit.

Finding No. 7 – Inadequate Signatory Authority For The Disbursement Of Funds

<u>Condition</u>: During the current audit engagement, we noted that all five of the checks we randomly selected from the checks drawn from the relief association's checking account that did not contain the proper signatory authority. The five checks only contained the signature of one relief association officer (Relief Association Treasurer), even though two signatures are required by the VFRA Act and the relief association's bylaws. Issuing checks with the signature of only one relief association officer negates the relief association's internal control over the disbursement process.

Criteria: 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 V, Section 4 states:

All checks must be signed by the 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 stated that they were unaware that they needed two signatures on the checks.

<u>Effect</u>: As a result of the relief association officer issuing checks with only one signature, assets were placed at greater risk as expenditures were being made without a second relief association officer having the opportunity to verify the propriety of the expenditures. The application of the second signature, after evaluating the propriety of the expenditure, reduces the risk of misappropriation and the risk of errors occurring and going undetected.

<u>Recommendation</u>: We recommend that the relief association officials establish adequate internal control procedures to ensure that the signatures of at least two 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.

Finding No. 7 – (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.

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

THE GILBERTON BOROUGH FIREMEN'S RELIEF ASSOCIATION OF PENNSYLVANIA 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

The Gilberton Borough Firemen's Relief Association of Pennsylvania Governing Body:

Mr. Steve Bolusky

President

Mr. Frank Jackowiak

Vice President

Ms. Debra Jackowiak

Secretary

Ms. Donna Yashinsky

Treasurer

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

Ms. Deborah Malloy

Secretary Gilberton Borough

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.