COMPLIANCE AUDIT

The Liberty Hose Company No. 1 Firemen's Relief Association Dauphin County, Pennsylvania

For the Period January 1, 2019, to December 31, 2021

July 2023



Commonwealth of Pennsylvania Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR AUDITOR GENERAL

Mr. Joe Lower, President The Liberty Hose Company No. 1 Firemen's Relief Association Dauphin County

We have conducted a compliance audit of The Liberty Hose Company No. 1 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.

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. 1 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	 Noncompliance With Prior Audit Recommendation – Undocumented Expenditures 			
Finding No. 2	 Noncompliance With Prior Audit Recommendation – Inadequate Administration Of Mortgage 			
Finding No. 3	 Noncompliance With Prior Audit Recommendation – Failure To Maintain A Complete And Accurate Equipment Roster 			
Finding No. 4	 Noncompliance With Prior Audit Recommendation – Failure To Maintain A Pennsylvania Sales Tax Exemption Number 			
Finding No. 5	 Noncompliance With Prior Audit Recommendation – Failure To Maintain Minutes Of Meetings 			
Finding No. 6	 Inadequate Financial Record-Keeping System 			

Five of the six 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. Detoor

Timothy L. DeFoor Auditor General June 27, 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.

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 municipalities:

Municipality	County	2019	2020	2021
Williamstown Borough	Dauphin	\$5,365	\$5,451	\$4,863
Williams Township	Dauphin	\$5,139	\$5,206	\$4,586

Based on the relief association's records, its total cash and investments as of December 31, 2021, were \$35,663, as illustrated below:

Cash	\$ 9,004
Book Value of Other Investments *	 26,659
Total Cash and Investments	\$ 35,663

* Refer to Finding No. 2 of this report for further information.

BACKGROUND – (Continued)

Based on the relief association's records, its total expenditures for the period January 1, 2019, to December 31, 2021, were \$83,083, 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.

Benefit Services:		
Insurance premiums	\$	15,753
Fire Services:		
Equipment purchased	\$	4,894
Equipment maintenance	·	11,431
Training expenses		6,115
Total Fire Services	\$	22,440
Administrative Services:		
Bond premiums	\$	300
Other administrative expenses		296
Total Administrative Services	\$	596
Other Expenditures:		
Undocumented expenditures	\$	44,024
Unauthorized expenditure *		270
Total Other Expenditures	\$	44,294
Total Expenditures	\$	83,083

Expenditures:

* During calendar year 2019, the relief association made a \$270 disbursement for award plaques that were not authorized under the VFRA Act. We disclosed this issue to relief association officials on December 28, 2022, but we did not include a finding in this report due to the relatively low dollar amount. Relief association officials should seek to obtain reimbursement for the unauthorized expenditure.

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:

Liberty Hose Company No. 1

THE LIBERTY HOSE COMPANY NO. 1 FIREMEN'S RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The relief association has not complied with all five prior audit findings. These 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>Failure To Maintain A Pennsylvania Sales Tax Exemption Number And Payment Of</u> <u>Pennsylvania State Sales Tax</u>

Although the relief association received reimbursement of \$1,344 for the payment of state sales tax, the relief association failed to maintain their Pennsylvania sales tax exemption number.

• <u>Undocumented Expenditures</u>

Although the relief association received reimbursement of \$7,340 from the affiliated fire company for the undocumented expenditures that were made in the prior audit period, the relief association failed to provide adequate documentation to support all expenditures in the current audit period as further disclosed in Finding No. 1 of this report.

- Inadequate Administration Of Mortgage
- 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 – Undocumented</u> <u>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	Amo	
05/24/2019	1166	Affiliated fire company	\$	5,000
07/15/2019	1168	Affiliated fire company		3,000
10/18/2019	Withdrawal	Affiliated fire company		3,000
01/21/2020	104	Communication vendor		330
04/11/2020	113	Equipment vendor		1,498
05/06/2020	116	Member		400
06/20/2020	122	Training vendor		120
07/09/2020	127	Member		80
07/01/2020	128	Equipment vendor		1,500
07/14/2020	129	Affiliated fire company		2,405
08/07/2020	Debit	Equipment vendor		2,190
08/17/2020	132	Equipment vendor		157
09/02/2020	138	Training vendor		600
09/08/2020	139	Equipment vendor		728
09/21/2020	140	Equipment vendor		638
09/21/2020	141	Equipment vendor		550
11/03/2020	142	Communication vendor		308
11/01/2020	143	Affiliated fire company		303
11/23/2020	144	Affiliated fire company		562
12/01/2020	145	Affiliated fire company		10,477
12/04/2020	146	Training vendor		180
12/22/2020	161	Affiliated fire company		2,158
03/26/2021	164	Equipment Vendor		2,000
03/26/2021	165	Vendor		1,000
11/05/2021	153	Affiliated fire company		2,340
11/22/2021	158	Maintenance vendor		2,500
		Total	¢	44 024

Total <u>\$ 44,024</u>

A similar condition was noted in our prior audit report.

Finding No. 1 – (Continued)

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>: According to current relief association officials, prior relief association officers did not correct the prior audit finding and continued to pay invoices without maintaining the documents needed to evidence the propriety of the expenditures.

<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. 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 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 \$44,024 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 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.

<u>Finding No. 2 – Noncompliance With Prior Audit Recommendation – Inadequate</u> <u>Administration Of Mortgage</u>

<u>Condition</u>: On April 14, 2018, the relief association granted a mortgage to the Liberty Hose Company No. 1 in the amount of \$38,669; There was a formal mortgage agreement for \$38,669, written on April 14, 2018. Monthly payments of \$373 from the fire department to the relief association were to begin on May 14, 2018, and continue for 10 years. The relief association did receive payments during the current audit period; however, we identified irregular payments and detected the following material internal control weaknesses related to the administration of this mortgage:

- A formal investment policy with well-defined mortgage program policies and procedures was not developed.
- A separate cash receipts journal was not maintained to record mortgage payments received.
- Although the relief association provided copies of an amortization table indicating that as of December 31, 2021, the relief association had an investment balance with book value of \$26,659, the investment balance may be inaccurate because the amortization schedule was not revised to reflect irregular payments made during the audit period.
- Appraisal of the property mortgaged was not maintained.
- Proof of property tax payments was not maintained.

Similar conditions were noted in our prior audit report.

Criteria: Section 7416(c)(1) of the VFRA Act states:

All, or any part of the funds of a volunteer firefighters' relief association may be invested:

In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgage insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

Finding No. 2 – (Continued)

Prudent business practice dictates that payments received should be deposited timely and applied accurately to each mortgagee's accounts. Amortization schedules should be routinely revised to reflect payments that vary from the original payment schedule.

<u>Cause</u>: According to current relief association officials, prior relief association officers did not adequately oversee the mortgage agreement.

<u>Effect</u>: The lack of sufficient internal controls to properly account for mortgage payments and outstanding balances places this investment at greater risk. By not revising payment schedules to reflect irregular payments, the relief association may not be earning the stated interest rate on the mortgages and may be incorrectly stating the total outstanding mortgage balance. Untimely deposits of monies received prevents the relief association from maximizing earnings on investments. Since the relief association officials could not provide documentation of their first lien position nor the appraised value of the property, this mortgage may not be adequately secured as required by the VFRA Act.

<u>Recommendation</u>: We again recommend that the relief association officials adopt the following internal controls related to the administration of mortgages:

- Establish a formal investment policy with well-defined mortgage program policies and procedures, including policies related to liens being placed on property, penalties for late payments and collection procedures for delinquent accounts.
- Utilize a separate cash receipts journal to accurately record all mortgage payments received.
- Revise the amortization schedule to reflect payments that vary from the original schedule.
- Maintain documentation of property appraisals.
- Require mortgagees to submit proof that property taxes are paid or escrow property tax payments.

<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> <u>A Complete And Accurate Equipment Roster</u>

<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.

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 did not provide a reason why this occurred despite the relief association being notified of this condition during our 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 continued 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 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.

Finding No. 3 – (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>: 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 – Failure To Maintain</u> <u>A Pennsylvania Sales Tax Exemption Number</u>

<u>Condition</u>: 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 7, 2006, and is no longer valid.

A similar condition was noted in our prior audit report.

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>: According to current relief officials, prior relief association officers did not correct this finding and did not notify current officers of this issue.

<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.

Finding No. 4 – (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>: 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</u> <u>Minutes Of Meetings</u>

<u>Condition</u>: The relief association did not maintain minutes of meetings as required by the VFRA Act. Specifically, the bylaws state relief association meetings shall be held every month. Meeting minutes provided to our auditors were missing evidence to support that all required monthly meetings were held, and the meeting minutes provided did not address all of the financial-related transactions that occurred during the audit period.

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.

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

The Secretary shall keep a complete record of proceedings of all meetings of the Association and maintenance of such books of account as may be necessary to afford a permanent record of its fiscal affairs.

<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>: 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.

Finding No. 5 – (Continued)

<u>Recommendation</u>: 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. The minutes should include an adequate record 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.

<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 – 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:

- A journal was not maintained to record the receipts and disbursements of the relief association.
- Ledgers were not utilized to record the transactions of the relief association accounts.
- Documentation to support various expenditures was not available for examination at the time of the audit. Refer to Finding No. 1 of this report for additional information.

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.

Finding No. 6 – (Continued)

<u>Cause</u>: According to relief officials, prior relief association officers did not keep adequate financial records and current officers were not aware of this issue.

<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.

THE LIBERTY HOSE COMPANY NO. 1 FIREMEN'S RELIEF ASSOCIATION POTENTIAL WITHHOLD OF STATE AID

A condition of a repeat finding such as that reported by Finding No. 1 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.

THE LIBERTY HOSE COMPANY NO. 1 FIREMEN'S RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Joshua D. Shapiro

Governor Commonwealth of Pennsylvania

The Liberty Hose Company No. 1 Fireman's Relief Association Governing Body:

Mr. Joe Lower President

Mr. Rick Sitler Vice President

Ms. Sue Ann Keisling Secretary

Mr. Glenn Rubendall Treasurer

The following municipalities allocated foreign fire insurance tax monies to this relief association and received a copy of this report:

Ms. Rikki Merwine Secretary Williamstown Borough

Ms. Beth Ann Shuttlesworth Secretary Williams 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>.