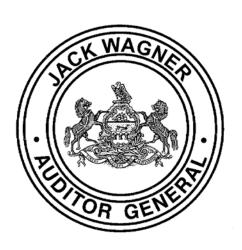


# THE FIREMEN'S RELIEF ASSOCIATION OF LANSDOWNE, PA DELAWARE COUNTY

COMPLIANCE AUDIT REPORT

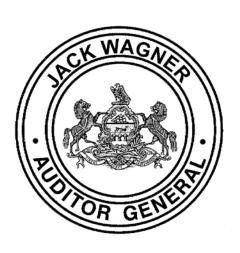
FOR THE PERIOD

**JANUARY 1, 2008 TO DECEMBER 31, 2009** 



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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, Act of April 9, 1929, (P.L. 343, No. 176), and the Volunteer Firefighters' Relief Association Act, as consolidated by the Act of November 23, 2010, (P.L. 1181, No. 118), at 35 Pa.C.S. § 7411 et seq., 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, Act of December 18, 1984, (P.L. 1005, No. 205), as amended, 53 P.S. § 895.701 et seq. (commonly referred to as Act 205), are properly expended.

The Firemen's Relief Association of Lansdowne, PA, herein referred to as Lansdowne Volunteer Firefighters' 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.

Act 118 governs the overall operation of the volunteer firefighters' relief association. The relief association's bylaws define the specific operational procedures by which the volunteer firefighters' relief association conducts business. To fulfill its primary purpose, Act 118 authorizes specific types of expenditures and prescribes appropriate volunteer firefighters' relief association investment options. Within the parameters established by Act 118, it is the responsibility of the volunteer firefighters' relief association 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, which is or are recognized as providing the service to the municipality. The Lansdowne Volunteer Firefighters' Relief Association was allocated state aid from the following municipality:

Municipality	County	2008	2009
Lansdowne Borough	Delaware	\$66,019	\$60,046

### BACKGROUND (Continued)

The volunteer firefighters' relief association and the affiliated fire service organization are separate, legal entities. The Lansdowne Volunteer Firefighters' Relief Association is affiliated with the following fire service organization:

Lansdowne Fire Company

Mr. Thomas C. Young, President LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION Delaware County

We have conducted a compliance audit of the Lansdowne Volunteer Firefighters' Relief Association pursuant to authority derived from Article VIII, Section 10 of the Constitution of the Commonwealth of Pennsylvania, Section 403 of The Fiscal Code, Act of April 9, 1929, (P.L. 343, No. 176), and mandated by the Volunteer Firefighters' Relief Association Act, as consolidated by the Act of November 23, 2010 (P.L. 1181, No. 118), at 35 Pa.C.S. § 7411 *et seq.*, for the period January 1, 2008 to December 31, 2009.

We conducted this compliance audit in accordance with *Government Auditing Standards* applicable to performance audits, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our audit results and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our audit results and conclusions based on our audit objectives.

The objectives of the audit were:

- 1. To determine if the volunteer firefighters' relief association took appropriate corrective action to address the findings contained in our prior audit report; and
- 2. To determine if the volunteer firefighters' relief association received and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures.

Our audit was limited to the areas related to the objectives identified above.

Volunteer firefighters' relief association officers are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the Lansdowne Volunteer Firefighters' 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. In conducting our audit, we obtained an understanding of the volunteer firefighters' relief association's internal controls as they relate to the association's compliance with those requirements and that we considered to be significant within the context of the audit objectives, and assessed whether those significant controls were properly designed and implemented. Our audit procedures also included tests of documentary evidence supporting the Lansdowne Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Lansdowne Volunteer Firefighters' Relief Association's cash, investments, and certain other assets and liabilities as of December 31, 2009, with the custodians of the funds, debtors, creditors, and financial institutions to the extent necessary to satisfy the audit objectives. Additionally, we performed procedures to provide a reasonable assurance of detecting instances of violations of legal and regulatory requirements or violations of provisions of contracts that are significant within the context of the audit objectives.

The results of our audit, for the period January 1, 2008 to December 31, 2009, found the Lansdowne Volunteer Firefighters' 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. In addition, the results of our audit found the Lansdowne Volunteer Firefighters' Relief Association did not, in all significant respects, receive and expend state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures, as noted in the findings listed below and discussed in detail in the Findings and Recommendations section of this report. The results of our tests also indicated the Lansdowne Volunteer Firefighters' Relief Association expended funds as presented in the Accompanying Expenditure Information and, as of December 31, 2009, had a cash balance of \$211,787 and an investment balance with a fair value of \$755,242.

- Finding No. 1 Noncompliance With Prior Audit Recommendation Undocumented Expenditures
- Finding No. 2 Noncompliance With Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster
- Finding No. 3 Noncompliance With Prior Audit Recommendation Failure to Maintain Minutes of Meetings
- Finding No. 4 Noncompliance With Prior Audit Recommendation Inadequate Financial Record Keeping System
- Finding No. 5 Failure to Define Discretionary Benefits

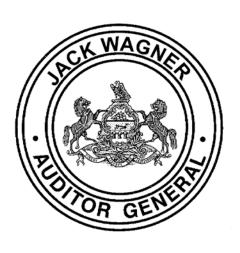
We also noted another matter that has been included in the following observation and detailed in the Observation section of this report.

Observation – Diversification of Investments

The contents of this report were discussed with the management of the Lansdowne Volunteer Firefighters' Relief Association and, where appropriate, their responses have been included in the report.

January 6, 2011

JACK WAGNER Auditor General



### LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

#### NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The Lansdowne Volunteer Firefighters' 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:

- Noncompliance With Prior Audit Recommendation Undocumented Expenditures
- Noncompliance With Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster
- Noncompliance With Prior Audit Recommendation Failure to Maintain Minutes of Meetings
- Noncompliance With Prior Audit Recommendation Inadequate Financial Record-Keeping System

We are concerned with the volunteer firefighters' relief association's continued failure to correct the previously reported audit findings. The 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 Expenditures</u>

<u>Condition</u>: As cited in our prior audit report, the relief association, again, was unable to provide adequate supporting documentation for the following expenditure:

#### Prior Period Undocumented Expenditure:

Date	Check No.	Description	An	nount
09/10/07	1597	Relief association member	\$	750
		Prior Period Total	\$	750

In addition, during and subsequent to the current audit period, the relief association was unable to provided adequate supporting documentation for the following expenditures:

#### Current Period Undocumented Expenditures:

Date	Check No.	Description	A	mount
09/08/08	1624	Relief association member	\$	750
12/20/08	1632	Fitness provider		9,667
09/14/09	1655	Relief association member		750
		Current Period Total	\$	11,167

#### Subsequent Period Undocumented Expenditure:

Date	Check No.	Description	A	mount
02/01/10	1670	Fitness provider	\$	3,591
		Subsequent Period Total	\$	3,591
		Total Undocumented Expenditures	\$	15,508

<u>Finding No. 1 – (Continued)</u>

Criteria: Act 118 at 35 Pa.C.S. § 7418(a) 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), [FN1] 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.

Also, Article VII, Section 5, of the relief association's bylaws states, in part:

The Treasurer . . . shall maintain all documentation supporting the receipts and disbursements made by the Association.

Without adequate supporting documentation, such as invoices, training certificates, and detailed minutes of meetings, this department is unable to determine whether relief association funds were expended for purposes authorized by Act 118. Furthermore, good business practices dictate that supporting documentation be maintained to verify the propriety of all financial transactions.

<u>Cause</u>: Even though notified of the necessity to maintain supporting documentation during our prior audit, relief association officials, again, neglected to establish adequate internal control procedures to ensure supporting documentation is maintained for all expenditures.

<u>Effect</u>: Lack of supporting documentation, such as invoices, training certificates, and detailed minutes of meetings, made it impossible to determine if the expenditures were made in accordance with Act 118 at 35 Pa.C.S. § 7416(f). 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, again, recommend the relief association provide this department with adequate supporting documentation, such as invoices, training certificates, and detailed minutes of meetings to substantiate the validity of the expenditures or that the relief association be reimbursed \$15,508 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.

### Finding No. 1 – (Continued)

## <u>Finding No. 2 – Noncompliance With Prior Audit Recommendation – Failure to Maintain a Complete and Accurate Equipment Roster</u>

Condition: As cited in our three prior audit reports, the relief association officials, again, did not maintain a complete and accurate roster of equipment owned by the relief association. While the relief association had maintained an equipment roster during the prior audit period, it was incomplete and an updated equipment roster was not provided for the current audit period. Equipment purchased during the prior and current periods totaled \$544,301. 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 of the relief association's fixed assets.

<u>Criteria</u>: Sound business practice dictates 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 fixed assets. A cumulative equipment roster of all relief association equipment should include 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; and
- Evidence of the performance and results of an annual physical inventory.

<u>Cause</u>: While notified of this condition during our three prior audits, relief association officials, again, neglected to establish adequate internal control procedures over fixed assets requiring the maintenance of a cumulative equipment roster and the performance of an annual physical inventory of equipment.

<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 fixed assets prevents adequate accountability for, and safeguarding of, relief association fixed assets.

#### Finding No. 2 – (Continued)

<u>Recommendation</u>: We, again, recommend the relief association officials maintain a cumulative equipment roster of all relief association owned equipment. The relief association should immediately perform a physical inventory of all operable equipment and sufficiently document the inventory. Furthermore, all purchases made since the end of the prior audit period, December 31, 2007, should be included on the equipment roster and the roster should contain all the required fields as detailed in the criteria section of this finding. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## <u>Finding No. 3 – Noncompliance With Prior Audit Recommendation – Failure to Maintain Minutes of Meetings</u>

<u>Condition</u>: As cited in our two prior audit reports, the relief association, again, failed to maintain minutes of meetings as required by Act 118. During the current audit, the relief association provided minutes for two meetings held November 1, 2010 and December 6, 2010. However, the minutes appear to be minutes for meetings held by the board of directors. We were not provided any minutes of meetings conducted by the relief association membership.

Criteria: Act 118 at 35 Pa.C.S. § 7415(a) 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, Article IV, Section 1, of the relief association's bylaws states:

Regular meetings of membership shall be in January, April, July, October, and November for nominations and in December for elections

Furthermore, Article VIII, Section 5, of the relief association's bylaws states:

The Board shall hold regular *monthly* meetings for the proper discussion and conduction of normal business

<u>Cause</u>: While notified of this condition during our two prior audits, relief association officials, again, neglected to maintain minutes of meetings as required by Act 118.

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

<u>Recommendation</u>: We, again, recommend relief association officials maintain a permanent record of all relief association meetings as required by Act 118. 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>Finding No. 4 – Noncompliance With Prior Audit Recommendation – Inadequate Financial Record-Keeping System</u>

<u>Condition:</u> As cited in our prior audit report, the relief association's financial record-keeping system, again, did not provide effective control over cash receipts, disbursements, and monetary assets, and does not meet the minimum requirements of maintaining financial records established by this department. The following are the noted deficiencies:

- Ledgers were not utilized to record the transactions of the relief association accounts; and
- Documentation to support various expenditures (see Finding No. 1) and a \$107 revenue item was not available for examination at the time of the audit.

Criteria: Act 118 at 35 Pa.C.S. § 7415(a) 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 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, Article VII, Section 5 of the relief association's bylaws states, in part:

The Treasurer shall keep a journal and ledger, which details all financial transactions of the association

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

<u>Cause</u>: While notified of this condition during our prior audit, relief association officials, again, neglected their various record-keeping responsibilities.

<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, again, recommend the relief association establish and maintain a financial record-keeping system that meets the minimum record-keeping requirements of this department. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

#### <u>Finding No. 5 – Failure to Define Discretionary Benefits</u>

Condition: During the current audit period, the relief association disbursed \$1,365 to a relief association member for an emergency loan, of which the member repaid a total of \$450. According to the relief association's records, the loan was made to assist the relief association member with a financial hardship resulting from the member being injured in the line of duty while performing as a volunteer firefighter, which is authorized by Act 118. However, the existing relief association bylaws do not define this discretionary benefit, as required by Act 118.

Criteria: Act 118 at 35 Pa.C.S. § 7413 (6) states, funds shall be available:

(6) To make cash payments to families, in distressed circumstances by reason of age, infirmities, or other disabilities suffered by [the member] one of the family in the course of his or her participation as a volunteer firefighter. (emphasis added)

Furthermore, prudent business practice dictates that when a relief association offers any type of discretionary benefit provided by Act 118, it should establish a precedent for those benefits being offered. Such a precedent should be documented in the bylaws, a formal relief association policy, or in the official meeting minutes. The formal approval is necessary to clarify the types and amounts of benefits to its membership as well as the criteria to be met in order to receive the benefits.

<u>Cause</u>: The relief association officials were not aware of the necessity to formally define the amounts and types of benefits being offered and the related criteria to be met in order to provide the discretionary benefit.

<u>Effect</u>: The relief association's failure to formally define the discretionary benefit prevented the membership from controlling the types and amounts of benefits offered to its membership. In addition, the absence of formal approval increases the risk of unauthorized expenditures and could also lead to benefits not being applied equally to all members of the relief association.

#### Finding No. 5 – (Continued)

Recommendation: The relief association should immediately cease paying discretionary benefits that have not been formally defined, as required by Act 118. We recommend relief association officials formally define and document the criteria of the discretionary benefits being offered to its membership. The formal approval of benefits and related criteria should be documented in the bylaws, a policy statement, or in the official meeting minutes, and should be maintained for an indefinite period of time so as to afford the membership of the relief association with a formal document defining the benefits offered and the criteria to be met before receiving the benefit. Furthermore, all approved discretionary benefits should be in accordance with provisions of For further guidance, please refer to the Auditor General's publication, **MANAGEMENT GUIDELINES FOR** VOLUNTEER FIREFIGHTERS' **RELIEF** ASSOCIATIONS.

### LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OBSERVATION

#### Observation – Diversification of Investments

Within the parameters established by the Volunteer Firefighters' Relief Association Act<sup>1</sup>, it is the responsibility of the volunteer firefighters' relief association to invest its funds in a proper and prudent manner.

As these investments typically provide an income stream to the relief association for annual operations, it is generally sensible not to invest all VFRA money in one asset or asset class that places the principal at risk. In fact, state law requires VFRA's to "reasonably diversify investments, unless the [VFRA] reasonably determines that it is in the interest of the beneficiaries not to diversify..."<sup>2</sup>.

By diversifying investments, the VFRA can help preserve capital, increase liquidity and decrease volatility. Diversification means spreading one's money among different investments; asset allocation diversifies total investments among different investment classes, such as stocks, bonds, government securities, and cash equivalents.

As of December 31, 2009, the VFRA had \$755,242 (fair value) or 78% of the VFRA's cash and investments in mutual funds.

The VFRA management should periodically review its specific cash needs and investment goals and ensure that its investments are allocated and diversified to prudently meet those needs and goals.

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<sup>&</sup>lt;sup>1</sup> 53 P.S. § 8506(c)(1997). This provision incorporates the "prudent investor rule" of the Probate, Estates, and Fiduciaries Code, 20 Pa. C.S.A. §7201 et seq.

<sup>&</sup>lt;sup>2</sup> 20 Pa. C.S.A. § 7204(a) (Supp. 2005).

### LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION POTENTIAL WITHHOLD OF STATE AID

Conditions of repeat findings, such as those reported in Finding Nos. 1 through 4 may lead to a total withholding of state aid in the future unless such findings are corrected. However, such action will not be considered if sufficient documentation is provided immediately to verify compliance with this department's recommendations. Such documentation should be submitted by the volunteer firefighters' relief association to: Department of the Auditor General, Bureau of Firefighters' Relief Association Audits, Room 316-D Finance Building, Harrisburg, PA 17120.

# LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ACCOMPANYING EXPENDITURE INFORMATION FOR THE PERIOD JANUARY 1, 2008 TO DECEMBER 31, 2009

Act 118 at 35 Pa.C.S. § 7412 states: a volunteer firefighters' relief association is an organization formed primarily for the purpose of affording financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more fire companies and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.

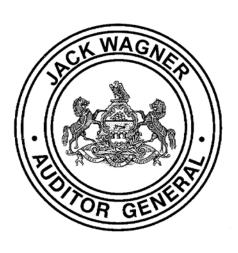
Act 118 at 35 Pa.C.S. § 7416 authorizes the investment of relief association funds and outlines the types of benefits and services that can be provided with volunteer firefighters' relief association funds.

Furthermore, all expenditures must be properly authorized as prescribed in the volunteer firefighters' relief association bylaws and approved at an association meeting.

#### **USES OF FUNDS:**

Danafit Camriaga

Benefit Services:	
Insurance premiums	\$ 58,468
Discretionary benefits	1,365
Tokens of sympathy and goodwill	610
Total Benefit Services	\$ 60,443
Fire Services:	
Equipment purchased	\$ 34,632
Equipment maintenance	34,198
Training expenses	270
Total Fire Services	\$ 69,100
Administrative Services:	
Miscellaneous administrative expenses	\$ 1,392
Total Administrative Services	\$ 1,392
Other Expenditures:	
Undocumented Expenditures	\$ 11,167
Total Other Expenditures	\$ 11,167



### LANSDOWNE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett Governor Commonwealth of Pennsylvania

Lansdowne Volunteer Firefighters' Relief Association Governing Body:

Mr. Thomas C. Young, President

Mr. Thomas R. MacDonald, Jr., Vice President

Mr. Marshall H. Miller, Secretary

Mr. John LeSage, Treasurer

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

Ms. Barbara Ann Henry, Secretary Lansdowne Borough

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. If you have any questions regarding this report or any other matter, you may contact the Department of the Auditor General by accessing our website at www.auditorgen.state.pa.us.