



ARMSTRONG COUNTY

COMPLIANCE AUDIT REPORT

FOR THE PERIOD

JANUARY 1, 2009 TO DECEMBER 31, 2011

RELEASED MAY 2013

# COMMONWEALTH OF PENNSYLVANIA

# **EUGENE A. DEPASQUALE - AUDITOR GENERAL**

## **DEPARTMENT OF THE AUDITOR GENERAL**





## MANOR TOWNSHIP VOLUNTEER FIREMEN'S RELIEF ASSOCIATION

## **ARMSTRONG COUNTY**

## **COMPLIANCE AUDIT REPORT**

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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 Manor Township Volunteer Firemen's Relief Association, herein referred to as Manor Township 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.

#### BACKGROUND (Continued)

The Manor Township Volunteer Firefighters' Relief Association was allocated state aid from the following municipalities:

Municipality	County	2009	2010	2011
Cadogan Township Manor Township	Armstrong Armstrong	\$    201 \$22,012	\$    227 \$24,776	\$ 312 \$37,718
Manorville Borough	Armstrong	\$ 1,893	\$ 2,131	\$ 3,307

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

Manor Township Volunteer Fire Company



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

EUGENE A. DEPASQUALE AUDITOR GENERAL

Mr. Chad Evans, President MANOR TOWNSHIP VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION Armstrong County

We have conducted a compliance audit of the Manor Township 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, 2009 to December 31, 2011.

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 results and conclusions based on 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 Manor Township 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 Manor Township Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Manor Township Volunteer Firefighters' Relief Association's cash, investments, and certain other assets and liabilities as of December 31, 2011, 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, 2009 to December 31, 2011, found the Manor Township Volunteer Firefighters' Relief Association took appropriate corrective action to address one of the five findings contained in our prior audit report. However, the Manor Township Volunteer Firefighters' Relief Association failed to take appropriate corrective action to address the remaining findings contained in our prior audit report, as listed below and discussed in the Status of Prior Findings section of this report. In addition, the results of our audit found the Manor Township Volunteer Firefighters' Relief Association, in all significant respects, received and expended state aid and accumulated relief funds in compliance with applicable state laws, contracts, bylaws and administrative procedures, except 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 Manor Township Volunteer Firefighters' Relief Association expended funds as presented in the Accompanying Expenditure Information and, as of December 31, 2011, had a cash balance of \$7,056 and an investment balance with a fair value of \$25,000.

Finding No. 1 - Noncompliance With Prior Audit Recommendation -
Undocumented Expenditures

- Finding No. 2 Noncompliance With Prior Audit Recommendation Unauthorized Expenditure
- Finding No. 3 Noncompliance With Prior Audit Recommendation Failure to Define Discretionary Benefits
- Finding No. 4 Noncompliance With Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster

Finding No. 5 – Unsecured Loan

Finding No. 6 – Checking Account Inappropriately Registered Under Affiliated Fire Company's Federal Tax Identification Number

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

Eugent: O-Pager

February 6, 2012, except for Finding Nos. 1 and 2, for which the dates are February 25, 2012.

EUGENE A. DEPASQUALE Auditor General



#### MANOR TOWNSHIP VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION STATUS OF PRIOR FINDINGS

#### COMPLIANCE WITH PRIOR AUDIT FINDING AND RECOMMENDATION

The Manor Township Volunteer Firefighters' Relief Association has complied with the following prior audit finding and recommendation:

• Failure to Deposit State Aid

By depositing the 2007 and 2008 state aid of \$217 and \$233, respectively, from Cadogan Township, and by establishing accounting and internal control procedures to ensure that all income received is deposited in the relief association's account.

#### NONCOMPLIANCE WITH PRIOR AUDIT FINDINGS AND RECOMMENDATIONS

The Manor Township Volunteer Firefighters' Relief Association has not complied with the four of the five 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 Unauthorized Expenditure
- Noncompliance With Prior Audit Recommendation Failure to Define Discretionary Benefits
- Noncompliance With Prior Audit Recommendation Failure to Maintain a Complete and Accurate Equipment Roster

We are concerned with the volunteer firefighters' relief association's 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 –</u> <u>Undocumented Expenditures</u>

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

Date	Check No.	Description	An	nount
03/26/06	414	Individual	\$	252
Total Prior Audit Period Undocumented Expenditure			\$	252

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

Date	Check No.	Description		mount
05/15/10 03/13/11	561 597	Individual Equipment Vendor	\$	448 429
06/19/11 09/21/11	604 1002	Training Vendor Equipment Vendor		80 2,946
Total Current Audit Period Undocumented Expenditures			\$	3,903
	То	tal Undocumented Expenditures	\$	4,155

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.

Without adequate supporting documentation, such as invoices, 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.

#### Finding No. 1 – (Continued)

<u>Cause</u>: While notified of this condition 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 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.

However, subsequent to the audit period, on February 25, 2012, the relief association received reimbursement from the Manor Township Volunteer Fire Company, in the amount of \$1,209, towards the balance of undocumented expenditures and provided supporting documentation to substantiate the \$2,946 remaining balance of undocumented expenditures.

Recommendation: We, again, recommend 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>Finding No. 2 – Noncompliance With Prior Audit Recommendation –</u> <u>Unauthorized Expenditure</u>

<u>Condition</u>: As cited in our prior audit report, the relief association expended \$250 to pay the affiliated fire company's officer's bond insurance premium. Since this disbursement was not for the purpose of insuring the relief association or its members, this expenditure is not authorized by Act 118.

Criteria: Act 118 at 35 Pa.C.S. § 7416(f)(2 and 12) states:

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

- (2) To purchase contracts of insurance which, at a minimum, shall afford financial assistance to active members of the fire service represented by the association against losses due to injury suffered in the fire service and may also provide, in the order named: (i) for payments to the surviving spouse or other dependents of a member in the event of the member's death; (ii) for protection of active firefighters against disease; (iii) for replacement or purchase of prosthetic devices such as visual aids, hearing aids, dentures, braces, crutches and the like, where those devices have been lost or damaged while the owner was engaged in the fire service or where the need for those devices arose because of functional impairment attributable to participation in the fire service; (iv) for repair or replacement, if necessary, of articles of clothing or pocket pagers damaged or lost in the course of participation in the fire service; and (v) for disability incurred after service for a minimum of 20 years as a volunteer firefighter.
- (12) To secure insurance against legal liability of the volunteer firefighters for loss and expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

Costs associated with paying the insurance premium for the affiliated fire company do not qualify as an authorized volunteer firefighters' relief association expenditure; consequently, this disbursement is not authorized under Act 118.

<u>Cause</u>: While notified of this condition during our prior audit, relief association officials, again, neglected the fact that the expenditure made to pay for the fire company's bond premium was not authorized by Act 118.

#### Finding No. 2 – (Continued)

<u>Effect</u>: As a result of this improper expenditure, relief association funds were not available for investment purposes or to pay for expenditures authorized by Act 118.

However, subsequent to the audit period, on February 25, 2012, the relief association received reimbursement in the amount of \$250 from the Manor Township Volunteer Fire Company for the unauthorized expenditure.

<u>Recommendation</u>: We, again, recommend the relief association officials become familiar with Act 118 at 35 Pa.C.S. § 7416(f) to aid them in determining the propriety of future expenditures. 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 –</u> <u>Failure to Define Discretionary Benefits</u>

<u>Condition</u>: As cited in our prior audit report, the relief association failed to formally define and approve discretionary benefits that were being offered to its members. During the current audit period, the relief association paid \$3,750 in discretionary benefits, which consisted of \$2,000 in death benefits and \$1,750 in officer's compensation. Although such expenditures are authorized by Act 118, the types, amounts, and criteria to be met before providing those benefits were not described in an approved formal policy.

Criteria: Act 118 at 35 Pa.C.S. § 7413 (3) and (5) states, funds shall be available:

- (3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and **to establish criteria which members must meet in order to qualify** as participants in a death benefit fund. (emphasis added)
- (5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service **for a specified minimum term**, are no longer physically able to continue participation and are in need of financial assistance. (emphasis added)

Furthermore, prudent business practice dictates that when a relief association offers death benefits, disability benefits, officer compensation, or any other 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 offered to its membership as well as the criteria to be met in order to receive the benefits.

<u>Cause</u>: While notified of this condition during our prior audit, relief association officials, again, neglected to adhere to the specific stipulations of Act 118 and did not perceive the formal approval to be an essential internal control in safeguarding relief association assets. As a result, they failed to establish procedures to formally define the benefits and related criteria for the benefits offered to members.

<u>Effect</u>: The relief association's failure to formally define discretionary benefits prevents the membership from being aware of the types and amounts of benefits offered to its membership. 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. 3 – (Continued)

<u>Recommendation</u>: We, again, 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 Act 118. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Finding No. 4 - Noncompliance With Prior Audit Recommendation -

## Failure to Conduct Annual Physical Inventories of Volunteer Firefighters' Relief Association Equipment

<u>Condition</u>: As cited in our prior audit report, the relief association officials, again, failed to conduct annual physical inventories of equipment and ensure such inventories 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 a complete roster of relief association owned equipment was provided, there was no indication that an annual physical inventory of equipment was performed to account for the relief association's fixed assets.

<u>Effect</u>: The failure to perform an annual physical inventory of fixed assets prevents adequate accountability for, and safeguarding of, relief association fixed assets.

<u>Recommendation</u>: We, again, recommend the relief association officials ensure they perform annual physical inventories of all operable equipment and that the completion of the inventories be sufficiently documented. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## Finding No. 4 – (Continued)

#### Finding No. 5 – Unsecured Loan

<u>Condition</u>: On December 31, 2011, the relief association made an unsecured loan to the Manor Township Volunteer Fire Company in the amount of \$25,000.

Criteria: Act 118 at 35 Pa.C.S. § 7416(c)(3) requires that loans be:

. . . (i) secured by assets of the company having capital value equal to at least 150% of the amount of the obligation at the time it is made; (ii) subject to provisions which amortize the loan at a rate ensuring that the depreciated value of the assets pledged shall continue to be at least 150% of the balance due.

<u>Cause</u>: Relief association officials were unaware that the loan to the fire company must be secured to ensure compliance with Act 118 provisions.

Effect: Failure to obtain adequate security for the loan places the investment at greater risk.

Subsequent to the audit period, on February 6, 2012, the relief association received from the Manor Township Volunteer Fire Company, and deposited into its cash account, the loan principal amount of \$25,000, and on March 5, 2012 received and deposited interest of \$125 and terminated the loan.

<u>Recommendation</u>: We recommend the relief association continue to provide adequate security for the relief association's investments as required by Act 118 at 35 Pa.C.S. § 7416(c)(3). For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

<u>Finding No. 6 – Checking Account Inappropriately Registered Under Affiliated Fire Company's</u> <u>Federal Tax Identification Number</u>

<u>Condition</u>: As of December 31, 2011, the relief association held a checking account, with a total cash balance of \$7,055, which was inappropriately registered under the fire company's federal tax identification number rather than the relief association's identification number. This checking account balance represented 22 percent of the relief association's total assets.

<u>Criteria</u>: Sound business practice dictates that the relief association maintain ownership of all assets as a means of safeguarding its assets from unauthorized use or disposition.

<u>Cause</u>: The relief association failed to establish adequate internal control procedures to ensure that all assets were registered under the relief association's federal tax identification number.

<u>Effect</u>: As a result of this checking account being inappropriately registered under another entity's federal tax identification number, these relief association assets were not properly safeguarded.

Subsequent to the audit period, on February 10, 2012, relief association officials informed its financial institution of the relief association's correct federal tax identification number.

<u>Recommendation</u>: We recommend the relief association officials ensure that ownership rights to all monetary assets are properly secured. This requirement can be accomplished by ensuring that all assets are properly registered under the relief association's federal tax identification number. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

#### MANOR TOWNSHIP VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ACCOMPANYING EXPENDITURE INFORMATION FOR THE PERIOD JANUARY 1, 2009 TO DECEMBER 31, 2011

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**:

Benefit Services:	
Insurance premiums	\$ 13,158
Death benefits	2,000
Total Benefit Services	\$ 15,158
Fire Services:	
Equipment purchased	\$ 59,168
Equipment maintenance	10,380
Training expenses	1,518
Fire prevention materials	4,352
Total Fire Services	\$ 75,418
Administrative Services:	
Officer compensation	\$ 1,750
Other administrative expenses	85
Total Administrative Services	\$ 1,835
Total Investments Purchased:	\$ 25,000
Other Expenditures:	
Undocumented expenditures	\$ 3,903
Total Other Expenditures	\$ 3,903

#### MANOR TOWNSHIP VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

#### The Honorable Tom Corbett Governor Commonwealth of Pennsylvania

Manor Township Volunteer Firefighters' Relief Association Governing Body:

Mr. Chad Evans, President

Mr. Matt S. Klingensmith, Vice President

Ms. Jamie Frantz, Secretary

Mr. John P. Breski, Treasurer

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

Mr. Ronald A. Galinas, Secretary Cadogan Township Mr. Howard R. Jack, Secretary Manor Township

Ms. Lisa A. Lichanec, Secretary Manorville 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.