



**PORT TREVORTON VOLUNTEER FIREMEN'S RELIEF ASSOCIATION**

**SNYDER COUNTY**

**COMPLIANCE AUDIT REPORT**

**FOR THE PERIOD**

**JANUARY 1, 2008 TO DECEMBER 31, 2010**



## CONTENTS

Background.....	1
Letter From the Auditor General .....	3
Finding and Recommendation:	
Finding - Misappropriation of Assets .....	5
Accompanying Expenditure Information .....	7
Report Distribution List .....	9



## 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 Port Trevorton Volunteer Firemen's Relief Association, herein referred to as Port Trevorton 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 Port Trevorton Volunteer Firefighters' Relief Association was allocated state aid from the following municipalities:

<u>Municipality</u>	<u>County</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Chapman Township	Snyder	\$9,003	\$7,981	\$8,983
Union Township	Snyder	\$9,292	\$8,567	\$9,643

BACKGROUND (Continued)

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

Port Trevorton Volunteer Fire Company

Mr. Douglas E. Lauver, President  
PORT TREVORTON VOLUNTEER FIREFIGHTERS'  
RELIEF ASSOCIATION  
Snyder County

We have conducted a compliance audit of the Port Trevorton 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, 2010.

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 objective. We believe that the evidence obtained provides a reasonable basis for our audit results and conclusions based on our audit objective.

The objective of the audit was 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 objective identified above.

Volunteer firefighters' relief association officers are responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the Port Trevorton 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 objective, and assessed whether those significant controls were properly designed and implemented. Our audit procedures also included tests of documentary evidence supporting

the Port Trevorton Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Port Trevorton Volunteer Firefighters' Relief Association's cash, investments, and certain other assets and liabilities as of December 31, 2010, with the custodians of the funds, debtors, creditors, and financial institutions to the extent necessary to satisfy the audit objective. 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 objective.

The results of our audit, for the period January 1, 2008 to December 31, 2010, found the Port Trevorton 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 finding listed below and discussed later in this report. The results of our tests also indicated the Port Trevorton Volunteer Firefighters' Relief Association expended funds as presented in the Accompanying Expenditure Information and, as of December 31, 2010, had a cash balance of \$17,791 and an investment balance with a fair value of \$20,321.

#### Finding – Misappropriation of Assets

The contents of this report were discussed with the management of the Port Trevorton Volunteer Firefighters' Relief Association and, where appropriate, their response has been included in the report.

June 15, 2011

JACK WAGNER  
Auditor General



PORT TREVORTON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION  
FINDING AND RECOMMENDATION

Finding – Misappropriation of Assets

Condition: The former relief association treasurer appears to have misappropriated a total of \$2,717 in relief association funds as noted below.

Current Audit Period:

<u>Date</u>	<u>Check No.</u>	<u>Description</u>	<u>Amount</u>
11/29/10	462	Fire company	\$ 1,600

Subsequent to the Audit Period:

<u>Date</u>	<u>Transaction</u>	<u>Description</u>	<u>Amount</u>
01/24/11	Bank Transfer	Electronic payment service company	\$ 4
01/24/11	Bank Transfer	Telecommunications company	850
02/14/11	Bank Transfer	Satellite television company	263
			<u>1,117</u>

Total Misappropriated Funds    \$ 2,717

As detailed above, the misappropriation of funds consisted of an unapproved transfer of relief association funds to the fire company account and the payment of the former treasurer's personal bills. These transactions were executed without the knowledge or approval of relief association membership.

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.

PORT TREVORTON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION  
FINDING AND RECOMMENDATION

Finding – (Continued)

In addition, Article V, Section 1 and 2, of the relief association's bylaws state:

Section 1: Funds of this association shall not be expended for any purpose other than those authorized by the provisions of Act 84 (Act 118) and the association bylaws. All expenditures must be approved by a majority vote at an association meeting and duly recorded in the minutes.

Section 2: All expenditures must be made through a relief association account and recorded, in detail, in the association journal and ledger. Supporting documentation such as invoices, canceled checks, etc. shall be maintained to verify all disbursements.

Cause: Relief association officials failed to establish adequate internal control procedures to prevent the unauthorized transfer of funds. The relief association was unaware of its ineffective internal control system.

Effect: As a result of the misappropriation of assets, relief association funds were not available for purposes authorized by Act 118.

However, subsequent to the audit period, on April 19, 2011, the former treasurer made a full reimbursement by depositing funds into the fire company account. On May 26, 2011, the fire company transferred \$2,717 from the fire company account to the relief association account, reimbursing the relief association in full for the misappropriated assets.

A criminal complaint was filed by the state police against the former relief association treasurer. On May 6, 2011, the former treasurer admitted guilt to the state police trooper. Final disposition of the case is pending.

Recommendation: We recommend the relief association officials implement effective accounting and internal control procedures to ensure additional improper withdrawals are not made from a relief association account. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

Management's Response: 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.

PORT TREVORTON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION  
 ACCOMPANYING EXPENDITURE INFORMATION  
 FOR THE PERIOD JANUARY 1, 2008 TO DECEMBER 31, 2010

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	\$ 1,507
Tokens of sympathy and goodwill	524
Total Benefit Services	\$ 2,031
Fire Services:	
Equipment purchased	\$ 50,520
Equipment maintenance	973
Training expenses	3,091
Total Fire Services	\$ 54,584
Administrative Services:	
Miscellaneous administrative expenses	\$ 142
Total Administrative Services	\$ 142
Total Investments Purchased:	\$ 11,987
Other Expenditures:	
Misappropriation of assets (see Finding)	\$ 2,717
Total Other Expenditures	\$ 2,717



PORT TREVORTON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION  
REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

The Honorable Tom Corbett  
Governor  
Commonwealth of Pennsylvania

Port Trevorton Volunteer Firefighters' Relief Association Governing Body:

Mr. Douglas E. Lauver, President

Mr. Walter Weaver, II, Secretary

Mr. John T. Boris, Treasurer

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

Ms. Rachelle D. Berg, Secretary  
Chapman Township

Mr. Craig Mitterling, Secretary  
Union Township

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](http://www.auditorgen.state.pa.us).