

# SHELLY FIRE COMPANY VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION

## **BUCKS COUNTY**

## **COMPLIANCE AUDIT REPORT**

# FOR THE PERIOD

**JANUARY 1, 2007 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 Shelly Fire Company Volunteer Firefighter's Relief Association, herein referred to as Shelly 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 Shelly Volunteer Firefighters' Relief Association was allocated state aid from the following municipalities:

Municipality	County	2007	2008	2009
Milford Township	Bucks	\$ 5,084	\$ 5,454	\$ 5,311
Richland Township	Bucks	\$26,603	\$27,667	\$26,692
Springfield Township	Bucks	\$ 7,204	\$ 7,396	\$ 7,264

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

Richland Township Fire & Rescue

Mr. Eric Daniels, President SHELLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION Bucks County

We have conducted a compliance audit of the Shelly 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, 2007 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 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 finding 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 Shelly 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 Shelly Volunteer Firefighters' Relief Association's recorded financial transactions, tests of the physical existence of inventories, interviews of selected officials and direct confirmation of the Shelly 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, 2007 to December 31, 2009, found the Shelly Volunteer Firefighters' Relief Association did not take appropriate corrective action to address the finding contained in our prior audit report, as detailed below and discussed in the Status of Prior Finding section of this report. In addition, the results of our audit found the Shelly 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 Shelly Volunteer Firefighters' Relief Association and, as of December 31, 2009, had a cash balance of \$59,454 and an investment balance with a fair value of \$42,429.

- Finding No. 1 Noncompliance With Prior Audit Recommendation Unauthorized Expenditures
- Finding No. 2 Undocumented Expenditure
- Finding No. 3 Duplicate Payment

Finding No. 4 - Failure to Maintain a Complete and Accurate Equipment Roster

- Finding No. 5 Inadequate Minutes of Meetings
- Finding No. 6 Inappropriate Ownership of Vehicles
- Finding No. 7 Inadequate Signatory Authority for the Disbursement of Funds
- Finding No. 8 Inadequate Financial Record-Keeping System

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

October 21, 2010, except for Finding No. 2, for which the date is February 22, 2011

JACK WAGNER Auditor General



## SHELLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION STATUS OF PRIOR FINDING

## NONCOMPLIANCE WITH PRIOR AUDIT FINDING AND RECOMMENDATION

The Shelly Volunteer Firefighters' Relief Association has not complied with the following prior audit findings. This finding is noted below and discussed in detail in the Findings and Recommendations section of this report:

• Noncompliance With Prior Audit Recommendation – Unauthorized Expenditures

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

<u>Condition</u>: As cited in our prior audit report, the relief association, again, expended funds for items that are not authorized by Act 118, as follows:

Date	Check No.	Description		Amount	
08/05/07 02/04/08 01/07/09	1437 1455 1482	Fire company officers bond premium Fire company officers bond premium Fire company officers bond premium	\$	250 250 250	
		Total	\$	750	

#### 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 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 the legal liability of 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.

## Finding No. 1 – (Continued)

Because the Department of the Auditor General is legislatively prohibited from giving pre-audit advice, an interagency agreement with the Department of Community and Economic Development (DCED) has been established whereby the DCED provides interpretation of Act 118. Costs associated with fire company officers bond insurance coverage has been deemed by DCED to not qualify under Act 118.

<u>Cause</u>: Even though cited for unauthorized expenditures during our prior audit, relief association officials failed to familiarize themselves with the requirements of Act 118 to aid them in determining the propriety of expenditures. Relief association officials stated they were unaware that these current audit period expenditures were not authorized by Act 118.

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

As a result of our audit, and subsequent to the audit period, the relief association was reimbursed, in the amount of \$750, on December 22, 2010, by the affiliated fire company.

<u>Recommendation</u>: We, again, recommend that 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.

#### Finding No. 2 – Undocumented Expenditure

<u>Condition</u>: The relief association was unable to provide adequate supporting documentation for a December 7, 2009 \$1,628 expenditure to the fire company.

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.

<u>Cause</u>: Relief association officials failed to establish adequate internal control procedures to ensure supporting documentation is maintained for all expenditures.

<u>Effect</u>: Lack of supporting documentation, such as an invoice and detailed minutes of relief association meetings, made it impossible to determine if the expenditure was 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, as a result of our audit and subsequent to the audit period, on February 22, 2011, the relief association provided an invoice to support the expenditure. The relief association made a joint purchase of hose accessories with the fire company. The fire company paid the full amount of the invoice to the vendor. The December 7, 2009 expenditure detailed above was to reimburse the fire company for the portion of the purchase price for the hose which was to be owned by the relief association.

#### Finding No. 2 – (Continued)

<u>Recommendation</u>: We 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.

## Finding No. 3 – Duplicate Payment

<u>Condition</u>: On June 1, 2009, the relief association expended \$1,036 for coveralls. On December 7, 2009, the relief association erroneously made a duplicate payment for the same coveralls. As such, the second payment is considered an unauthorized disbursement because no goods or services were received for the payment.

<u>Criteria</u>: Adequate accounting and internal control procedures should be implemented to prevent duplicate payment of invoices.

<u>Cause</u>: The volunteer firefighters' relief association failed to establish internal control procedures which would require that all invoices or other billing documents be canceled or otherwise effectively marked to prevent duplicate payments.

<u>Effect</u>: As a result of this erroneous payment, the relief association was unable to use these funds for other general operating expenses or for investment purposes.

As a result of our audit, and subsequent to the audit period, the relief association was reimbursed, in the amount of \$1,036, on December 22, 2011, by the vendor.

<u>Recommendation</u>: We recommend the relief association should establish accounting and internal control procedures to monitor future relief association expenditures. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## Finding No. 4 – Failure to Maintain a Complete and Accurate Equipment Roster

<u>Condition</u>: The relief association officials did not maintain a complete and accurate roster of equipment owned by the relief association. While a listing of relief association owned equipment was provided, it was incomplete. Specifically, the list of equipment that was provided did not contain dates of purchase, unit costs, names of suppliers, serial numbers, or final dispositions, to accurately identify the equipment owned. As such, it was impossible to determine if all items purchased during the audit period had been accurately recorded. 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 dictate 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>: Relief association officials failed 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. 4 – (Continued)

<u>Recommendation</u>: We recommend the relief association officials maintain a cumulative equipment roster of all relief association owned equipment. 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. 5 – Inadequate Minutes of Meetings

<u>Condition</u>: The relief association failed to maintain detailed minutes of meetings as required by Act 118. Specifically, the relief association's minutes did not address all of the financial-related transactions that occurred during the audit period.

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.

<u>Cause</u>: Relief association officials were unaware that maintaining detailed minutes of meetings was required by Act 118.

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

<u>Recommendation</u>: We recommend the relief association maintain detailed minutes of meetings, evidencing the discussion and approval 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.

## Finding No. 6 – Inappropriate Ownership of Vehicles

<u>Condition</u>: On September 11, 2007 and January 28, 2009, the relief association purchased vehicles, in the amounts of \$43,155 and \$2,000, respectively, to transport personnel and safeguard equipment; however, the titles to the vehicles were inappropriately issued in the name of the affiliated fire service organization.

<u>Criteria</u>: The relief association should maintain sole ownership of all equipment purchased by the relief association. As such, vehicles purchased by the relief association are to be titled in the name of the relief association.

<u>Cause</u>: The relief association failed to establish adequate internal control procedures to ensure that the vehicles purchased were titled in the name of the relief association.

<u>Effect</u>: As a result of the vehicles being inappropriately titled in the name of the affiliated fire service organization, the relief association assets are not properly safeguarded.

<u>Recommendation</u>: We recommend the vehicles be titled in the name of the relief association. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## Finding No. 7 – Inadequate Signatory Authority for the Disbursement of Funds

<u>Condition</u>: During the current audit engagement, we identified six checks out of approximately 100 drawn on the relief association's checking account that only contained the signature of one officer, although two signatures are required, pursuant to Act 118 and the relief association bylaws. Issuing checks with the signature of only one officer negates the relief association's internal control over the disbursement process.

Criteria: Act 118 at 35 Pa.C.S. § 7415(c)(3) states, in part:

The bylaws shall require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

In addition, Article 5, Section 1, of the relief association's bylaws states, in part:

The signature of the Treasurer and one other officer shall be required on all checks, withdrawals, purchase/redemption of investments and any other negotiable instrument issued.

Furthermore, prudent business practice dictates that the relief association have sufficient internal control procedures in place to ensure the signatures of at least two relief association officials are included on all negotiable instruments. Good internal control procedures require that checks be signed only after the propriety of the expenditures have been determined and the payee, date, and amount to be paid has been confirmed. Additionally, responsible relief association officers should compare this information with supporting documentation, such as invoices, contract, etc., prior to approving the checks.

<u>Cause</u>: Relief association officials neglected to establish adequate internal control procedures which require the signatures of at least two officers on all negotiable instruments.

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

#### Finding No. 7 – (Continued)

<u>Recommendation</u>: We recommend the relief association officials establish adequate internal control procedures to ensure that the signatures of at least two officers, one of whom shall be the treasurer, are included on all relief association negotiable instruments as defined by Act 118. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## Finding No. 8 - Inadequate Financial Record-Keeping System

<u>Condition</u>: The relief association's financial record-keeping system did not provide effective control over cash receipts, disbursements, and monetary assets, and does not meet the minimum requirements of maintaining financial records required by Act 118 or the minimum requirements established by this department. 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; and
- Documentation to support an expenditure was not available for examination at the time of the audit. (See Finding No. 2)

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, an adequate system of accounting and record keeping is a prerequisite for sound administration of relief association assets. According to the Auditor General's publication MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS, every relief association should maintain financial journals and ledgers which record the receipts and disbursements made by the relief association.

<u>Cause</u>: Relief association officials were unaware of 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 recommend the relief association establish and maintain a financial record-keeping system that meets the minimum record-keeping requirements of Act 118 and of this department. For further guidance, please refer to the Auditor General's publication, MANAGEMENT GUIDELINES FOR VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS.

## SHELLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ACCOMPANYING EXPENDITURE INFORMATION FOR THE PERIOD JANUARY 1, 2007 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**:

Benefit Services:		
Insurance premiums	\$	8,414
Relief benefits		2,208
Total Benefit Services	\$	10,622
Fire Services:		
	¢	00.026
Equipment purchased	\$	99,026
Equipment maintenance		17,233
Training expenses		325
Total Fire Services	\$	116,584
Administrative Services:		
Miscellaneous administrative expenses	\$	2,184
Total Administrative Services	\$	2,184
Total Inviatments Durchesed	¢	16,000
Total Investments Purchased	\$	16,000
Other Expenditures:		
Undocumented expenditure	\$	1,628
Total Other Expenditures	\$	1,628

# SHELLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION REPORT DISTRIBUTION LIST

This report was initially distributed to the following:

## The Honorable Tom Corbett Governor Commonwealth of Pennsylvania

Shelly Volunteer Firefighters' Relief Association Governing Body:

Mr. Eric Daniels, President

Mr. Harold Leatherman, Vice President

Ms. Johanna Zeigler, Secretary

Mr. Charles R. Barker, Treasurer

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

Ms. Patricia Roeder, Secretary Milford Township Mr. Stephen Sechriest, Secretary Richland Township

Ms. Sandra L. Everitt, Secretary Springfield 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.