

**REPORT OF THE AUDIT OF THE  
FORMER BOYLE COUNTY  
SHERIFF'S SETTLEMENT - 2015 TAXES**

**For The Period  
April 16, 2015 Through April 15, 2016**



**MIKE HARMON  
AUDITOR OF PUBLIC ACCOUNTS  
[www.auditor.ky.gov](http://www.auditor.ky.gov)**

**209 ST. CLAIR STREET  
FRANKFORT, KY 40601-1817  
TELEPHONE 502.564.5841  
FACSIMILE 502.564.2912**



**EXECUTIVE SUMMARY**

**AUDIT OF THE  
FORMER BOYLE COUNTY  
SHERIFF'S SETTLEMENT - 2015 TAXES**

**For The Period  
April 16, 2015 Through April 15, 2016**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2015 Taxes for the former Boyle County Sheriff for the period April 16, 2015 through April 15, 2016. We have issued an unmodified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The former sheriff collected 2015 taxes of \$15,779,387 for the districts, retaining commissions of \$527,651 to operate the former sheriff's office. The former sheriff distributed 2015 taxes of \$15,231,947 to the districts. Refunds of \$1,957 are due to the former sheriff from the taxing districts.

**Deposits:**

The former sheriff's deposits as of December 8, 2015 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured    \$3,638,708

The former sheriff's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the former sheriff's deposits in accordance with the security agreement.



CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT .....1  
SHERIFF'S SETTLEMENT - 2015 TAXES .....3  
NOTES TO FINANCIAL STATEMENT .....5  
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* .....9





**MIKE HARMON**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Matthew G. Bevin, Governor  
William M. Landrum III, Secretary  
Finance and Administration Cabinet  
Honorable Harold McKinney, Boyle County Judge/Executive  
Honorable Marty Elliott, Former Boyle County Sheriff  
Honorable Derrick Robbins, Boyle County Sheriff  
Members of the Boyle County Fiscal Court

Independent Auditor's Report

**Report on the Financial Statement**

We have audited the former Boyle County Sheriff's Settlement - 2015 Taxes for the period April 16, 2015 through April 15, 2016 - Regulatory Basis, and the related notes to the financial statement.

**Management's Responsibility for the Financial Statement**

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Guide for Sheriff's Tax Settlements* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



To the People of Kentucky

Honorable Matthew G. Bevin, Governor  
William M. Landrum III, Secretary  
Finance and Administration Cabinet  
Honorable Harold McKinney, Boyle County Judge/Executive  
Honorable Marty Elliott, Former Boyle County Sheriff  
Honorable Derrick Robbins, Boyle County Sheriff  
Members of the Boyle County Fiscal Court

### **Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles**

As described in Note 1 of the financial statement, the financial statement was prepared by the former Boyle County Sheriff on the basis of accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

### **Adverse Opinion on U.S. Generally Accepted Accounting Principles**

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the taxes charged, credited and paid of the former Boyle County Sheriff, for the period April 16, 2015 through April 15, 2016.

### **Opinion on Regulatory Basis of Accounting**

In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period April 16, 2015 through April 15, 2016 of the former Boyle County Sheriff, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated September 23, 2016 on our consideration of the former Boyle County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the former Boyle County Sheriff's internal control over financial reporting and compliance.

Respectfully submitted,



Mike Harmon  
Auditor of Public Accounts

September 23, 2016

BOYLE COUNTY  
MARTY ELLIOTT, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2015 TAXES

For The Period April 16, 2015 Through April 15, 2016

| <u>Charges</u>                                     | <u>County Taxes</u> | <u>Special<br/>Taxing Districts</u> | <u>School Taxes</u> | <u>State Taxes</u> |
|----------------------------------------------------|---------------------|-------------------------------------|---------------------|--------------------|
| Real Estate                                        | \$ 1,011,901        | \$ 4,130,648                        | \$ 6,288,444        | \$ 1,899,260       |
| Tangible Personal Property                         | 142,343             | 870,943                             | 586,482             | 839,693            |
| Fire Protection                                    | 301                 |                                     |                     |                    |
| Increases Through Exonerations                     | 757                 | 3,502                               | 579                 | 3,347              |
| Franchise Taxes                                    | 33,603              | 136,256                             | 197,367             |                    |
| Unbilled Franchise Taxes                           | 48,422              | 199,960                             | 250,110             |                    |
| Additional Billings                                | 122                 | 509                                 | 537                 | 229                |
| Limestone, Sand and Gravel Reserves                | 127                 | 549                                 | 1,809               | 239                |
| Penalties                                          | 4,841               | 20,235                              | 33,978              | 11,664             |
| Adjusted to Sheriff's Receipt                      | (3)                 | (9)                                 | (7)                 | (93)               |
| Gross Chargeable to Sheriff                        | <u>1,242,414</u>    | <u>5,362,593</u>                    | <u>7,359,299</u>    | <u>2,754,339</u>   |
| <u>Credits</u>                                     |                     |                                     |                     |                    |
| Exonerations                                       | 1,889               | 8,133                               | 5,698               | 5,398              |
| Discounts                                          | 19,286              | 83,608                              | 113,929             | 45,377             |
| Delinquents:                                       |                     |                                     |                     |                    |
| Real Estate                                        | 11,114              | 46,886                              | 65,139              | 20,847             |
| Tangible Personal Property                         | 1,105               | 5,043                               | 4,080               | 3,234              |
| Unbilled Franchise Taxes                           | 48,422              | 199,960                             | 250,110             |                    |
| Total Credits                                      | <u>81,816</u>       | <u>343,630</u>                      | <u>438,956</u>      | <u>74,856</u>      |
| Taxes Collected                                    | 1,160,598           | 5,018,963                           | 6,920,343           | 2,679,483          |
| Less: Commissions *                                | 49,325              | 160,860                             | 203,588             | 113,878            |
| Taxes Due                                          | 1,111,273           | 4,858,103                           | 6,716,755           | 2,565,605          |
| Taxes Paid                                         | 1,110,024           | 4,852,163                           | 6,715,216           | 2,554,544          |
| Refunds (Current and Prior Year)                   | 1,249               | 5,951                               | 3,485               | 11,061             |
| (Refunds Due Sheriff)<br>as of Completion of Audit | <u>\$ 0</u>         | <u>\$ (11)</u>                      | <u>\$ (1,946)</u>   | <u>\$ 0</u>        |

\*\*

\* and \*\* See next page.

The accompanying notes are an integral part of this financial statement.

BOYLE COUNTY  
MARTY ELLIOTT, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2015 TAXES  
For The Period April 16, 2015 Through April 15, 2016  
(Continued)

\* Commissions:

|          |    |           |
|----------|----|-----------|
| 4.25% on | \$ | 6,624,242 |
| 3% on    | \$ | 6,720,309 |
| 2.25% on | \$ | 1,614,838 |
| 1% on    | \$ | 817,827   |
| 0% on    | \$ | 2,171     |

\*\* Special Taxing Districts:

|                      |    |             |
|----------------------|----|-------------|
| Soil District        | \$ | <u>(11)</u> |
| (Refund Due Sheriff) | \$ | <u>(11)</u> |

BOYLE COUNTY  
NOTES TO FINANCIAL STATEMENT

April 15, 2016

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

KRS 66.480 authorizes the Sheriff's office to invest in the following obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The former Boyle County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240, the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

BOYLE COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 15, 2016  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The former Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 66.480 and KRS 41.240. As of April 15, 2016, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of December 8, 2015, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the former Sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured      \$3,638,708

Note 3. Tax Collection Period

Property Taxes

The real and personal property tax assessments were levied as of January 1, 2015. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2016. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 28, 2015 through April 15, 2016.

Note 4. Interest Income

The former Boyle County Sheriff earned \$769 as interest income on 2015 taxes. The former Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the former Sheriff's office. As of September 23, 2016, the former Sheriff owed \$28 in interest to the school district and \$12 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The former Boyle County Sheriff collected \$35,439 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the former Sheriff's office.

Note 6. Commitments and Contingencies

The former Sheriff's office is involved in multiple lawsuits that arose from the normal course of doing business. While individually they may not be significant; in the aggregate, they could negatively impact the county's financial position. Due to the uncertainty of the litigation, a reasonable estimate of the financial impact on the county cannot be made at this time.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*





**MIKE HARMON**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Harold McKinney, Boyle County Judge/Executive  
Honorable Marty Elliott, Former Boyle County Sheriff  
Honorable Derrick Robbins, Boyle County Sheriff  
Members of the Boyle County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

**Independent Auditor's Report**

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the former Boyle County Sheriff's Settlement - 2015 Taxes for the period April 16, 2015 through April 15, 2016 - Regulatory Basis and the related notes to the financial statement and have issued our report thereon dated September 23, 2016. The former Boyle County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the Commonwealth of Kentucky's regulatory basis of accounting and budget laws, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statement, we considered the former Boyle County Sheriff's internal control over financial reporting (internal control) to determine audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the former Boyle County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the former Boyle County Sheriff's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With *Government Auditing Standards*  
(Continued)

### Compliance And Other Matters

As part of obtaining reasonable assurance about whether the former Boyle County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a long horizontal line extending to the right.

Mike Harmon  
Auditor of Public Accounts

September 23, 2016

