

**REPORT OF THE AUDIT OF THE
MARSHALL COUNTY
SHERIFF'S SETTLEMENT – 2012 TAXES**

**For The Period
April 18, 2012 Through April 15, 2013**



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EXECUTIVE SUMMARY

**AUDIT EXAMINATION OF THE
MARSHALL COUNTY
SHERIFF'S SETTLEMENT - 2012 TAXES**

**For The Period
April 18, 2012 Through April 15, 2013**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement – 2012 Taxes for the Marshall County Sheriff for the period April 18, 2012 through April 15, 2013. We have issued an unqualified 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 Sheriff collected taxes of \$20,236,064 for the districts for 2012 taxes, retaining commissions of \$777,261 to operate the Sheriff's office. The Sheriff distributed taxes of \$19,421,710 to the districts for 2012 taxes. Taxes of \$5,827 are due to the districts from the Sheriff and refunds of \$9,629 are due to the Sheriff from the taxing districts.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
Honorable Steven L. Beshear, Governor
Lori H. Flanery, Secretary
Finance and Administration Cabinet
Honorable Mike Miller, Marshall County Judge/Executive
Honorable Kevin Byars, Marshall County Sheriff
Members of the Marshall County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the Marshall County Sheriff's Settlement – 2012 Taxes for the period April 18, 2012 through April 15, 2013 – 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 opinions.



To the People of Kentucky
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Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statement, the financial statement is prepared by the 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 financial position of each fund of the County Sheriff, as of April 15, 2013, or changes in financial position or cash flows thereof for the year then ended.


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 18, 2012 through April 15, 2013 of the Marshall 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 January 24, 2014 on our consideration of the Marshall 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 solely 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 effectiveness of the Marshall County Sheriff’s internal control over financial reporting 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 over financial reporting and compliance.

Respectfully submitted,


Adam H. Edelen
Auditor of Public Accounts

January 24, 2014

MARSHALL COUNTY
KEVIN BYARS, SHERIFF
SHERIFF'S SETTLEMENT - 2012 TAXES

For The Period April 18, 2012 Through April 15, 2013

<u>Charges</u>	County Taxes	Special Taxing Districts	School Taxes	State Taxes
Real Estate	\$ 1,627,842	\$ 6,177,887	\$ 6,543,925	\$ 1,985,967
Tangible Personal Property	201,675	806,704	748,600	1,931,663
Increases Through Exonerations	1,175	4,607	4,426	1,361
Franchise Taxes	99,448	367,477	368,274	
Additional Billings	1,655	6,479	6,377	1,044
Limestone, Sand and Mineral Reserves	31	123	125	38
Penalties	9,150	34,976	36,675	11,799
Adjusted to Sheriff's Receipt	3	77		3
Gross Chargeable to Sheriff	<u>1,940,979</u>	<u>7,398,330</u>	<u>7,708,402</u>	<u>3,931,875</u>
<u>Credits</u>				
Exonerations	12,871	46,258	51,111	14,476
Discounts	29,591	112,764	117,810	68,181
Delinquents:				
Real Estate	27,216	107,104	109,408	33,203
Tangible Personal Property	1,257	4,752	4,665	2,855
Total Credits	<u>70,935</u>	<u>270,878</u>	<u>282,994</u>	<u>118,715</u>
Taxes Collected	1,870,044	7,127,452	7,425,408	3,813,160
Less: Commissions *	<u>79,477</u>	<u>268,410</u>	<u>267,315</u>	<u>162,059</u>
Taxes Due	1,790,567	6,859,042	7,158,093	3,651,101
Taxes Paid	1,786,845	6,849,540	7,144,244	3,641,081
Refunds (Current and Prior Year)	<u>3,722</u>	<u>13,319</u>	<u>13,834</u>	<u>10,020</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Audit	<u>\$ 0</u>	<u>\$ (3,817)</u>	<u>\$ 15</u>	<u>\$ 0</u>

**

* and ** See next page.

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

MARSHALL COUNTY
 KEVIN BYARS, SHERIFF
 SHERIFF'S SETTLEMENT - 2012 TAXES
 For The Period April 18, 2012 Through April 15, 2013
 (Continued)

* Commissions:

4.25% on	\$	11,748,909
3.6% on	\$	7,425,408
1% on	\$	1,061,747

** Special Taxing Districts:

Soil Conservation District	\$	(4,486)
Refuse District		5,034
Gilbertsville Fire District		311
Possum Trot/Sharpe District		28
Palma/Briensburg Fire District		439
Harvey/Brewers Fire District		(329)
Fairdealing/Olive Fire District		<u>(4,813)</u>

Due Districts or

(Refunds Due Sheriff)

\$ (3,817)

MARSHALL COUNTY
NOTES TO FINANCIAL STATEMENT

April 15, 2013

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. 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, including but not limited to, 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 Marshall 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(4), 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.

MARSHALL COUNTY
NOTES TO FINANCIAL STATEMENT
April 15, 2013
(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 Marshall County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 15, 2013, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2012. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2013. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 27, 2012 through April 15, 2013.

B. Limestone, Sand, and Gravel Taxes

The real and personal property tax assessments were levied as of January 1, 2012. Limestone, sand, and gravel taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 15, 2012 through April 15, 2013.

C. Franchise Taxes

The real and tangible property tax assessments were levied as of January 1, 2012. Franchise taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was April 18, 2012 through April 15, 2013.

Note 4. Interest Income

The Marshall County Sheriff earned \$1,487 as interest income on 2012 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the Sheriff's office. As of January 24, 2014, the Sheriff did not owe any interest to the school district or to his fee account.

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

The Marshall County Sheriff collected \$77,118 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the Sheriff's office. As of January 24, 2014, the Sheriff did not owe any 10% add-on fees to his fee account.

MARSHALL COUNTY
NOTES TO FINANCIAL STATEMENT
April 15, 2013
(Continued)

Note 6. Unrefundable Duplicate Payments And Unexplained Receipts

The Sheriff deposited unrefundable duplicate payments and unexplained receipts in an interest-bearing account. The Sheriff's escrowed amounts were as follows:

2009	\$322
2011	\$906
2012	\$127

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. The Sheriff sent a written report to the Treasury Department and submitted \$662 to the Kentucky State Treasurer in accordance with KRS 393.110.

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**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**



ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Mike Miller, Marshall County Judge/Executive
Honorable Kevin Byars, Marshall County Sheriff
Members of the Marshall 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 Marshall County Sheriff's Settlement - 2012 Taxes for the period April 18, 2012 through April 15, 2013 - regulatory basis, and the related notes to the financial statement and have issued our report thereon dated January 24, 2014. The County Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework.

Internal Control Over Financial Reporting

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


Adam H. Edelen
Auditor of Public Accounts

January 24, 2014

