

**STATE BOARD OF ACCOUNTS**  
**302 West Washington Street**  
**Room E418**  
**INDIANAPOLIS, INDIANA 46204-2769**

AUDIT REPORT

OF

COUNTY TREASURER

STEBEN COUNTY, INDIANA

January 1, 2011 to December 31, 2011



**FILED**

05/30/2012



TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
County Officials .....	2
Transmittal Letter .....	3
Audit Result and Comment: Treasurer - Excess Tax Collected – Surplus Tax Funds.....	4
Exit Conference.....	5

COUNTY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Treasurer	Laurie Stoy	01-01-09 to 12-31-12
President of the County Council	William Booth	01-01-11 to 12-31-12
President of the Board of County Commissioners	Ronald Smith	01-01-11 to 12-31-12



**STATE OF INDIANA**  
AN EQUAL OPPORTUNITY EMPLOYER

---

STATE BOARD OF ACCOUNTS  
302 WEST WASHINGTON STREET  
ROOM E418  
INDIANAPOLIS, INDIANA 46204-2769

Telephone: (317) 232-2513  
Fax: (317) 232-4711  
Web Site: [www.in.gov/sboa](http://www.in.gov/sboa)

TO: THE OFFICIALS OF STEUBEN COUNTY

We have audited the records of the County Treasurer for the period from January 1, 2011 to December 31, 2011, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Audit Result and Comment. The financial transactions of this office are reflected in the Financial Statement and Federal Single Report of Steuben County for the year 2011.

STATE BOARD OF ACCOUNTS

May 14, 2012

COUNTY TREASURER  
STEUBEN COUNTY  
AUDIT RESULT AND COMMENT

**TREASURER - EXCESS TAX COLLECTED - SURPLUS TAX FUNDS**

***The Real Estate Surplus Fund (Fund 1201)***

This fund had a balance at December 31, 2011, of \$313,723.86. It includes surplus tax collections from the previous Treasurer dating back from 2004 to 2008. There also could be some Spring 2009 surplus tax collections included in this fund per information provided by the current Treasurer. She is working on determining if any Spring 2009 surplus amounts are included and if so, she will move the amounts to the Fund that includes surplus taxes from her term that started in 2009. The amounts unclaimed in this fund should then be transferred to the General Fund, once any Spring 2009 amounts are identified and removed.

***The RE Surplus 2009+ Fund (Fund 1291)***

This fund has a balance at December 31, 2011, of \$111,251.70. It includes the surplus tax collections in 2009, 2010, and 2011 years under the current Treasurer. This balance needs to be identifiable by taxpayer and currently is not. The current Treasurer has a detailed plan with a timeline on correcting this by mid-2012.

***New Fund to be Created for Surplus Tax Collections for 2012***

We recommend that a new Surplus Tax Fund be created and used for the Spring 2012 and subsequent surplus tax collections. This would isolate the 2012 and later amounts separately from the above two funds.

Indiana Code 6-1.1-26-6 (a), (b), and (c) state:

"(a) Notwithstanding the other provisions of this chapter, each county treasurer shall place the portion of a tax or special assessment payment which exceeds the amount actually due, as shown by the tax duplicate or special assessment records, in a special fund to be known as the "surplus tax fund". Amounts placed in the fund shall first be applied to the taxpayer's delinquent taxes in the manner provided in IC 6-1.1-23-5(b). The taxpayer may then file a verified claim for money remaining in the surplus tax fund. The county treasurer or county auditor shall require reasonable proof of payment by the person making the claim. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the taxpayer for the amount due the taxpayer.

(b) Not less frequently than at the time of each semiannual settlement, the county treasurer shall prepare duplicate schedules of all excess payments received. The schedules shall contain the name on the tax duplicate, the amount of excess paid, and the taxing district. The county treasurer shall deliver one (1) copy of the schedule to the county auditor. Within fifteen (15) days after receiving the schedule, the county auditor shall review the schedule, and if the county auditor concurs with the schedule, the county auditor shall notify the county treasurer that the notice required under subsection (d) may be sent. The county auditor shall preserve the schedule, and if a refund is subsequently made, he shall note on the schedule and notify the county treasurer of the date and amount of the refund. In addition, when money is transferred from the surplus tax fund to the county general fund under subsection (c), the county auditor shall note the date and amount of the transfer on the schedule.

(c) If an excess payment is not claimed within the three (3) year period after November 10 of the year in which the payment was made and the county treasurer has given the written notice required under subsection (d), the county auditor shall transfer the excess from the surplus tax fund into the general fund of the county. If the county treasurer has given written notice concerning the excess under subsection (d), the excess may not be refunded under subsection (a) after the expiration of that three (3) year time period."

COUNTY TREASURER  
STEUBEN COUNTY  
EXIT CONFERENCE

The contents of this report were discussed on May 14, 2012, with Laurie Stoy, Treasurer.