

Report on the

**Board of Registration for Foresters
State of Alabama
Montgomery, Alabama**

October 1, 2016 through September 30, 2018

Filed: January 25, 2019



**Department of
Examiners of Public Accounts**

**401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
P.O. Box 302251
Montgomery, Alabama 36130-2251
Website: www.examiners.alabama.gov**

Rachel Laurie Riddle, Chief Examiner



State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 242-9200
FAX (334) 242-1775

Rachel Laurie Riddle
Chief Examiner

Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, as added by Act Number 2018-129, I submit this report on the results of the examination of the Board of Registration for Foresters for the period October 1, 2016 through September 30, 2018.

Sworn to and subscribed before me this
the 9th day of January, 20 19.

Kelly D. Matthews
Notary Public

Respectfully submitted,

Rodney Wagstaff

Rodney Wagstaff
Examiner of Public Accounts

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Department of
Examiners of Public Accounts

SUMMARY

**Board of Registration for Foresters
October 1, 2016 through September 30, 2018**

The Board of Registration for Foresters (the “Board”) was created to license and regulate the professional practice of forestry in Alabama. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-12-1 through 34-12-37. The Board licenses qualified persons to practice forestry and investigates complaints concerning the practice of forestry.

This report presents the results of an examination of the Board and a review of compliance by the Board with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12, as added by Act Number 2018-129. Our examination was performed for the purpose of determining whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

Findings are numbered and reported by the examination period in which the finding originally occurred.

The following instances of noncompliance with State laws and regulations and other matters were found during the examination as shown on the Schedule of State Legal Compliance and Other Findings and are summarized below.

CURRENT FINDINGS

- 2018-01 Relates to the Board increasing fees without amending its administrative rule.
- 2018-02 Relates to the Board not verifying an employee’s employment eligibility through E-Verify.

- 2018-03 Relates to the Board not entering an employee's leave usage into E-Start, the State's time and attendance program.
- 2018-04 Relates to the Board's administrative rule conflicting with its statute regarding exemptions for continuing education.

Board members and the Executive Director were invited to an exit conference held on December 13, 2018. Individuals in attendance were Aprille Cook, Board Chair; Joe D. Roberson, Board member; Lea Anna Meadows, Executive Director; and Olivia Martin, Legal Counsel; along with Robin Hutcheson, Audit Manager; and Rodney Wagstaff, Examiner, from the Department of Examiners of Public Accounts.



Department of
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COMMENTS

**Board of Registration for Foresters
October 1, 2016 through September 30, 2018**

The Board of Registration for Foresters (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-12-1 through 34-12-37. By law, the Board licenses qualified persons to practice forestry and investigates complaints concerning the practice of forestry.

The Board is comprised of five members appointed by the Governor from a list submitted by the Alabama Division of the Society of American Foresters. Members are appointed for five-year, staggered terms and cannot serve more than two full consecutive terms of office.

The Executive Director, an unclassified merit system employee appointed by the Board, supervises the day-to-day operations of the Board. The Executive Director serves at the pleasure of the Board.

The Board operates from Special Revenue Fund 0361 maintained in the State Treasury. The Board’s operating funds are derived from licensing fees and administrative fines collected by the Board in carrying out its statutory mission. The Board is subject to the State’s normal budget procedures and cannot expend funds without legislative appropriation. The Board retains all unexpended funds at year-end.

The Board owned non-consumable personal property consisting of computers and equipment. A comparison was done of non-consumable personal property in the custody of the Board with property records maintained by the Property Inventory Division of the State Auditor’s Office. No discrepancies were noted.

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*Schedule of State Legal
Compliance and Other Findings*

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2018

Ref. No.	Finding/Noncompliance
2018-01	<p><u>Finding:</u> The Board collected renewal fees and application fees in excess of the amounts stated in its Administrative Rule. According to <i>Administrative Rule</i> 380-X-1-.09, the registration/application fee is \$50.00 and the license renewal fee is \$100.00. The Board increased the registration fee to \$60.00 and the renewal fee to \$130.00 without amending the rule to reflect the fee increase. As a result, the Board collected an additional \$220.00 in application fees and an additional \$10,950.00 in renewal fees. When notified of the discrepancies, the Board refunded the amounts collected in error.</p> <p><u>Recommendation:</u> The Board should collect fees in accordance with its Administrative Rule.</p>
2018-02	<p><u>Finding:</u> The Board did not verify an employee’s employment eligibility through E-Verify.</p> <p>The <i>Code of Alabama 1975</i>, Section 31-13-15(b) states, “Effective April 1, 2012, every business entity or employer in this state shall enroll in E-Verify and thereafter, according to the federal statutes and regulations governing E-Verify, shall verify the employment eligibility of the employee through E-Verify.”</p> <p><u>Recommendation:</u> The Board should verify the employment eligibility of all employees through E-Verify.</p>
2018-03	<p><u>Finding:</u> The Board utilizes E-START, the State’s time and attendance system, to record leave events and pay events for employees. One employee’s timecard was not approved and signed off by the Board in a timely manner for input into E-START for ten pay periods. As a result, the employee’s annual leave balance was overstated by 99 hours and 30 minutes, and the sick leave balance was overstated by 92 hours and 30 minutes in the Government Human Resources System. When notified of the discrepancies, the Board corrected the employee’s leave balances.</p> <p>According to the Department of Finance Fiscal Policy and Procedures Manual, Section 7-3, each agency is responsible for entering appropriate leave events and pay events for positive and exception pay employees in a timely manner. For agencies on E-START, time and leave are interfaced from KRONOS to GHRS.</p>

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2018

Ref. No.	Finding/Noncompliance
	<p><u>Finding Continued:</u> According to the E-Start Users Guide for Agency and Leave Administrators, “On the 5th business day before each payday, a sign-off reminder notification will be sent to Agency Administrators and sign-off must be completed by noon on that day. Once all exceptions have been corrected and all approvals obtained, the timecards are ready for sign-off. All employees’ timecards MUST be signed off by the agency. No employee data is sent to the payroll system for timecards that are not signed off.”</p> <p><u>Recommendation:</u> The Board should approve and sign off on timecards for submission to the E-START system in a timely manner. Monthly leave reports should be reviewed to ensure that leave usage has been recorded and that leave balances are accurate.</p>
2018-04	<p><u>Finding:</u> <i>Administrative Rule</i> 360-X-6-.04(7) conflicts with the <i>Code of Alabama 1975</i>, Section 34-12-8(b) regarding the requirements for exempting licensees from obtaining continuing education.</p> <p>According to the Board’s <i>Administrative Rule</i> 380-X-6-.04(7), “The Board may relax or suspend the requirements of continuing education for retirees or health of the licensee based on the licensee’s specific case.” (Emphasis added)</p> <p>According to the <i>Code of Alabama 1975</i>, Section 34-12-8(b), “The state board shall adopt a program of continuing education for its licensees not later than October 1, 1991, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not apply to any licensee who is 65 years of age or older and shall not include testing or examination of the licensees in any manner.” (Emphasis added).</p> <p><u>Recommendation:</u> The Board should only exempt licensees who are 65 years or older from obtaining continuing education, and the administrative rule should be amended to remove all exemptions that are not authorized by statute.</p>

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***Schedule of Cash Receipts, Disbursements and Balances
For the Period October 1, 2016 through September 30, 2018***

	2017-2018	2016-2017
<u>Receipts</u>		
Foresters Licensing Fees	\$ 117,567.99	\$ 113,021.99
Salvage Equipment or Other Property	18.04	
Total	<u>117,586.03</u>	<u>113,021.99</u>
<u>Disbursements</u>		
Personnel Costs	77,551.86	81,833.12
Employee Benefits	27,139.22	25,921.92
Travel, In-State	1,381.75	1,078.84
Travel, Out-of-State	1,208.48	2,085.72
Repairs and Maintenance	52.50	665.00
Rentals and Leases	115.34	93.53
Utilities and Communication	2,323.92	3,369.95
Professional Services	14,123.57	13,844.88
Supplies, Materials, and Operating Expenses	3,727.31	5,102.42
Grants and Benefits		25.00
Total	<u>127,623.95</u>	<u>134,020.38</u>
Excess (Deficiency) of Receipts Over Disbursements	(10,037.92)	(20,998.39)
Cash Balances at Beginning of Year	<u>148,713.40</u>	<u>169,711.79</u>
Cash Balances at End of Year	138,675.48	148,713.40
Reserve for Unpaid Obligations	<u>(7,167.20)</u>	<u>(9,141.62)</u>
Available Cash Balances at Year-End	<u>\$ 131,508.28</u>	<u>\$ 139,571.78</u>

Board Members and Official
October 1, 2016 through September 30, 2018

Board Members		Term Expires
Hon. Joe D. Roberson	Chairman	2019
Hon. Timothy P. Albritton	Member	2021
Hon. Aprille B. Cook	Member	2020
Hon. Raiford C. Johnson	Member	2022
Hon. Damon E. Wilkinson	Member	2023
Hon. Walter E. Cartwright	Member	Deceased

Official

Ms. Lea Anna Meadows Executive Director

513 Madison Avenue
Montgomery, AL 36130
Ph. (334) 240-9301
Fax (334) 240-9387
www.asbrf.alabama.gov