

Report on the

**Board of Social Work Examiners
State of Alabama
Montgomery, Alabama**

October 1, 2017 through September 30, 2019

Filed: June 26, 2020



**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



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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

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

Dear Madam:

An examination was conducted on the Board of Social Work Examiners, Montgomery, Alabama, for the period October 1, 2017 through September 30, 2019. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results and findings of the examination.

Respectfully submitted,

Janet L. Berry
Examiner of Public Accounts

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Table of Contents

	<i>Page</i>
Summary	A
Contains items pertaining to state legal compliance.	
Comments	C
Contains information pertaining to agency operations and other matters.	
Schedule of State Legal Compliance and Other Findings	D
Contains detailed information about findings pertaining to state legal compliance and other findings.	
Exhibit #1	1
Schedule of Cash Receipts, Disbursements and Balances	
Exhibit #2	2
Board Members and Officials – a listing of the Board members and Officials.	



Department of
Examiners of Public Accounts

SUMMARY

**Board of Social Work Examiners
October 1, 2017 through September 30, 2019**

The Board of Social Work Examiners (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-30-1 through 34-30-58. By law, the Board licenses and regulates the practice of social work in Alabama.

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. 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 they are summarized below.

CURRENT FINDINGS

- 2019-01 Relates to the Board not verifying an employee’s employment eligibility through E-Verify by the third business day.
- 2019-02 Relates to the Board not recording minutes for a Board meeting.

UNRESOLVED PRIOR FINDINGS

- 2017-01 Relates to the Board charging fees not authorized by statute.
- 2015-01 Relates to the Board charging a fee without specific statutory authority to do so.

Board members and the Executive Director were invited to an exit conference held on May 19, 2020. Individuals in attendance were: Rachel Dickinson, Executive Director; and Board members participating via telephone: Valeri White, Sharrie Cranford and Octavio Ramirez, along with Janet L. Berry and Rodney Wagstaff from the Department of Examiners of Public Accounts.



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COMMENTS

**Board of Social Work Examiners
October 1, 2017 through September 30, 2019**

The Board of Social Work Examiners (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-30-1 through 34-30-58. The Board licenses and regulates the practice of social work in Alabama.

The Board is comprised of seven members appointed by the Governor to three-year terms with service limited to two consecutive terms. Four members must be licensed certified social workers; two must be licensed graduate social workers; and one must be a licensed bachelor social worker. All must have rendered service, education or research in social work. Not more than one member may serve from any United States Congressional District at the same time.

The Executive Director is appointed by the Board and supervises the day-to-day operations of the agency. The Executive Director serves in the unclassified service of the State’s merit system.

The Board operates from a Special Revenue Fund 0363 maintained in the State Treasury. The Board’s operating funds are derived from fees collected by the Board in carrying out its statutory mission. Unexpended balances in the Board’s fund at year-end remains on hand for subsequent expenditure.

The Board owned nonconsumable personal property consisting of office furniture, computers and equipment. A comparison was done of nonconsumable 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, 2019

Ref. No.	Finding/Noncompliance
2019-01	<p><u>Finding:</u> The Board did not verify an employee’s employment eligibility through E-Verify by the third business day after the employee started work for pay. The employee’s employment eligibility was verified ten business days after the employee started work.</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 federal statutes and regulations governing E-Verify, shall verify the employment eligibility of the employee through E-Verify. A business entity or employer that uses E-Verify to verify the work authorization of an employee shall not be deemed to have violated this section with respect to the employment of that employee.”</p> <p>Furthermore, the <i>E-Verify User Manual, Section 2.2</i> states, “E-Verify cases must be created no later than the third business day after the employee starts work for pay.”</p> <p><u>Recommendation:</u> The Board should verify the employment eligibility of all employees through E-Verify within three business days after the employees start work.</p>
2019-02	<p><u>Finding:</u> The Board did not record official meeting minutes for a meeting held on April 19, 2018.</p> <p>The <i>Code of Alabama 1975</i>, Section 36-25A-4 states: “A governmental body shall maintain accurate records of its meetings, excluding executive sessions, setting forth the date, time, place, members present or absent, and action taken at each meeting. Except as otherwise provided by law, the records of each meeting shall become a public record and be made available to the public as soon as practicable after approval.”</p> <p><u>Recommendation:</u> The Board should maintain accurate records of its meetings. The minutes should serve as the official record of actions taken by the Board, and the minutes should be available as public records.</p>

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2019

UNRESOLVED PRIOR FINDINGS

Ref. No.	Finding/Noncompliance
2015-01	<p><u>Finding:</u> The Board has adopted a rule to charge licensees a \$500.00 reinstatement fee. The fee is not authorized by the Board’s statutes.</p> <p>The Attorney General’s Opinion Number 87-222 dated June 23, 1987, concluded that: “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.”</p> <p><u>Current Status:</u> The Board has ceased collecting the fee but has not amended the rule to delete the unauthorized fee.</p> <p><u>Recommendation:</u> It is again recommended that the Board amend the rule to delete the unauthorized fee.</p>
2017-01	<p><u>Finding:</u> The Board has adopted a rule to charge a \$15.00 fee to verify a license, and a \$150.00 application fee for continuing education providers. Neither fee is authorized by statute.</p> <p>The Attorney General’s Opinion Number 87-222 dated June 23, 1987, concluded that: “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.”</p> <p><u>Current Status:</u> The Board has ceased collecting the fees, but has not amended the administrative rule to delete the verification fee and the application fee for continuing education providers.</p> <p><u>Recommendation:</u> It is again recommended that the Board should amend the rule to delete the unauthorized fees.</p>

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***Schedule of Cash Receipts, Disbursements and Balances
For the Period October 1, 2017 through September 30, 2019***

	2018-2019	2017-2018
<u>Receipts</u>		
Licensing Fees	\$ 352,759.50	\$ 340,591.00
Penalties	500.00	3,500.00
Prior Year Refund	11.25	
Total	<u>353,270.75</u>	<u>344,091.00</u>
<u>Disbursements</u>		
Personnel Costs	157,406.33	109,296.61
Employee Benefits	59,546.79	42,380.93
Travel, In-State	6,465.16	7,304.86
Travel, Out-of-State	2,920.51	4,125.04
Repair and Maintenance	1,996.78	996.77
Rentals and Leases	45,643.51	45,722.44
Utilities and Communication	8,937.85	8,742.45
Professional Services	17,583.70	12,838.91
Supplies, Materials, and Operating Expenses	5,180.29	4,823.32
Other Equipment Purchases	7,101.45	69.52
Total	<u>312,782.37</u>	<u>236,300.85</u>
Excess of Receipts Over Disbursements	40,488.38	107,790.15
Cash Balances at Beginning of Year	<u>684,066.76</u>	<u>576,276.61</u>
Cash Balances at End of Year	724,555.14	684,066.76
Reserve for Unpaid Obligations	<u>(25,162.09)</u>	<u>(15,847.37)</u>
Available Cash Balances at Year-End	<u>\$ 699,393.05</u>	<u>\$ 668,219.39</u>

Board Members and Officials
October 1, 2017 through September 30, 2019

Board Members		Term Expires
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Hon. Michael Smith, Ph.D.	Chairman	2019
Hon. Sharrie Cranford	Member	2021
Hon. Amy Smith	Member	2020
Hon. Valeri White	Member	2020
Hon. Marilyn Colson	Member	2021
Hon. Shea Cobb-England	Member	2020
Hon. Jennifer Venable-Humphrey	Member	2019

Officials

Ms. Rachel Dickinson	Executive Director Board of Social Work Examiners 100 North Union Street Suite 736 Montgomery, AL 36104 Phone 334-242-5860 https://socialwork.alabama.gov	June 2018
Ms. Karen Hester	Interim Executive Director	