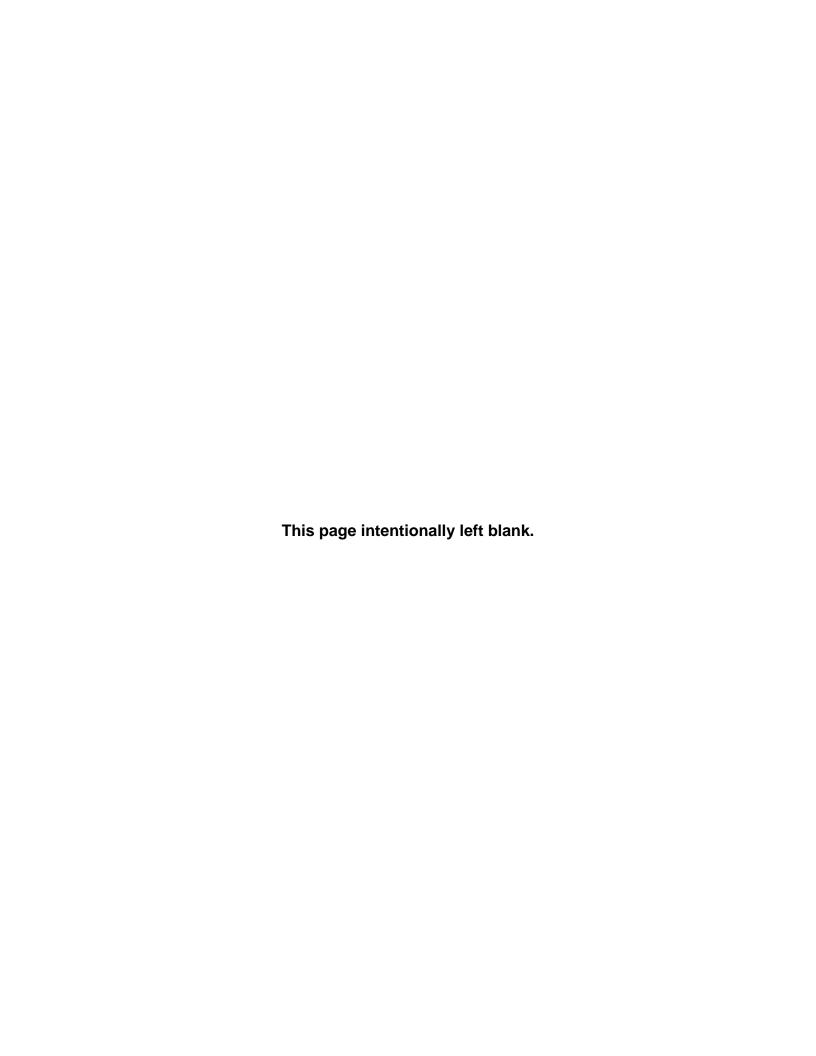




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#### **ACCOUNTANTS' REPORT**

Village of West Elkton Preble County P.O. Box 180 135 N. Main Street West Elkton, Ohio 45070

To the Village Council:

We have selectively tested certain accounts, financial records, files and reports of the Village of West Elkton, Preble County, Ohio (the Village), as of and for the years ended December 31, 2010 and December 21, 2009, following Ohio Admin. Code § 117-4-02.

There are reportable findings and conditions as a result of performing these procedures. Our reportable findings and conditions follow the financial presentation. Our engagement was not designed to result in expressing an opinion on the accompanying financial statements, and we express no opinion on them.

As discussed in Note 9 to the financial statements, the Village was placed in fiscal emergency by the Auditor of State on September 16, 2004. Note 9 describes Management's plans regarding these matters.

This report is intended solely for the information and use of management, the Village Council, and other officials authorized to receive this report under § 117.26, Ohio Revised Code, and is not intended to be and should not be used by anyone other than these specified parties.

Dave Yost Auditor of State

March 14, 2012

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# COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2010

	Governmental Fund Types			<u> </u>	
	<u>General</u>	Special Revenue	Capital Projects	Totals (Memorandum Only)	
Cash Receipts: Property and Local Taxes Municipal Income Tax Intergovernmental Charges for Services Fines, Licenses and Permits Earnings on Investments Miscellaneous	\$3,459 19,444 23,407 3,340 4,853 244 1,491	\$3,705 12,342 209	\$0	\$7,164 19,444 35,749 3,340 4,853 453 1,491	
Total Cash Receipts	56,238	16,256	0	72,494	
Cash Disbursements: Current: Security of Persons and Property Leisure Time Activities Basic Utility Service Transportation General Government Capital Outlay Total Cash Disbursements	11,592 100 47,735 59,427	2,480 825 11,606 50 74 15,035	0	14,072 825 100 11,606 47,785 74	
Total Receipts Over/(Under) Disbursements	(3,189)	1,221	0	(1,968)	
Other Financing Receipts / (Disbursements): Transfers-In Transfers-Out	(20)	20		20 (20)	
Total Other Financing Receipts / (Disbursements)	(20)	20	0	0	
Excess of Cash Receipts and Other Financing Receipts Over/(Under) Cash Disbursements and Other Financing Disbursements Fund Cash Balances, January 1	(3,209) 40,057	1,241 37,908	0 334	(1,968) 78,299	
Fund Cash Balances, December 31	\$36.848	\$39.149	\$334	<u>\$76.331</u>	

## COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES - AGENCY FUND FOR THE YEAR ENDED DECEMBER 31, 2010

Non-Operating Cash Receipts: Other Non-Operating Cash Receipts	\$13,780
Total Non-Operating Cash Receipts	13,780
Non-Operating Cash Disbursements: Other Non-Operating Cash Disbursements	11,547
Total Non-Operating Cash Disbursements	11,547
Net Receipts Over Disbursements	2,233
Fund Cash Balances, January 1	674
Fund Cash Balances, December 31	\$2,907

# COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2009

	Governmental Fund Types			_
	General	Special Revenue	Capital Projects	Totals (Memorandum Only)
Cash Receipts: Property and Local Taxes Municipal Income Tax Intergovernmental Charges for Services Fines, Licenses and Permits Earnings on Investments Miscellaneous	\$3,571 30,194 20,303 600 5,976 199 577	\$4,272 14,447 160 2,536	\$0	\$7,843 30,194 34,750 600 5,976 359 3,113
Total Cash Receipts	61,420	21,415	0	82,835
Cash Disbursements: Current: Security of Persons and Property Leisure Time Activities Transportation General Government Debt Service: Redemption of Principal Interest and Fiscal Charges Capital Outlay	6,073 1,141 34,857 7,081 407	3,672 16,092 94 360		9,745 1,141 16,092 34,951 7,081 407 360
Total Cash Disbursements	49,559	20,218	0	69,777
Total Receipts Over Disbursements	11,861	1,197	0	13,058
Fund Cash Balances, January 1	28,196	36,711	334	65,241
Fund Cash Balances, December 31	\$40.057	\$37.908	\$334	\$78.299

## COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES - AGENCY FUND FOR THE YEAR ENDED DECEMBER 31, 2009

Non-Operating Cash Receipts: Other Non-Operating Cash Receipts	\$7,811
Total Non-Operating Cash Receipts	7,811
Non-Operating Cash Disbursements: Other Non-Operating Cash Disbursements	7,220
Total Non-Operating Cash Disbursements	7,220
Net Receipts Over Disbursements	591
Fund Cash Balances, January 1	83
Fund Cash Balances, December 31	\$674

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009

#### 1. Summary of Significant Accounting Policies

#### A. Description of the Entity

The constitution and laws of the State of Ohio establish the rights and privileges of the Village of West Elkton, Preble County, Ohio (the Village), as a body corporate and politic. A publicly-elected six-member Council directs the Village. The Village provides general government and police services. The Village contracts with West Elkton-Gratis Township Joint Fire district to receive fire protection services and the Village of Gratis to provide emergency medical services.

The Village participates in the Public Entities Pool of Ohio (PEP) public entity risk pool. Note 7 to the financial statements provides additional information for this entity:

Public Entity Risk Pool:

PEP is a risk-sharing pool available to Ohio local governments, which provides property and casualty coverage for its members.

The Village's management believes these financial statements present all activities for which the Village is financially accountable.

#### **B.** Accounting Basis

These financial statements follow the accounting basis the Auditor of State prescribes or permits. This basis is similar to the cash receipts and disbursements accounting basis. The Village recognizes receipts when received in cash rather than when earned, and recognizes disbursements when paid rather than when a liability is incurred. Budgetary presentations report budgetary expenditures when a commitment is made (i.e., when an encumbrance is approved).

These statements include adequate disclosure of material matters, as the Auditor of State prescribes or permits.

#### C. Cash

The Village's funds are pooled in a checking account and certificate of deposit at a local commercial bank.

#### D. Fund Accounting

The Village uses fund accounting to segregate cash and investments that are restricted as to use. The Village classifies its funds into the following types:

#### 1. General Fund

The General Fund reports all financial resources except those required to be accounted for in another fund.

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

#### 1. Summary of Significant Accounting Policies (Continued)

#### 2. Special Revenue Funds

These funds account for proceeds from specific sources (other than from private-purpose trusts or for capital projects) that are restricted to expenditure for specific purposes. The Village had the following significant Special Revenue Funds:

<u>Street Construction, Maintenance and Repair Fund</u> - This fund receives gasoline tax and motor vehicle tax money for constructing, maintaining, and repairing Village streets.

<u>Police Fund</u> – This fund receives money from real estate and personal property taxes provide for the protection of area citizens.

<u>Ambulance Fund-</u> This fund receives money from real estate and personal property tax to provide emergency medical services to area citizens.

#### 3. Capital Project Funds

This fund is used to account for receipts restricted to acquiring or constructing major capital projects. The Village had the following significant Capital Project Fund:

<u>Rural Development Sewer Fund</u> – This fund receives proceeds of bank loans, Ohio Water Development Authority Loan Proceeds, and Ohio Public Works Monies for the construction of a wastewater treatment plant.

#### 4. Fiduciary Funds (Agency Fund)

Funds for which the Village is acting in an agency capacity are classified as agency funds. The Village had the following significant Fiduciary Fund:

<u>Mayor's Court Fund-</u> This fund is used to account for the collection and distribution of court fines and fees.

#### E. Budgetary Process

The Ohio Revised Code requires that each fund (except certain agency funds) be budgeted annually.

#### 1. Appropriations

Budgetary expenditures (that is, disbursements and encumbrances) may not exceed appropriations at the object level of control, and appropriations may not exceed estimated resources. The Village Council must annually approve appropriation measures and subsequent amendments. The County Budget Commission must also approve the annual appropriation measure. Appropriations lapse at year end.

#### 2. Estimated Resources

Estimated resources include estimates of cash to be received (budgeted receipts) plus cash as of January 1. The County Budget Commission must also approve estimated resources.

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

#### 1. Summary of Significant Accounting Policies (Continued)

#### 3. Encumbrances

The Ohio Revised Code requires the Village to reserve (encumber) appropriations when individual commitments are made. Encumbrances outstanding at year end are cancelled, and reappropriated in the following year. Encumbrances outstanding at year end are canceled, and reappropriated in the subsequent year.

A summary of 2010 and 2009 budgetary activity appears in Note 3.

#### F. Property, Plant, and Equipment

The Village records disbursements for acquisitions of property, plant, and equipment when paid. The accompanying financial statements do not report these items as assets.

#### 2. Equity in Pooled Cash and Deposits

The Village maintains a cash and deposits pool all funds use. The Ohio Revised Code prescribes allowable deposits and investments. The carrying amount of deposits at December 31 was as follows:

	2010	2009
Demand deposits	\$69,238	\$68,973
Certificates of deposit	10,000	10,000
Total deposits	\$79,238	\$78,973

**Deposits:** Deposits are insured by the Federal Depository Insurance Corporation

#### 3. Budgetary Activity

Budgetary activity for the years ending December 31, 2010 and 2009 follows:

2010 Budgeted vs. Actual Receipts			
	Budgeted Actual		
Fund Type	Receipts	Receipts	Variance
General	\$57,690	\$56,238	(\$1,452)
Special Revenue	19,415	16,256	(3,159)
Total	\$77,105	\$72,494	(\$4,611)

2010 Budgeted vs. Actual Budgetary Basis Expenditures			
	Appropriation	Budgetary	
Fund Type	Authority	Expenditures	Variance
General	\$71,665	\$59,447	\$12,218
Special Revenue	23,950	15,035	8,915
Total	\$95,615	\$74,482	\$21,133

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

#### 3. Budgetary Activity (Continued)

2009 Budgeted vs. Actual Receipts

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	Budgeted	Actual	_	
Fund Type	Receipts	Receipts	Variance	
General	\$55,575	\$61,420	\$5,845	
Special Revenue	23,700	21,415	(2,285)	
Total	\$79,275	\$82,835	\$3,560	

2009 Budgeted vs. Actual Budgetary Basis Expenditures

	Appropriation	Budgetary	_
Fund Type	Authority	Expenditures	Variance
General	\$56,186	\$49,559	\$6,627
Special Revenue	32,525	20,218	12,307
Total	\$88,711	\$69,777	\$18,934

#### 4. Property Tax

Real property taxes become a lien on January 1 preceding the October 1 date for which the Council adopted tax rates. The State Board of Tax Equalization adjusts these rates for inflation. Property taxes are also reduced for applicable homestead and rollback deductions. The financial statements include homestead and rollback amounts the State pays as Intergovernmental Receipts. Payments are due to the County by December 31. If the property owner elects to pay semiannually, the first half is due December 31. The second half payment is due the following June 20.

Public utilities are also taxed on personal and real property located within the Village.

Tangible personal property tax is assessed by the property owners, who must file a list of such property to the County by each April 30.

The County is responsible for assessing property, and for billing, collecting, and distributing all property taxes on behalf of the Village.

#### 5. Local Income Tax

The Village levies a municipal income tax of one percent on substantially all earned income arising from employment, residency, or business activities within the Village as well as certain income of residents earned outside of the Village.

Employers within the Village withhold income tax on employee compensation and remit the tax to the Village's Tax Administrator either monthly or quarterly, as required. Corporations and other individual taxpayers pay estimated taxes quarterly and file a declaration annually.

#### 6. Retirement Systems

The Village employees belong to the Ohio Public Employees Retirement System (OPERS). OPERS is a cost-sharing, multiple-employer plans. The Ohio Revised Code prescribes this plan's benefits, which include postretirement healthcare and survivor and disability benefits.

For 2010 and 2009, OPERS members contributed 10 % of their gross salaries and the Village contributed an amount equaling 14% of participants' gross salaries. The Village has paid all contributions required through December 31, 2010.

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

#### 7. Risk Management

The Village is exposed to various risks of property and casualty losses, and injuries to employees.

The Village insures against injuries to employees through the Ohio Bureau of Worker's Compensation.

The Village belongs to the Public Entities Pool of Ohio (PEP), a risk-sharing pool available to Ohio local governments. PEP provides property and casualty coverage for its members. American Risk Pooling Consultants, Inc. (ARPCO), a division of York Insurance Services Group, Inc. (York), functions as the administrator of PEP and provides underwriting, claims, loss control, risk management, and reinsurance services for PEP. PEP is a member of the American Public Entity Excess Pool (APEEP), which is also administered by ARPCO. Member governments pay annual contributions to fund PEP. PEP pays judgments, settlements and other expenses resulting from covered claims that exceed the members' deductibles.

#### Casualty and Property Coverage

APEEP provides PEP with an excess risk-sharing program. Under this arrangement, PEP retains insured risks up to an amount specified in the contracts. At December 31, 2010, PEP retained \$350,000 for casualty claims and \$150,000 for property claims.

The aforementioned casualty and property reinsurance agreement does not discharge PEP's primary liability for claims payments on covered losses. Claims exceeding coverage limits are the obligation of the respective government.

#### Financial Position

PEP's financial statements (audited by other accountants) conform with generally accepted accounting principles, and reported the following assets, liabilities and retained earnings at December 31, 2010 and 2009:

	<u>2010</u>	<u>2009</u>
Assets	\$34,952,010	\$36,374,898
Liabilities	(14,320,812)	(15,256,862)
Net Assets	<u>\$20,631,198</u>	<u>\$21,118,036</u>

At December 31, 2010 and 2009, respectively, the liabilities above include approximately \$12.9 million and \$14.1 million of estimated incurred claims payable. The assets above also include approximately \$12.4 million and \$13.7 million of unpaid claims to be billed to approximately 454 member governments in the future, as of December 31, 2010 and 2009, respectively. These amounts will be included in future contributions from members when the related claims are due for payment. As of December 31, 2010, the Government's share of these unpaid claims collectible in future years is approximately \$4,403.

Based on discussions with PEP, the expected rates PEP charges to compute member contributions, which are used to pay claims as they become due, are not expected to change significantly from those used to determine the historical contributions detailed below. By contract, the annual liability of each member is limited to the amount of financial contributions required to be made to PEP for each year of membership.

#### NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

#### 7. Risk Management (Continued)

After one year of membership, a member may withdraw on the anniversary of the date of joining PEP, if the member notifies PEP in writing 60 days prior to the anniversary date. Upon withdrawal, members are eligible for a full or partial refund of their capital contributions, minus the subsequent year's contribution. Withdrawing members have no other future obligation to PEP. Also upon withdrawal, payments for all casualty claims and claim expenses become the sole responsibility of the withdrawing member, regardless of whether a claim occurred or was reported prior to the withdrawal.

#### 8. Compliance

Tickets and a docket for the Mayor's Court were not retained in 2009.

Fees were not properly distributed to the treasurer of state or the village timely.

#### 9. Fiscal Emergency

Pursuant to Ohio Revised Code, Section 228.03, the Village was declared to be in fiscal emergency, effective September 16, 2004. AOS Local Government Services was designated as the Village's fiscal advisor.

As part of Management's Plan to emerge from fiscal emergency the Village Council imposed an income tax, see Note 5.

## ACCOUNTANTS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS

Village of West Elkton Preble County P.O. Box 180 135 N. Main Street West Elkton, Ohio 45070

To the Village Council:

We have selectively tested certain accounts, financial records, files and reports of the Village of West Elkton, Preble County, Ohio (the Village), as of and for the years ended December 31, 2010 and 2009 following Ohio Admin, Code Section 117-4-02. The Village was placed in fiscal emergency by the Auditor of State on September 16, 2004. Our engagement was not designed to result in expressing an opinion on the accompanying financial statements, internal control over financial reporting or compliance. We therefore express no opinion on these matters.

#### **Internal Control Over Financial Reporting**

During our procedures related to the internal control over financial reporting, we noted matters that, in our judgment, could adversely affect the Village's ability to record, process, summarize and report financial data consistent with management's assertions in the financial statements. In addition, these matters could result in the occurrence of misstatements that are caused by error or fraud that would not be detected in a timely manner by employees when performing their assigned functions. These matters are described in the Schedule of Findings as items 2010-01, 2010-02, and 2010-04.

#### **Compliance and Other Matters**

We tested compliance with certain provisions of laws, regulations, contracts, and grant agreements applicable to the Village. Noncompliance with which could directly and materially affect the determination of financial statement amounts. The result of our tests disclosed instances of noncompliance or other matters that are reported in the accompanying schedule of findings as items 2010-01 through 2010-03.

We also noted certain matters not requiring inclusion in this report that we reported to the Village's management in a separate letter dated March 14, 2012.

Village of West Elkton Preble County Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Page 2

We intend this report solely for the information and use of management, Village Council, and others within the Village. We intend it for no one other than these specified parties.

**Dave Yost** Auditor of State

March 14, 2012

#### SCHEDULE OF FINDINGS FOR YEARS ENDED DECEMBER 31, 2010 AND 2009

#### **FINDING NUMBER 2010-01**

#### **Material Noncompliance/Internal Control Deficiency**

Ohio Rev. Code, Section 149.351, provides that all records are the property of the public office and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the records commissions provided for under Sections 149.38 to 149.42 of the Revised Code. Ohio Rev. Code Section 149.43 states that a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying.

The Village did not present for audit 22 of 122 tickets issued during 2009. Therefore, we were unable to either audit the Village General Fund *Fines, Licenses and Permits* receipts and the Mayor's Court Agency Fund *Other Non-Operating Receipts and Disbursements* or to perform alternative auditing procedures to ensure completeness over these receipts and disbursements. The Village should develop policies and procedures outlining the security of all tickets or take a written inventory of all records noting the records description and location. All records should be maintained in a secure central location, such as locked file cabinets or in a locked office, with access limited to specific officials and/or personnel. Disposal of records should only be made in accordance with an approved records retention schedule.

#### **FINDING NUMBER 2010-02**

#### **Material Noncompliance/Internal Control Deficiency**

Ohio Rev. Code, Section 2743.70, requires that the court shall impose the sum of nine dollars (if the offense is a misdemeanor) as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. All such moneys shall be transmitted on the first business day of each month by the clerk of the court to the treasurer of state.

**Ohio Rev. Code, Section 733.40**, also requires that all fines, forfeitures, and costs in ordinance cases and all fees collected by the mayor, or which in any manner come into his hands, or which are due such mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses which have been advanced out of the treasury of the municipal corporation, shall be paid by him into such treasury of the first Monday of each month.

Monies collected during the audit period were not transmitted to the State by the first business day of each month. The Mayor did not disburse Mayor's Court collections to the Village by the first Monday of each month for the entire period. Also, for all traffic tickets issued in 2010, the Village submitted fees to the state when the traffic ticket was issued rather than when the fine was paid by the defendant. During 2009, there were three months when no distribution to the Village and State was made until the next month, five months when the distribution to the Village and State was not made until the middle of the month, and two months when the distribution to the Village and State was made at the end of the month.

As noted in Finding Number 2010-01 and Finding Number 2010-03, the Village failed to retain traffic tickets and the docket during 2009. These records help the Mayor's Court track what fines and fees have been collected

We recommend that the Village submit the required fees to the State by the required deadline. We also recommend that the Mayor's Court disburse the collections to the Village on a timely basis as required by the Ohio Revised Code.

Village of West Elkton Preble County Schedule of Findings Page 2

#### **FINDING NUMBER 2010-03**

#### **Material Noncompliance**

Ohio Rev. Code, Section 1905.21, requires the mayor of a municipal corporation and a mayor's court magistrate to keep a docket. The Village Mayor was unable to locate or provide evidence that a docket was completed for 2009. Failure to prepare a docket can result in lack of accountability for Mayor's Court activity. We recommend that the Village Mayor keep a docket.

#### **FINDING NUMBER 2010-04**

#### **Internal Control Deficiency**

When designing the public office's system of internal control and the specific control activities, management should consider the following: ensuring that all transactions are properly authorized in accordance with management's policies, ensuring that accounting records are properly designed, ensuring adequate security of assets and records, planning for adequate segregation of duties or compensating controls, verifying the existence and valuation of assets and liabilities and periodically reconciling them to the accounting records, performing analytical procedures to determine the reasonableness of financial data, ensuring the collection and compilation of the data needed for the timely preparation of financial statements, and monitoring activities performed by service organizations.

The Village failed to reconcile the Mayor's Court books with the Mayor's Court bank statements throughout the entire audit period and the account was not properly reconciled at December 31, 2010. The Village consistently had a reconciling variance ranging from \$216 to \$113. The amount on Deposit with the Bank was always higher than the amount of the Mayor's Court Books. Failure to maintain accurate reconciliations could lead to failure to monitor and accurately account for the Village's funds. We recommend that the Village reconcile their accounts on a monthly basis.

#### Officials' Response:

We did not receive a response from Officials to the findings reported above.

#### SCHEDULE OF PRIOR AUDIT FINDINGS DECEMBER 31, 2010 AND 2009

Finding Number	Finding Summary	Fully Corrected?	Not Corrected, Partially Corrected; Significantly Different Corrective Action Taken; or Finding No Longer Valid; <i>Explain</i>
2008-001	Lack of management oversight in the posting of financial activity	No	Partially Corrected- Reissued as Management Letter Comment
2008-002	Ohio Rev. Code Section 5705.41(D), failure to properly certify funds	No	Partially Corrected - Reissued as Management Letter Comment
2008-003	Ohio Revised Code, Section 5705.39, appropriations shall not exceed the total estimated resources  Ohio Revised Code, Section 5705.41(B), expenditures exceeding appropriations  Ohio Revised Code, Section 5705.10(H), negative fund balances	Yes	
2008-004	Ohio Revised Code, Section 5705.09(F), recording of on-behalf CDBG monies	Yes	
2008-005	Lack of management oversight in the payroll operations	Yes	





#### **VILLAGE OF WEST ELKTON**

#### PREBLE COUNTY

#### **CLERK'S CERTIFICATION**

This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.

**CLERK OF THE BUREAU** 

Susan Babbitt

CERTIFIED MARCH 29, 2012