



OHIO AUDITOR OF STATE  
**KEITH FABER**





# OHIO AUDITOR OF STATE KEITH FABER



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Community Improvement Corporation of New London  
Huron County  
115 East Main Street  
New London, Ohio 44851

We have completed certain procedures in accordance with Ohio Rev. Code Section 117.01(G) to the accounting records and related documents of the Community Improvement Corporation of New London, Huron County, Ohio, (the Corporation) for the years ended December 31, 2019 and 2018.

Our procedures were designed solely to satisfy the audit requirements of Ohio Rev. Code Section 117.11(A). Because our procedures were not designed to opine on the Corporation's financial statements, we did not follow *generally accepted auditing standards*. We do not provide any assurance on the Corporation's financial statements, transactions or balances for the years ended December 31, 2019 and 2018.

The Corporation's management is responsible for preparing and maintaining its accounting records and related documents. Our responsibility under Ohio Rev. Code Section 117.11(A) is to examine, analyze and inspect these records and documents.

Based on the results of our procedures, we found the following significant compliance or accounting issues to report.

## Current Year Observations

1. We noted the Corporation did not file its 2018 annual report timely. **Ohio Rev. Code § 1724.05** provides, in part, that the Corporation shall prepare an annual financial report according to generally accepted accounting principles (GAAP) and shall be filed with the auditor of state within one hundred twenty days following the last day of the Corporation's fiscal year.

The Corporation filed its 2018 annual report in the Hinkle System on September 24, 2019, which was not within the required one hundred twenty day timeframe. Failure to file by the required date could result in penalties of \$25 per day up to a maximum of \$750.

The Corporation should file its annual report within one hundred twenty days after the Corporation's fiscal year end.

2. We noted the Corporation's articles of incorporation were canceled during 2018 but the Corporation still continued to operate. **Ohio Rev. Code § 1702.57** in part states, "No person shall exercise or attempt to exercise any rights, privileges, immunities, powers, franchises, or authority under the articles of a domestic corporation after such articles have been canceled or after such corporation has been dissolved or after the period of existence of the corporation specified in its articles has expired."

According to the Ohio Secretary of State's website, the Corporation's articles of incorporation were cancelled effective September 24, 2018 due to a failure to file required annual financial reports in a timely manner with the Auditor of State. The Corporation continued to operate without legal authority from the date of cancellation until the articles of incorporation were reinstated on January 15, 2019.

If the Corporation intended to continue operating, the Corporation should have filed an annual report with the Auditor of State immediately and contacted the Secretary of State to have its articles of incorporation reinstated.

3. We inquired with Corporation management and determined that the Corporation did not have a public records policy during the engagement period as required by **Ohio Rev. Code §149.43(E)(2)**.

Because the Corporation did not have a public records policy during the engagement period, it therefore could not have displayed posters of said policy in all the branches of the Corporation as required by **Ohio Rev. Code §149.43(E)(2)**. It could also not have provided a copy of the said policy to the proper custodian or records manager as required by **Ohio Rev. Code §149.43(E)(2)**.

This could result in records requests not being fulfilled in accordance with Ohio law.

The Corporation should establish a public records policy to address the Corporation's available records, the times when public records may be inspected, and the costs associated with records requests. The policy should be included in policy manuals and the Public Records Act requires that the policy be displayed conspicuously in all branches of the Corporation. In addition, the Corporation should have written evidence that the Public Records Policy was provided to the records custodian/manager.

Furthermore, pursuant to **Ohio Rev. Code § 109.43(E)**, the Ohio Attorney General has developed and provided to all public offices a model public records policy for responding to public records requests. The policy, which is available at <https://www.ohioattorneygeneral.gov/Files/Government-Entities/Model-Public-Records-Policy.aspx>, provides guidance to public offices in developing their own policies for responding to public records requests in compliance with the Public Records Act.

4. We noted the Corporation does not have an adopted records retention schedule policy. It therefore cannot have a copy of said policy available to the public. **Ohio Rev. Code § 149.43 (B)(2)** states, in part, a public office also "shall have available a copy of its current records retention schedule at a location readily available to the public." Failure to have and follow a records retention schedule could result in public records being disposed of prematurely. The Corporation should implement procedures to provide the appropriate policy is approved to help avoid issues with public records requests.
5. The Corporation voted to disband on October 20, 2020. If the Corporation intends to dissolve, the Corporation should take appropriate action with the Secretary of State and notify the Auditor of State.

**Current Status of Matters Reported in our Prior Engagement**

The report filing noncompliance and operating under canceled articles of incorporation noncompliance noted above were also reported in the previous engagement.

A handwritten signature in black ink that reads "Keith Faber". The signature is written in a cursive style with a large, stylized initial "K".

Keith Faber  
Auditor of State

Columbus, Ohio

October 22, 2020

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# OHIO AUDITOR OF STATE KEITH FABER



**COMMUNITY IMPROVEMENT CORPORATION OF NEW LONDON**

**HURON COUNTY**

**AUDITOR OF STATE OF OHIO CERTIFICATION**

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



**Certified for Release 11/5/2020**

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This report is a matter of public record and is available online at  
[www.ohioauditor.gov](http://www.ohioauditor.gov)