

Concord ABC Board

Performance Audit Report



Alcoholic Beverage Control Commission
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ABC
COMMISSION
NORTH CAROLINA



ABC

COMMISSION
NORTH CAROLINA

Alcoholic Beverage Control

CHAIRMAN:
A.D. "ZANDER" GUY, JR.

COMMISSIONER:
DANIEL L. BRIGGS
Lexington

ADMINISTRATOR:
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April 23, 2012

Concord ABC Board
Mr. Todd Phillips, Chairman
1255 Concord Pkwy N
Concord, NC 28025

Dear Chairman Phillips,

We are pleased to submit this performance audit report of the Concord ABC Board. The objective of this audit was to examine existing policies, practices, and controls and to provide recommendations on methods to improve operating efficiency at the ABC Board in accordance with new legislative mandates.

The report consists of an executive summary, background information and operational findings and recommendations along with your General Manager's response to our recommendations. This report will be posted on the Commission's public web site.

We would like to thank you, the ABC Board and your staff for the assistance and cooperation provided to us during the audit. Additionally, we appreciate the efforts your Board has made to comply with the new performance standards.

If we can be of assistance in the future, please advise.

Respectfully,

Michael C. Herring
Administrator

CC: North Carolina Association of ABC Boards

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EXECUTIVE SUMMARY

By state law, the ABC Commission shall ensure that all local ABC Boards comply with established performance standards by conducting regular audits or performance evaluations. Performance standards shall include, but are not limited to, standards that address enforcement of ABC laws, store appearance, operating efficiency, solvency, and customer service. Performance audits are examinations of existing operating policies, practices, controls, and activities to determine those areas in which there may be a need for improvements. This audit was conducted in accordance with Government Auditing Standards. This report details findings and recommendations with regard to organizational operational issues.

To achieve the objectives of the audit, ABC Commission staff

- Reviewed applicable General Statutes, ABC Commission Rules, and administrative policies;
- Reviewed applicable reports and studies of ABC boards with similar size and geography;
- Verified compliance with Commission and Board policies;
- Reviewed organizational chart and job descriptions;
- Reviewed ABC store annual audit for the fiscal year 2011;
- Visited the stores; and
- Interviewed key ABC store personnel.

The Concord ABC Board has responded to the performance audit recommendations and has begun to take steps toward becoming more profitable through analyzing and reducing current costs. Internal controls have been improved to maintain proper segregation of duties while adhering to statutes. Policies and procedures have been implemented and adopted to maintain compliance with statutes and Commission rules and to ensure efficient operations.

BACKGROUND INFORMATION

Located in Cabarrus County, Concord was established in 1796 and later incorporated in 1806. Concord is home to many historic landmarks dating to the Civil War era. The US Census Bureau reports a population of 79,066 in 2010. Surrounding boards include Rowan/Kannapolis ABC, Mecklenburg County ABC, Mt Pleasant ABC, Locust ABC.

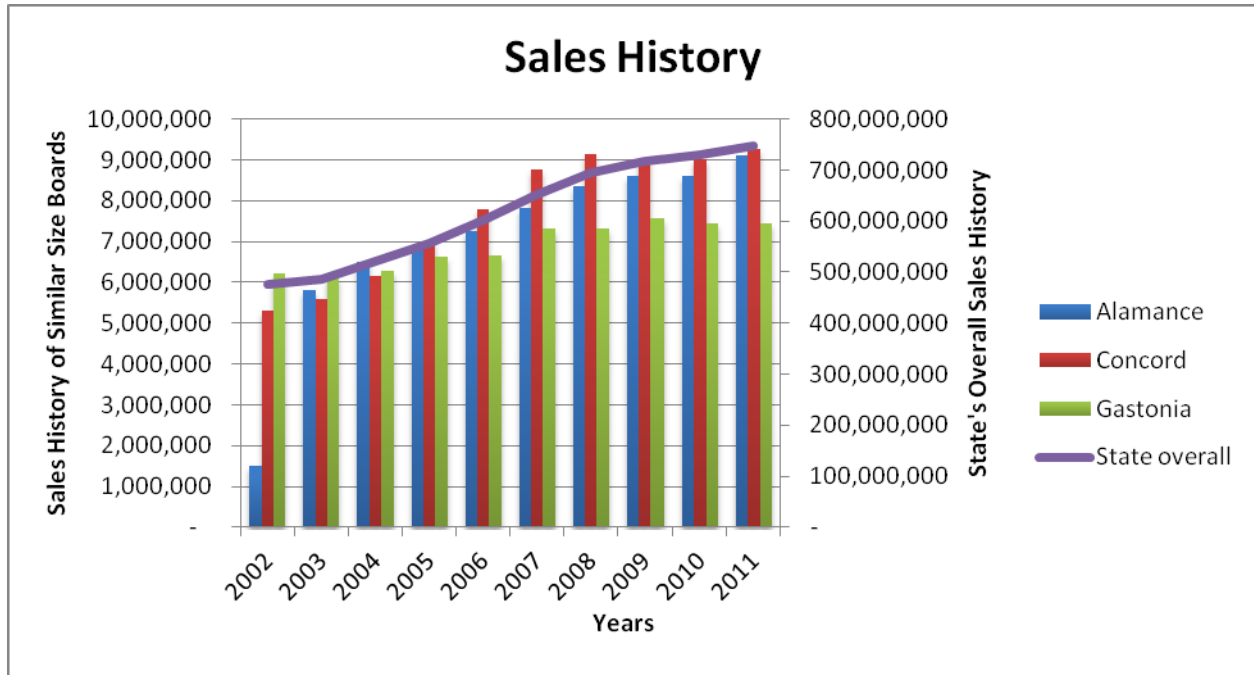
Chapter 195 of the 1967 Session Law authorized the Board of Alderman of the City of Concord to hold an election upon a petition signed by fifteen percent of the registered voters. The referendum was held on September 19, 1967. The vote for an ABC store passed 2,482 to 2,438. The date of the first retail sales was on December 4, 1967. A mixed beverage election held on May 5, 1994 passed 5,000 to 4,997.

Upon election of an ABC store, the city of Concord was authorized to create an ABC Board consisting of a chairman and two members to serve for three year terms. There are currently only two board members; Todd Phillips, board chairman, and Grady S. Carpenter, board member.

The Concord ABC Board operates five retail store locations. Store #2 services the mixed beverage permittees. The board staffs thirty-seven employees, including the general manager, consisting of eighteen full time and nineteen part time employees. The general manager is responsible for board administrative functions, budget preparation and management, coordinating training opportunities of all employees, and inventory management. The finance officer's duties include invoice payments, payroll, MXB payments and deposits, and office management. The full and part time clerk duties involve various retail functions including selling products and stock maintenance.

Profitability

For fiscal year 2011, the board showed a profit; gross sales were \$9,280,286, income from operations was \$35,381, resulting in a profit percentage to sales of 3.44%. In comparing Concord ABC with other similar size boards over the past ten years, sales have increased following the state's ten year increase. *See chart below.*

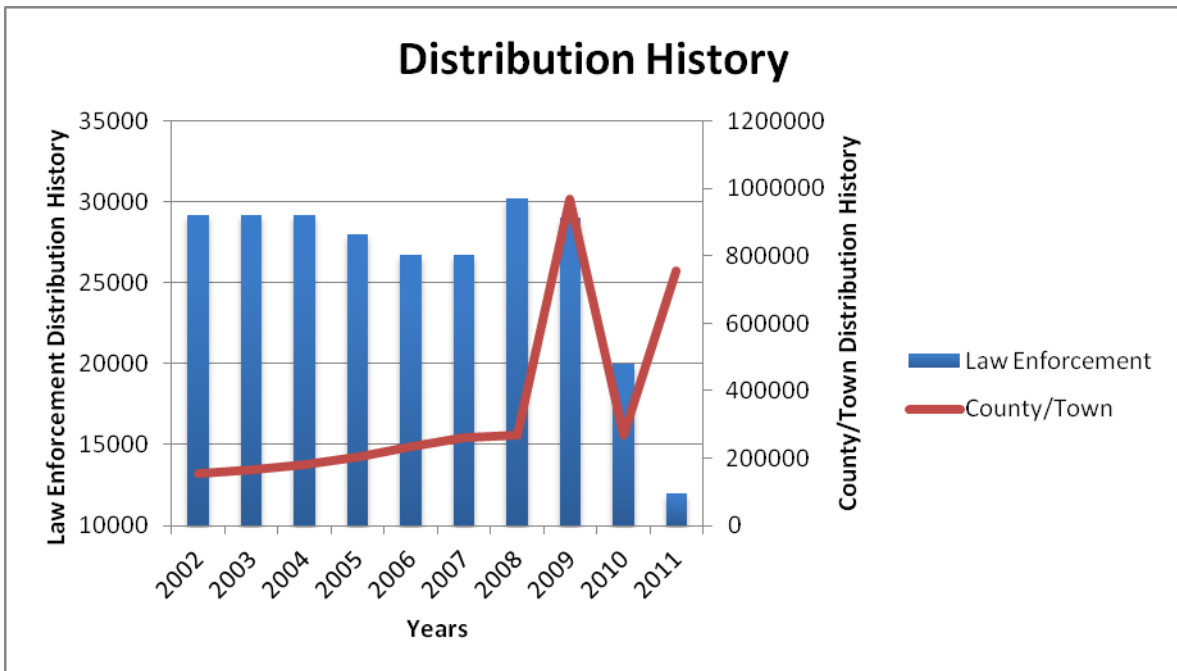


Distribution

G.S. 18B-805 (c) (2) requires the board to expend quarterly at least five percent of profits for law enforcement. The remaining profits are to be expended as follows:

- 25% to Cabarrus County General Fund
- 75% to Concord General Fund

In 2011, the Concord ABC Board made distributions to law enforcement of \$12,000 and to the county and city of \$754,377. *See Chart below.*



FINDINGS AND RECOMMENDATIONS

On January 11, 2012, ABC Commission Board Auditor, Moniqua S. McLean, visited the Concord ABC store and interviewed Lorraine Trexler, general manager, Edith Anderson, finance officer, and Grady Carpenter, board member. The following are the findings and recommendations relating to the performance audit.

Inventory Turnover

The inventory turnover rate is calculated by dividing the cost of goods sold by the average inventory in the system. The Commission has set goals for determining an effective rate based on the frequency of deliveries. Below are the turnover rates based on the delivery schedule:

- Once a week deliveries target at 6 times or more per year
- Twice a month deliveries target at 5 times or more per year
- Monthly deliveries target at 4.5 times or more per year

The Concord ABC Board has a weekly delivery schedule. The inventory turnover for Concord ABC is 4.7 and does not meet the target rate set by the Commission.

Recommendations:

- Contact boards whose inventory turnover rate exceeds the target for new ideas that may be implemented in your store
- Explore different strategies for eliminating slow moving products by:
 - Moving stock within the store to increase visibility; use recipe cards, displays, and other marketing techniques to increase sales,
 - Identifying unsold or slow moving inventory for transfer between stores or to another board which has demand,
 - Initiating new marketing strategies to encourage impulse shopping
 - Analyzing sales history reports carefully to avoid overstocking

Operating Cost

Operating costs are calculated by dividing total operating expenses less depreciation by the gross profit sales. Below are the average cost ratios for boards with and without mixed beverage sales:

- Boards with 3 or more stores with MXB – cost ratio .67 or less
- Boards with 3 or more stores without MXB – cost ratio .94 or less
- Boards with 2 stores – cost ratio .83 or less
- Single store boards with MXB – cost ratio .77 or less
- Single store boards without MXB – cost ratio .93 or less

The Concord ABC Board has an operating cost ratio of .84 and does not meet the goal set by the Commission. Overhead expenses are high compared to other boards due to rent and building expenses. The board owns Store #2, except for the parking lot, and rents the remaining locations. Annual rental payments are approximately \$18,261. To meet the goal of .67 and remain at current expense levels of \$1,872,375, revenues must be approximately \$11,750,000. To meet the goal and remain at current revenue levels of \$9,246,419, expenses must be reduced to approximately

\$1,475,000. A 43% increase in sales over the past ten years resulted in a 48% increase in operating expenses in the same period. *An analysis of historical data on operating expenses and common expenses of similar size boards is found in Appendix A.*

Recommendations:

- Monitor budget frequently to ensure that expenses do not exceed budgeted amounts
- Because salaries and rent are the largest segment of operating expenses, analyze personnel hours to assess efficient personnel usage and re-negotiate rental agreements to get a better rate
- Other post employment benefit expenses will continue to increase. Discuss long-term expense implication with CPA and if the board has not already done so, consider cancelling this benefit for future employees
- Request bids annually from various vendors to get the best rates possible on audit, utilities, maintenance contracts, and credit card processing fees

Profit percentage to sales

The profit percentage to sales is calculated by dividing the total profit before distributions by the total liquor sales. The Commission has set efficiency goals based on the following breakdown:

- Gross sales greater than \$10M – target rate at 9%
- Gross sales between \$2M to \$10M – target rate at 6.5%
- Gross sales less than \$2M – target rate at 5%

The Concord ABC Board has a profit percentage of 3.44% and does not meet the goal set by the Commission.

Recommendations:

- Increase sales strategies by developing new marketing techniques. Refer to recommendations under inventory turnover and operating costs.
- Take advantage of Special Purchase Allowances and quarterly price reductions whenever possible.
- Analyze and reduce operating expenses to increase profits by monitoring budget. Provide year-to-date reports to board members detailing how much has been spent.

Working Capital

Working capital is total cash, investments, and inventory less all unsecured liabilities. Gross sales means gross receipts from the sale of alcoholic beverages less distributions as defined in G.S. 18b-805 (b), (2), (3), and (4). The Commission has set efficiency goals based on the following breakdown:

- Four months for boards with gross sales less than \$1.5M
- Three months for boards with gross sales less than \$50M and greater than or equal to \$1.5M
- Two months for boards with gross sales equal to or greater than \$50M

For FY2011, the Concord ABC Board had a working capital of \$2,566,754. The working capital retained exceeded the maximum working capital allowed by \$207,390. The ABC Board has obtained an approval from the appointing authority which states the board can reserve no more than \$150,000 during any given fiscal year for a specific capital improvement, including but not limited to new stores and computer software and/or hardware systems.

Recommendations:

- Under the new rule, the maximum amount allowed for retention would have been \$1,768,915. Distribute more on a quarterly basis as to not exceed the maximum requirement allowed.
- Have a definitive capital improvement plan that specifies the projects that will be completed on a yearly basis using the funds set aside per 18B-805 (d).

Store Appearance

The Concord ABC stores have linear footage ranging from 1200 to 2500 feet of shelf space. All stores hold an average of 800 product codes. *See Appendix B for photos.*

- All stores were clean, smoke-free, well-lit, and free of clutter in the counter areas. The exterior areas were free of trash and well-manicured.
- The shelf management system is clearly defined displaying higher priced products on the top shelf and lower priced products on the bottom. Products were faced and shelves were full.
- The required Fetal Alcohol Syndrome poster was displayed in all stores.
- Located in each store, the price book and monthly sale items listings were made available to all customers.

Customer Service

- Each employee exhibited good customer service skills by greeting every customer upon entering. When not waiting on customers, employees were stocking shelves and performing general store upkeep duties.
- If there is a price discrepancy between a shelf price and the register price, the board does not have a written policy for handling these occurrences.

Recommendations:

- Adopt a written policy on how to handle price discrepancies and make it available to all store employees. The Commission will provide a sample policy upon request. *Refer to Appendix C (1) for rule.*

- Increase the number of stores that handle mixed beverage orders, allowing each account to go to the store nearest their business.

Policies and Procedures

- Deposits are made in the morning by whomever is working.
- All employees maintain their own cash drawer. The cash drawer is counted before and after each shift.
- Inventory control is handled by, each store counting inventory quarterly with weekly spot checks. When discrepancies arise, the general manager and distribution manager will verify and have the store manager re-count the affected code.

Personnel and Training Compliance

- Training is provided to new and existing employees as new information is available.
- All board members, the finance officer, and the general manager have attended the mandatory ethics class.

Recommendations:

- Continue cross training employees on key functions that include ordering liquor, closing out the end of the month, paying bills, and filing taxes in the event the general manager were suddenly unavailable.
- Attend free annual training, such as the Responsible Alcohol Seller Program, offered by the Commission and other approved venues. Document training completed and place in employee's personnel file.

Administrative Compliance

- Board meeting minutes were available to view and followed the order of proceedings for conducting a business meeting. However, they did not reference the conflict of interest statement.
- Board information on the Commission website reflects the current board members' latest appointment dates and compensation amounts. There are currently only two members.
- Board member compensation met the current statutory requirements.
- Nepotism – The board employs two immediate family members who were grandfathered in when the law changed. The board has implemented an organizational structure as to having both individuals report to different supervisors. The board meeting minutes reflect the structure and is approved by the board.
- The order acknowledgement received from LB&B has been stamped and signed by the finance officer.

- All checks have the approved certificated embedded as required by G.S. 18B-702 (q). Invoices made with another form of payment other than checks, are stamped with both certificates and signed by the finance officer.
- All checks are signed by the finance officer and the general manager.
- Purchase orders are not used when ordering store and office supplies.
- Out of an average of 800 product codes, approximately 94 codes were sampled and two shelf tags were found that did not reflect the price set by the Commission. Leblon Cachaca .75L 63-805 showed May 2011 prices and Jose Cuervo Platino .75L 64-773 showed August 2009 prices.

Recommendations:

- In an effort to avoid possible conflicts of interest, it is recommended that at the beginning of each board meeting, the Chairman ask fellow board members if there are any potential conflicts of interest. *Refer to Appendix C (2).*
- Ask the appointing authority to appoint a third board member and provide a copy of the oath of office. *Refer to Appendix C (3).*
- Use purchase orders when ordering all store and office supplies. Purchase orders are required to have the pre-audit certificate signed by the finance officer. *Refer to Appendix C (4) for statute.*
- North Carolina statutes require uniform pricing in all ABC stores. Immediately audit all shelf tags in the store and the cash register system for correct pricing.

Internal Control

- Physical inventory counts are usually performed quarterly with frequent spot checks. All morning shift clerks are responsible for spot checking inventory. Anyone scheduled to work during inventory will participate.
- A deputy finance officer has not been appointed to fill in if the finance officer is unable to work.

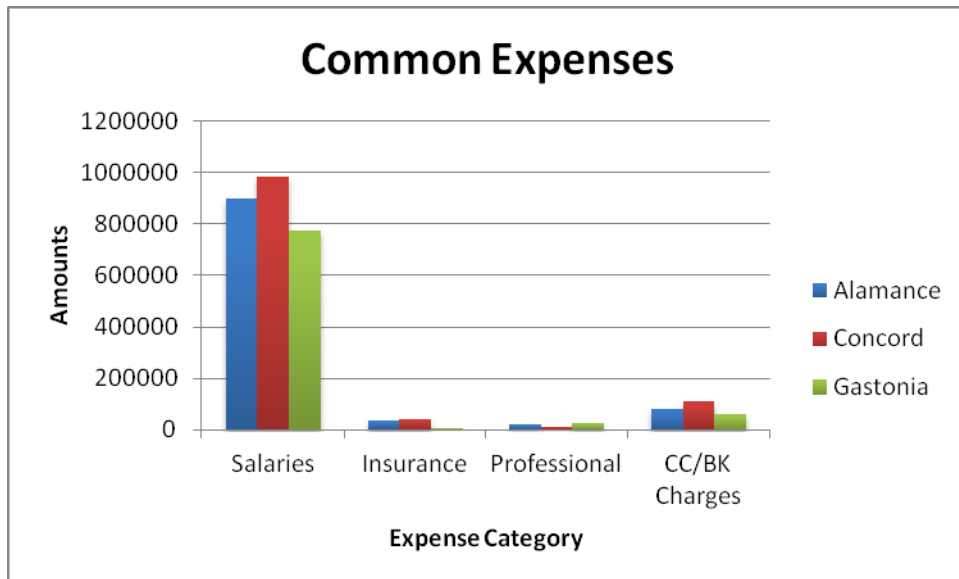
Recommendations:

- Appoint a deputy finance officer to aid in the duties of the finance officer when he/she is absent. *Refer to Appendix C (5) for statute.*

APPENDIX A Operating Expense Analysis

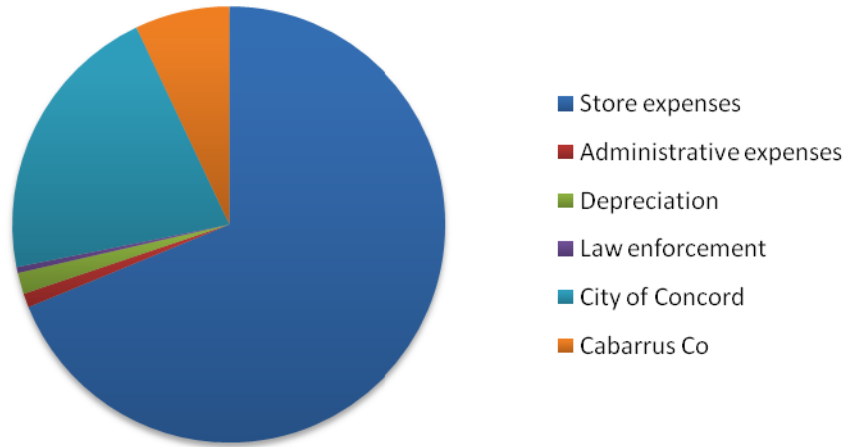


The expense history comparisons of similar size boards reveals that Concord ABC expenses are above other similar size boards.



Common expense comparisons of similar size boards reveals that other than professional fees, Concord ABC's common expenses are higher than other similar size boards.

Expense and Distribution Allocation



This chart analyzes the breakdown of expenses and distributions of the Concord ABC Board.

APPENDIX B



Counter area of the store.



Incorrect shelf price on 63-805



Incorrect shelf price on 64-773.

APPENDIX C

- (1) NCAC 02R.1706 (b) states *“If a local board has a price discrepancy between the price on the shelf or bottle and the cash register, and the price on the shelf or bottle is lower, the local board shall sell the item at the shelf or bottle price and correct the shelf or bottle price to match the Commission’s published uniform price.”*
- (2) OP 4.19.4 states, *“In an effort to avoid possible conflicts of interest it is recommended at the beginning of each meeting the Chairman ask fellow board members if there are any potential conflicts of interest. This can be done by reading the following ethics reminder:”*

‘In accordance with GS 18B-201, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflicts. Does any member have any known conflict of interest or appearance of conflict with respect to any matters coming before the Board today?’

(3) Chapter 195 of the 1967 Session Law states, *“If the operation of City Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Mayor and Board of Alderman of the City of Concord shall immediately create a City Alcoholic Beverage Control Board to be composed of a chairman and two other members...shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city.”*

(4) 18B-702 (m) states *“...the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been pre-audited to assure compliance. The certificate, which shall be signed by the finance officer or any deputy finance officer approved, shall take substantially the following form:*

“This instrument has been pre-audited in the manner required by GS 18B-702.”

(Signature of finance officer)

City of Concord Alcoholic Beverage Control Board

1255 Concord Parkway North
Concord, North Carolina 28025
704-786-5615

To: Moniqua McLean, ABC Board Auditor
North Carolina ABC Commission

From: Lorraine Trexler, General Manager
Concord ABC Board

Date: April 10, 2012

Subject: ABC Board Performance Audit Response

This memorandum is to officially respond to the Performance Audit of the City of Concord ABC Board performed on January 11, 2012 by Board Auditor, Moniqua McLean. The summary was submitted to the board on February 13, 2012. Ms. McLean attended a board meeting March 15, 2012 to present her findings and answer questions about her recommendations. The audit was based on the fiscal year 2010 – 2011. During this time, management changed. Many new procedures have been implemented and progress has been made striving to meet performance standards. The following is a detailed response to the audit.

Background Information

- The ABC Board was authorized to have a board consisting of a chairman and two members. At the time of the audit there were only two members, Todd Phillips, Chairman and Grady Carpenter, Member. In November 2011, the third member Mr. Robert Mathis, passed away unexpectedly. A new member has been appointed by the City Council on March 8, 2012, Ms. Kia Scott Andrews and info forwarded to the Commission.
- Concord ABC, located in Cabarrus County, can operate stores only within the city limits of Concord. Currently three ABC systems operate within Cabarrus County. They are City of Concord ABC, Mt. Pleasant ABC and Rowan/Kannapolis ABC.

Profitability

- In reviewing the profitability of the Concord ABC Board, the report fails to mention or include that the State ABC Commission allowed the Salisbury-Rowan ABC Board to locate a store less than two miles from a Concord ABC Store in a part of Cabarrus County that is not densely populated. The net result of the State's decision to allow the placement of the store in Kannapolis has had the effect of diminished sales at both locations. Sales for the fiscal year 2011 reflected a small increase of approximately \$255,000. As in all localities, the economic circumstances were a large factor in this small increase. Also, Cabarrus County experienced major factory closings such as Phillip Morris and CTC Telephone.

Distributions

- In 2010-2011, Concord ABC made distributions to the City and County of \$754,377, \$480,000 over the required amount.

Inventory Turnover

The Commission's recommended inventory turnover rate for boards with weekly deliveries is six or more times per year. Concord ABC did not meet this goal. Our turnover rate was 4.7 times.

- We have reduced inventory in all locations. Cases are being divided among stores.
- Orders are being calculated more carefully and intensely to prevent heavy inventories.
- Slow moving products are transferred between stores to where demand is higher.
- Clearance items are displayed aggressively.
- Stores are using techniques of cross merchandising, recipes with products and displays with eye appeal to represent holiday or special occasions to create impulse buying.
- New product sections are being created to inform customers of new items.
- Due to many of our Mixed Beverage accounts being franchises, we have a larger inventory of special orders on hand to have product available for restaurant needs.
- While decreasing inventories, we want to assure that sufficient quantities are available to serve our customers.
- Prices of delisted items will be reduced upon permission from the Commission. *It would be beneficial as items are delisted if uniform price reductions were made state wide.*

Operating Cost

The Commission's recommended operating cost ratio is .67 or less. The cost ratio for 2011 was .84; therefore, we did not meet this goal. Concord ABC is geographically located close to Charlotte/Mecklenburg. This greatly influences operating costs such as rent and payroll. Concord ABC owns Store #2, but pays rent for the parking lot. The remaining four stores are leased with monthly rent of \$18,146, annually \$217,754.

- This year, we have renewed leases in two locations and negotiated no increases for five years with one lease and no increase for two years with the other.
- At another location, we are in negotiations for moving to a more visible location, with more space and less rent.
- Salaries are another large factor of operating expenses. A large percentage of our employees have significant longevity with the system. While we do not have the highest wages in the area, we must be competitive to keep and attract dedicated, reliable and professional employees. We have very little employee turnover.
- During this audit period, we had a General Manager to retire and his replacement appointed. This led to a three month transition period in which we were paying both Managers in addition to paying the retiring GM accrued vacation time.
- New employee salary increases will change to annually instead of semi-annually. Salary increases have decreased.
- Use of part-time employees has been increased in an effort to restrain payroll cost.
- In February 2011, credit card processing fees were negotiated to significantly lower rates
- Some maintenance service fees have also been lowered.
- All supplies must be approved before purchasing.
- In March 2011, we changed banks to eliminate service charges and obtain greater interest.

Profit Percentage to Sales

The recommended profit percentage to sales for Concord ABC falls within gross sales between \$2M to \$10M with a target rate of 6.5%. For 2010/2011, our percentage was 3.44% and did not meet the goal.

- We are promoting sales by displays, decorating stores with seasonal decorations, promoting impulse buying.
- Closely monitoring the budget, reducing spending.
- Taking advantage of monthly SPA's and quarterly price changes, which we have been doing so for years.
- In the future, we will be looking at any potential benefits of owning stores, rather than leasing them.

Working Capital

The Performance Audit Report indicates that for fiscal year 2010-2011 the working capital retained exceeded the maximum working capital allowed however, the audit report does not include a statement that several of the ABC Board's store leases will expire in fiscal year 2012 and the Board determined that it was appropriate to retain extra working capital to pay anticipated costs of lease renewal and the move of stores for new locations and upfit. Under the new rule, we are only allowed to retain three months of working capital plus an additional \$150,000 allowed by our appointing authority.

- Distributions are made accordingly.
- The current extra \$150,000 retained has been set aside for the relocation of a store.
- Any future amounts retained above the working capital allowed will have specific goals.

Store Appearance

- Employees strive to maintain a neat and clean appearance of our stores.
- Our shelf management complies with the Commission's ruling.
- Our employees do a great job in the stores.
- Concord ABC wants to thank Ms. McLean for her documentation about our stores appearance.

Customer Service

- Price Discrepancy Policy: Concord ABC has had a procedure for differences in shelf price and the register price that employees are aware of but not a formal policy. This policy has since been adopted, noted in the board meeting minutes and forwarded to the Commission.

Personnel and Training Compliance

- Employees are crossed trained in store operations. More than one employee is capable of ordering, completing month end reports and paying bills.
- Deputy finance officers, current board members, have been established to serve in the absence of the Finance Officer. This has been noted in the March 2012 board meeting minutes.

Administrative Compliance

- Board Meeting minutes did not reference the conflict of interest statement. We are currently printing the statement on the meeting Agendas and it is reflected in the minutes.
- Employees have attended the RASP training February 2011. Only one part-time employee has been hired since that time. More classes will be scheduled in the future.
- Orders to LB&B do not reflect cost. The order acknowledgement from LB&B bears the pre-audit certificate and we are now retaining the pre-order form with the stamp.

- Nepotism: The Audit Report indicates that the Board employs two immediate family members who were grandfathered when the law changed. However, the audit report should also provide that the family members report to different supervisors. The board meeting minutes reflect this approval and the organizational structure of the staff. All employee performance evaluations are reviewed by the board. Salary adjustments are approved by the board.
- Purchase orders are now in place for store supplies and stamped with the pre-audit stamp. We require this for purchases over \$25.00.
- At the time of the audit, two shelf tags were reported incorrect. One item was a delisted item, reduced at store level, proper excise tax paid at the time of reduction. The other incorrect tag was human error. The tag was missed at quarterly price changes. This item was correct in the computers pricing system. Only one store had the incorrect tag. Before the audit report was returned, a plan was implemented to re-enforce verification of each shelf tag after quarterly price changes and monthly SPA signs verified monthly.

The Concord ABC Board has informed all employees of the new Performance Standards and has implemented procedures to reach these goals. These goals require dedication and involvement of all employees. Each month these standards are being calculated and improvements are being made. While these performance standards are challenging, our mission is to address the recommendations from the Commission and achieve the goals. It is our goal to serve the public responsibly by controlling the sale of alcohol and provide profits to the City and County government. We strive to provide friendly, professional and excellent service to our customers. We appreciate the opportunity to receive these recommendations for improvements and to work with Ms. McLean.

Thank you,

Lorraine Trexler

Concord ABC Board
General Manager

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NC ABC COMMISSION

CONCORD ALCOHOL BEVERAGE CONTROL BOARD

Recommendation Follow-Up

RECOMMENDATION	REQUIRED BY STATUTE	IMPLEMENTATION STATUS
<p>Administrative Compliance: Include the conflict of interest statement in all future board meeting minutes.</p> <p>Ask the appointing authority to appoint a third board member.</p> <p>Use purchase orders when ordering all store and office supplies.</p> <p>Audit all shelf tags with the register system to ensure correct pricing.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>(Please provide documentation supporting implementation status.)</p> <p><input checked="" type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially implemented ____% complete. (Explain below.)</p> <p><input type="checkbox"/> Not implemented (Explain below.)</p> <p>The Board is stating the conflict of interest statement in all board meetings. Since the audit fieldwork, a board member has been appointed. Purchase orders are being used for all purchases over \$25.00. The board has implemented a policy to re-enforce verification of shelf tags with the register system.</p>
<p>Internal Control: Appoint a deputy finance officer to serve as a “back-up” to the finance officer.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>(Please provide documentation supporting implementation status.)</p> <p><input checked="" type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially implemented ____% complete. (Explain below.)</p> <p><input type="checkbox"/> Not implemented (Explain below.)</p> <p>The general manager and all board members have been appointed in the event the finance officer is absent.</p>