



# NORTH DAKOTA OFFICE OF THE STATE AUDITOR

*State Auditor Joshua C. Gallion*

## North Dakota Ethanol Council

Audit Report for the Two-Year Period Ended June 30, 2020

*Client Code 605*



## **KEY PERSONNEL**

### **State Auditor's Office Staff**

Dustin Walcker, Audit Manager  
Breck Hendrickson, Lead Auditor  
Alandra Kist, CFE, Auditor

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STATE OF NORTH DAKOTA  
**OFFICE OF THE STATE AUDITOR**  
STATE CAPITOL  
600 E. BOULEVARD AVENUE – DEPT 117  
BISMARCK, NORTH DAKOTA 58505

## ***Independent Auditor's Report***

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Members of the Legislative Assembly

Members of the North Dakota Ethanol Council

Mr. Jeff Zueger, Chairman, North Dakota Ethanol Council

### ***Report on the Financial Statement***

We have audited the accompanying Comparative Statement of Revenues and Expenditures of the North Dakota Ethanol Council Fund, for the two years ended June 30, 2020 and the related notes as listed in the table of contents.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness

of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### ***Opinion***

In our opinion, the financial statements referred to above presents fairly, in all material respects, the revenues and expenditures of the North Dakota Ethanol Council Fund, for the two years ended June 30, 2020, in accordance with accounting principles generally accepted in the United States of America.

### ***Emphasis of Matters***

As discussed in Note 1, the financial statement presents only the North Dakota Ethanol Council Fund's revenues and expenditures, and does not purport to, and does not present fairly the financial position of the state of North Dakota as of June 30, 2020 or 2019, for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

As discussed in Note 1, the financial statement is presented and audited in accordance with North Dakota Century Code 4.1-44-04. This financial statement is not intended to be a complete presentation of the North Dakota Ethanol Council Fund's assets and liabilities. Our opinion is not modified with respect to this matter.

### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated October 9, 2020 on our consideration of the North Dakota Ethanol Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the North Dakota Ethanol Council's internal control over financial reporting and compliance.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
October 9, 2020

## ***Financial Statement***

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### **Comparative Statement of Revenues and Expenditures**

North Dakota Ethanol Council  
For the Years Ended June 30, 2020 and 2019

<u>REVENUES:</u>	<u>June 30, 2020</u>	<u>June 30, 2019</u>
Assessments	\$ 149,746	\$ 153,482
Grants	55,000	55,000
Donations	1,627	1,029
Total Revenues	<u>\$ 206,373</u>	<u>\$ 209,511</u>
 <u>EXPENDITURES:</u>		
Advertising/Research	\$ 103,087	\$ 93,534
Management Services	98,500	106,708
Professional Dev	32,327	16,400
Promotional Supplies	12,950	11,259
Travel	5,699	3,998
Other	1,635	5,584
Audit	0	5,289
Total Expenditures	<u>\$ 254,198</u>	<u>\$ 242,772</u>
 Revenue Over Expenditures	<u>\$ (47,825)</u>	<u>\$ (33,261)</u>

See Notes to the Financial Statement.

## **Notes to the Financial Statement**

### **NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The responsibility for the financial statement, the internal control structure, and compliance with laws and regulations belongs to management of the North Dakota Ethanol Council. A summary of the significant accounting policies follows:

**A. Reporting Entity**

For financial reporting purposes, the North Dakota Ethanol Council includes all funds, programs, and activities over which it is financially accountable. The North Dakota Ethanol Council does not have any component units as defined by the Government Accounting Standards Board. The North Dakota Ethanol Council is part of the state of North Dakota as a reporting entity.

The North Dakota Ethanol Council was established by North Dakota Century Code (NDCC), chapter 17-06, for funding of research, education programs, promotion, and market development efforts; and the support of state, regional, national, and international entities that promote ethanol utilization. In addition, the North Dakota Ethanol Council shall develop and disseminate information regarding the purpose of the Ethanol assessment and ways in which the assessment benefits ethanol producers. The North Dakota Ethanol Council receives its funding through an assessment of three one-hundredths of one cent per gallon imposed upon all ethanol produced and sold in North Dakota. The North Dakota Ethanol Council operates on a continuing appropriation and received no funding from the State Legislature.

**B. Reporting Structure**

The financial statement includes all activities of the reporting entity as defined above. These activities are funded from the North Dakota Ethanol Council's operating fund.

**C. Basis of Presentation**

North Dakota Century Code section 4.1-44-04 requires certain commodity promotion groups to prepare a report for the legislative assembly. As part of this report the applicable commodity groups are required to prepare a single-page uniform statement of revenues and expenditures.

Revenues and expenditures on the comparative statement of revenues and expenditures are reported on the modified accrual basis of accounting which is generally accepted accounting principles (GAAP) for governmental fund types.

Under the modified accrual basis of accounting revenues are recognized when susceptible to accrual (i.e. measurable and available). Measurable means the amount can be determined, available means due and collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Revenues are considered available if they are collected within a year after fiscal year end. Expenditures are recorded when goods or services are received. Exceptions include: principal and interest expenditures which are recorded when due; and compensated absences which are recorded when paid.



D. GAAP Reporting Differences

GAAP financial statements would include a balance sheet. GAAP financial statements would also provide additional note disclosures.

**NOTE 2 – RELATED PARTIES**

The North Dakota Ethanol Council provides funding to the North Dakota Ethanol Producers Association (NDEPA) in order to share costs of research, education programs, promotion, and market development efforts. The NDEPA is considered a related party with one or more common directors, management, or other persons of significant influence. Payments to the NDEPA for the two-year period ended June 30, 2020 totaled \$112,500.

**NOTE 3 – OTHER SIGNIFICANT ITEMS**

The North Dakota Ethanol Council had cash of \$319,350 and \$324,975 at June 30, 2020 and June 30, 2019. Based on the average monthly expenditures for fiscal year 2020, this amount represents approximately 15 months of expenditures for each year.





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## *Exhibits*

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### **Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of a Financial Statement Performed in Accordance with Government Auditing Standards**

Members of the Legislative Assembly

Members of the North Dakota Ethanol Council

Mr. Jeff Zueger, Chairman, North Dakota Ethanol Council

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statement of the North Dakota Ethanol Council, for the two-year period ended June 30, 2020, and the related notes to the financial statement and have issued our report thereon dated October 9, 2020.

#### **Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered North Dakota Ethanol Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of North Dakota Ethanol Council's internal control. Accordingly, we do not express an opinion on the effectiveness of North Dakota Ethanol Council's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the North Dakota Ethanol Council's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
October 9, 2020

## **Responses to LAFRC Audit Questions**

*The Legislative Audit and Fiscal Review Committee (LAFRC) requests that certain items be addressed by auditors performing audits of state agencies.*

- 1. What type of opinion was issued on the financial statement?*

Unmodified.

- 2. Was there compliance with statutes, laws, rules, and regulations under which the agency was created and is functioning?*

Yes.

- 3. Was internal control adequate and functioning effectively?*

Yes.

- 4. Were there any indications of lack of efficiency in financial operations and management of the agency?*

No.

- 5. Has action been taken on findings and recommendations included in prior audit reports?*

There were no recommendations in the prior audit report.

- 6. Was a management letter issued? If so, provide a summary below, including any recommendations and the management responses.*

No.

## LAFRC Audit Communications

1. *Identify any significant changes in accounting policies, any management conflicts of interest, any contingent liabilities, or any significant unusual transactions.*

None noted.

2. *Identify any significant accounting estimates, the process used by management to formulate the accounting estimates, and the basis for the auditor's conclusions regarding the reasonableness of those estimates.*

None noted.

3. *Identify any significant audit adjustments.*

None.

4. *Identify any disagreements with management, whether or not resolved to the auditor's satisfaction relating to a financial accounting, reporting, or auditing matter that could be significant to the financial statement.*

None.

5. *Identify any serious difficulties encountered in performing the audit.*

None.

6. *Identify any major issues discussed with management prior to retention.*

This is not applicable for audits conducted by the Office of the State Auditor.

7. *Identify any management consultations with other accountants about auditing and accounting matters.*

None.

8. *Identify any high-risk information technology systems critical to operations based on the auditor's overall assessment of the importance of the system to the agency and its mission, or whether any exceptions identified in the six audit report questions to be addressed by the auditors are directly related to the operations of an information technology system.*

ConnectND Finance is the most high-risk information technology system critical to the North Dakota Ethanol Council.

## **Governance Communication**

October 9, 2020

To: The North Dakota Ethanol Council

The Legislative Audit and Fiscal Review Committee

We have audited the financial statement of the North Dakota Ethanol Council for the years ended June 30, 2019 and 2020 and have issued our report thereon dated October 9, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated August 4, 2020. Professional standards also require that we communicate to you the following information related to our audit.

### **Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the North Dakota Ethanol Council are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the two-year period. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

### **Difficulties Encountered in Performing the Audit**

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### **Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. None of the misstatements detected as a result of audit procedures were material, either individually or in the aggregate, to the financial statements taken as a whole.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

## **Management Representations**

We have requested certain representations from management that are included in the management representation letter dated October 9, 2020.

## **Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the governmental unit’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

## **Other Audit Findings or Issues**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

## **Other Matters**

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Respectfully,

A handwritten signature in dark ink, appearing to read "Dust Walcker", with a long horizontal flourish extending to the right.

Dustin Walcker  
Audit Manager



Office of the  
State Auditor

NORTH DAKOTA STATE AUDITOR  
JOSHUA C. GALLION

**NORTH DAKOTA STATE AUDITOR'S OFFICE**

600 E. Boulevard Ave. Dept. 117 | Bismarck, North Dakota 58505

 [ND.gov/Auditor](https://nd.gov/Auditor)

 [NDSAO@nd.gov](mailto:NDSAO@nd.gov)

 701-328-2241

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