

### **367.948 Records of registrants.**

Every registrant shall keep and maintain adequate records, including, but not limited to, the following:

- (1) A cash receipts journal, or its equivalent, listing moneys received in chronological order. The journal shall contain dates of all such moneys received, amounts received, and identification of the purchasers;
- (2) A cash disbursement journal, or its equivalent, containing the same information as required by subsection (1) of this section for moneys disbursed; if a separate bank account is kept exclusively for any such funds, the checkbook could be used as a cash disbursement journal;
- (3) A "reconciliation" done at least once every twelve (12) months. The reconciliation shall indicate the beginning balance in the trust account, payments received during the period, interest earned during the period, disbursements during the period, and the ending balance for the period. The ending balance for each period is determined as follows:

Beginning balance  
+ Payments received  
+ Interest  
- Disbursements  
Ending Balance

- (4) All contracts, sales, trust fund, and accounting records of the registrant shall be readily available at the registrant's principal place of business in this state at reasonable times for examination by an authorized representative of the Attorney General's office;
- (5)
  - (a) The necessary expenses of any reasonable examination made pursuant to this section shall be paid by the registrant; but in no case shall the Attorney General or his authorized representatives be paid more than the actual expenses of such examination, not to exceed the lesser of the following amounts: one hundred dollars (\$100) per day for each auditor or five dollars (\$5) for each registrant's sales contract examined. In any event, the cost of such examination shall not exceed a total of one thousand two hundred fifty dollars (\$1,250) during any twelve (12) month period;
  - (b) The registrant may pay for this expense using interest moneys which have accrued on the registrant's existing cemetery merchandise trust fund accounts or preconstruction trust fund account or perpetual care account. Any withdrawal of interest for this purpose shall be taken as a pro rata share of all of the trust fund accounts. The Attorney General shall be advised in writing by the registrant when interest moneys are the source of payment and shall receive written certification from the financial institution or registrant that the withdrawal was a pro rata share;
- (6) This section shall apply to examinations of all registrant's contracts.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 305, sec. 4, effective July 14, 1992. -- Created 1984 Ky. Acts ch. 116, sec. 11, effective July 13, 1984.