



**Joseph M. Centorino**, Inspector General

TO: Honorable Mayor and Members of the City Commission  
FROM: Joseph Centorino, Inspector General

DATE: January 11, 2023  
PROJECT: Public Service Tax Collection and Processing Audit (Gas Sellers)  
OIG No. 22-16  
PERIOD: October 1, 2016 – August 31, 2021

The City of Miami Beach Office of the Inspector General (OIG) performed this audit of the collection and processing of Public Service Tax returns and payments received by the City Finance Department from gas sellers during the October 1, 2016 through August 31, 2021 audit period. The report also includes recommendations for suggested City Code revisions to facilitate future compliance and deter scofflaws. As the processing of franchise fees paid by Peoples Gas System (PGS) has similarities to the Public Service Tax, some testing was performed on its monthly filings during the audit period.

## **INTRODUCTION**

Article III of the City Code details the terms and conditions concerning the charging, collecting, and remitting of Public Service Tax on all purchases of electricity, metered gas, bottled gas, and fuel oil within the corporate limits of the City of Miami Beach. More specifically, Section 102-152 requires the seller to collect and remit ten percent, exclusive of governmental charges and taxes, of the total amount shown on such bill on account of the purchase of electricity, metered gas, and bottled gas and four cents per gallon on fuel oil. The tax is due to the City on all purchases within Miami Beach except for those performed by an agency or instrumentality of the United States Government, the state, the county, or a municipality (Section 102-151).

Applicable gas sellers are required to file a statement with the City Finance Department setting forth the amount of Public Service Tax due and remit all corresponding monies by the 20<sup>th</sup> day of each month for revenues incurred during the prior month (Section 102-155(b)); and to submit a semi-annual listing on each June 30 and December 31 to the Finance Department of all deliveries for resale within Miami Beach (Section 102-156). The Finance Department is to charge interest at ten percent per annum or the rate specified in Florida Statute §687.01, whichever is higher, on the unpaid amount of tax from the date on which the tax first became delinquent until paid (City Code Section 102-157(b)).

In addition, Florida Statute §166.231 addresses the charging of Public Service Tax by municipalities. Among other provisions, it includes the following terms:

- (1)(b) - Taxes shall not be applied against any fuel adjustment charge separately stated on each customer bill. The fuel adjustment charge means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility after October 1, 1973.

- (3) through (10) relate primarily to specific Public Service Tax exemptions. Examples of listed exemptions include fuel purchases by a public or private utility generating electricity and the purchase of metered or bottled gas for agricultural reasons.

PGS, a division of Tampa Electric Company (TECO), was granted, through the adoption of Ordinance No. 2016-3989, a ten-year non-exclusive natural gas franchise agreement to use the City's public rights-of-way of Miami Beach. In addition to remitting the Public Service Tax to the City, PGS is required to remit 6% of its monthly gross revenue (franchise fee) within thirty days after the last day of the month or be subject to a one percent per month penalty.

A review of the Munis system, the City's enterprise resource planning system, determined that the City received more than \$5.6 million during the audit period from gas sellers, as shown in the following table, rounded to the nearest dollar. This total was comprised primarily of Franchise Fees and Public Service Taxes remitted by PGS, representing 91% of the total. Several gas sellers whose individual payments totaled less than \$1,000 during the audited period were excluded.

Gas Sellers	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Total
PGS - UT (Public Services Tax)	\$354,669	\$276,064	\$365,228	\$386,029	\$416,980	\$1,798,971
PGS - FR (Franchise Fee)	\$573,787	\$784,699	\$660,762	\$627,950	\$711,332	\$3,358,529
<b>Total (PGS)</b>	<b>\$928,456</b>	<b>\$1,060,763</b>	<b>\$1,025,990</b>	<b>\$1,013,979</b>	<b>\$1,128,312</b>	<b>\$5,157,500</b>
AmeriGas	\$467	\$8,090	\$0	\$0	\$0	\$8,557
Dolphin Gas *	\$286	\$343	\$167	\$151	\$129	\$1,077
Ferrellgas *	\$721	\$8,661	\$36	\$500	\$111	\$10,029
Florida Propane *	\$85,541	\$0	\$0	\$0	\$0	\$85,541
Gas South	\$5,474	\$5,586	\$7,726	\$10,583	\$9,416	\$38,785
Home Gas - Forever Propane	\$426	\$506	\$336	\$601	\$956	\$2,825
Infinite Energy	\$40,757	\$14,641	\$14,485	\$11,255	\$2,410	\$83,548
Interconn Resources	\$22,181	\$23,704	\$30,887	\$29,160	\$23,666	\$129,598
Miami Home Center *	\$0	\$9,115	\$2,051	\$0	\$0	\$11,165
Suburban Propane	\$7,062	\$8,121	\$8,840	\$6,380	\$8,384	\$38,787
SunGas *	\$183	\$77	\$80	\$138	\$839	\$1,317
Tiger Natural	\$23,750	\$21,034	\$16,081	\$13,307	\$15,540	\$89,711
Walgreens *	\$1,679	\$1,538	\$1,603	\$1,723	\$1,982	\$8,525
<b>Total (Other Sellers)</b>	<b>\$188,526</b>	<b>\$101,418</b>	<b>\$82,292</b>	<b>\$73,797</b>	<b>\$63,433</b>	<b>\$509,466</b>
<b>Total</b>	<b>\$1,116,982</b>	<b>\$1,162,181</b>	<b>\$1,108,282</b>	<b>\$1,087,776</b>	<b>\$1,191,745</b>	<b>\$5,666,966</b>

\* These gas sellers were audited during the period and any assessments paid were included in the amounts listed.

During the audit, the OIG contacted the licensing authority, the Florida Department of Agriculture and Consumer Services Division of Consumer Services, requesting a complete listing of sellers or resellers licensed to sell gas in Miami Beach. In response, an email was received containing a listing of companies authorized to sell gas at 29 locations in the City. Many were found to have remitted little or no Public Service Tax to the City Finance Department during the audit period.

The OIG also sent letters to selected Miami Beach businesses requesting information related to its gas suppliers. The responding businesses identified AmeriGas Partners L.P., FloriGas Inc., and Propane Pal Exchange as its primary suppliers. Two of these gas sellers did not remit any monies to the City during the examined period.

The OIG initially selected three gas sellers (AmeriGas Partners, L.P., Infinite Energy LLC, and Gas South, LLC) for audit. Additional audits may be conducted in the future. Although Infinite Energy LLC was purchased by Gas South, LLC in December 2020, the purchaser requested the issuance of separate audit reports for the two companies. Consequently, audit reports were prepared and issued for each of the three audited gas sellers, in addition to this report.

## **OVERALL OPINION**

Applicable gas sellers conducting business within Miami Beach's borders are to be knowledgeable and compliant with applicable requirements in the Florida Statutes and City Code, but conducted audits determined that this did not always occur. In addition, Finance Department staff did not always notice or question non-compliant behavior.

The OIG has concluded that there is an overreliance by the City on audits to enforce compliance with Public Service Tax requirements, and that more City oversight is needed. Also concerning is the existence of other entities selling gas in Miami Beach but remitting no tax to the City. The OIG by itself does not have sufficient resources to conduct audits of all gas sellers to achieve the level of compliance necessary for the City to receive the Public Service Tax revenues to which it is entitled.

The following deficiencies were noted concerning the gas sellers' monthly reporting and remittances received and processed by the City Finance Department:

1. Non-uniformity in monthly Public Service Tax forms filed by gas sellers and the lack of City oversight contributed to \$745.10 in improper allowances for uncollectable accounts being deducted by Interconn Resources LLC during the audit period.
2. An allowance deduction was repeatedly misused by PGS which deducted it from the tax monies due instead of from sales revenues, resulting in a \$9,753.37 underpayment to the City during the audit period.
3. Finance Department staff did not detect two mathematical errors on filed Public Service Tax returns resulting in a total \$304.82 underpayment to the City.
4. Incorrect and/or incomplete supporting documentation was attached to various tested accounts receivables created in the Munis system by City Finance Department staff.

The OIG supports the automation of the Public Service Tax reporting process by the City to reduce the likelihood of mathematical errors, to document the filing date more accurately, and to levy applicable late charges. Additional benefits include reducing associated staff processing time, thereby potentially increasing productivity, requiring users to complete all necessary fields to help ensure completeness, and ensuring that semi-annual listings required in City Code Section 102-156 are filed.

In addition, the OIG believes improvements are needed to the relevant sections of the City Code to help reduce ambiguities, facilitate compliance, and deter scofflaws. Some suggested revisions to the City Code are presented in the Additional Observations section at the end of this audit report.

## SCOPE, OBJECTIVES, AND METHODOLOGY

The scope of the audit was to evaluate whether the City Finance Department sufficiently analyzed the monthly Public Service Tax returns to determine compliance with related sections of the City Code and Florida Statutes during the October 1, 2017, through August 31, 2021 audit period. In general, the audit focused on the following objectives:

- To determine whether gas sellers accurately remitted the Public Service Tax due based on its filed monthly returns.
- To determine whether gas sellers submit semi-annual listings on each June 30 and December 31 to the Finance Department of all deliveries for resale within Miami Beach.
- To determine whether sampled transactions were accurately recorded in the City's Financial System.

The evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The audit methodology included the following:

- Reviewed applicable provisions of the City Code of Ordinances and Florida Statutes;
- Interviewed and made inquiries of staff to gain an understanding of the internal controls, assess control risk, and plan audit procedures;
- Performed substantive testing consistent with the audit objectives, including, but not limited to, examination of appropriate transactions and records;
- Drew conclusions based on the results of testing, made corresponding recommendations, and obtained auditee responses and corrective action plans; and
- Performed other audit procedures as deemed necessary.

## FINDINGS, RECOMMENDATIONS AND AUDITEE RESPONSES

1. ***Finding: Non-Uniformity In Monthly Public Service Tax Forms Filed By Gas Sellers And The Lack Of City Oversight Contributed To \$745.10 In Allowances For Uncollectable Accounts Being Incorrectly Deducted By Interconn Resources LLC During The Audit Period.***

Pursuant to Article III of the City Code, the Finance Department is responsible for the collection and processing of monthly Public Service Tax returns filed by gas sellers, for collecting semi-annual reports of all deliveries for resale, and for charging interest at the applicable rate on any returns submitted after the designated due date.

As the City Finance Department is unaware of which gas sellers will file monthly Public Service Tax returns and for what amounts, designated staff will create an invoice (accounts receivable) in the Munis system upon receipt of any corresponding payments. Any supporting documentation is uploaded into the Munis system and attached to the receivable to provide a sufficient audit trail.

At a minimum, the Public Service Tax return requires the company to indicate its total sales, less any exempt or non-taxable sales, to determine the dollar amount of total taxable sales, which are multiplied by 10% to arrive at the amount due to the City. The form is to be dated and signed by an individual attesting, under perjury, that the form and attachments are true and correct to the best of the knowledge of the attesting party.

The OIG's examination of the supporting documentation attached to the receivables in the Munis system found little consistency in the forms submitted by the various gas sellers during the audit period. For example, some used a form with its letterhead; some used forms addressed to a City employee who has not worked at the City for more than twenty years; others used a Utility Tax Return form revised in May 1997 citing sections of the City of Miami Beach Code, which have not been in effect for many years; while others submitted the "Public Service Tax Remittance Form" for metered gas.

One may contend that the form used is irrelevant if the needed information is present and the corresponding remittances are accurate. However, one of the OIG's concerns is that some forms may contain additional line items that are no longer relevant but would affect the gas seller's monthly filings and remittances. If not closely examined and detected by Finance Department staff, inaccuracies may occur and could continue for extended periods.

For example, Interconn Resources LLC routinely deducted 1% from "the total tax collected," as a collection allowance and remitted the difference to the City. No support for the allowance was found, as it is not addressed in the City Code. The total allowance discounted during the audit period was \$745.10, and no documentation was provided to indicate that it was questioned by the City Finance Department.

Recommendation(s):

In lieu of implementing an automated Public Service Tax reporting system, the OIG recommends that the Finance Department distribute an updated Public Service Tax form to all gas sellers to be consistently used going forward. It should be periodically reviewed for sufficiency, and updated, as needed. It is further recommended that the disbursed Public Services Tax form be updated to contain language defining allowable non-taxable transactions to help prevent any related future misreporting.

The OIG recommends that gas sellers be required to separately list each exempted organization and its corresponding employee identification number or EIN. EINs are nine-digit numbers assigned by the Internal Revenue Service to identify the tax accounts of employers and certain others who have no employees. The EIN is used to identify taxpayers required to file various business tax returns.

Designated staff should more closely scrutinize each submitted Public Service Tax return to ensure that it is accurately completed and reconciles with the monies remitted. If any differences are noted, then the applicable company should be promptly notified and sent an invoice or receive a credit for the difference.

The Finance Department should invoice Interconn Resources LLC for the \$745.10 in improperly claimed allowances for uncollectable accounts during the audit period. The company should also be notified in writing to terminate this practice to prevent future similar deductions from occurring. The Finance Department should also determine whether Interconn Resources LLC took additional unauthorized allowances outside the audit period. If so, the company should be similarly invoiced. Once received, the gas seller should timely remit payment in full to avoid the possibility of additional disciplinary actions specified in the City Code.

Finance Department Response:

The Finance Department recognizes the benefits of a standardized form to facilitate filings and remittances of Gas taxes. The Finance Department will design an appropriate form,

determine appropriate language as to correct inclusion/exclusion of deductions and make such forms available for distribution to taxpayers upon receipt beginning in December 2022. The form will also include language requiring the Gas seller to obtain EIN numbers for tax exempt entities.

Post audit, the review of Public Service Tax Return forms has been assigned to an FA-I in the Finance Department with sufficient professional experience to review the return forms and scrutinize for accuracy. Any noted corrections will be appropriately addressed in a timely manner.

Interconn Resources, LLC was invoiced (#39599) for \$745.10 for allowances incorrectly deducted in prior periods. Invoices will be mailed by 10/21/22. Additionally, the City will communicate to vendor the error noted on their previous filings and request Interconn Resources, LLC to refrain from applying incorrect deductions from future filings – letter was communicated via email and regular postage as of 10/21/2022.

Finance will also complete a review of remaining tax submissions for Interconn Resources, LLC from the period post audit of September 2021 to September 2022. This review is estimated to be completed within 60 days from the date of this response.

**2. *Finding: The Allowance Deduction Taken Repeatedly By Peoples Gas System Was Incorrectly Deducted From The Monies Due And Not From Sales Resulting In An \$9,753.37 Underpayment To The City During The October 1, 2017 Through September 30, 2021 Audit Period.***

City Ordinance No. 2016-3989 section 7 allows PGS-FR to calculate the monies due as “gross revenues less those specific adjustments for uncollected accounts, from the sale, transaction, distribution, transportation, delivery and conveyance of natural gas to customers within the corporate limits of the City.” The OIG determined that PGS incorrectly deducted the allowance from the taxes owed, and not from sales revenue, on its submitted monthly forms to the Finance Department, leading to the \$9,753.37 underpayment to the City for the stated periods:

<b>Period</b>	<b>Underpayment to City</b>
10/01/2017 – 09/30/2018	\$604.73
10/01/2018 – 09/30/2019	\$4,896.07
10/01/2019 – 09/30/2020	\$763.05
10/01/2020 – 09/30/2021	\$3,489.52
<b>Total</b>	<b><u>\$9,753.37</u></b>

In addition, it was determined that a \$158.15 payment during the 2018/19 fiscal year was incorrectly recorded in the Munis system related to People Gas-UT, rather than the general ledger account pertaining to People Gas-FR.

**Recommendation(s):**

In lieu of the City’s implementing an automated Public Service Tax reporting system, designated Finance Department staff should more closely scrutinize filed returns for accuracy and completeness. Any identified deficiencies or questions raised should be promptly addressed with the filing company.

The Finance Department should invoice PGS for the \$9,753.37 plus associated interest for the underpayments stemming from transactions occurring from October 1, 2017 through September 30, 2021. Once received, the gas seller should timely remit payment in full to avoid the possibility of additional disciplinary actions specified in the City Code.

Finance Department staff should also determine whether any additional amounts are due for the months elapsed since the end of that period, and invoice PGS accordingly. The Finance Department should also notify PGS of this shortcoming to prevent future similar underpayments from occurring.

Finance Department Response:

Post audit, the review of Public Service Tax Return forms has been assigned to a Financial Analyst I in the Finance Department with sufficient professional experience to review the return forms and scrutinize for accuracy. Any noted corrections will be appropriately addressed in a timely manner.

PGS was invoiced for a total of \$11,965.65 which included \$9,753.37 plus interest of \$2,212.28. Invoice # 39668 was mailed 10/21/22.

Finance will also complete a review of remaining tax submissions for PGS from the period post audit of September 2021 to September 2022. This review is estimated to be completed within 60 days from the date of this response.

**3. Finding: Finance Department Staff Did Not Detect Two Mathematical Errors On Filed Public Service Tax Returns, Resulting In A Total \$304.82 Underpayment To The City.**

The retail and pharmacy stores of CVS located in Miami Beach reported Public Service Tax gross receipts of \$3,380.00 to the Finance Department on November 9, 2020 and remitted a corresponding payment of \$33.80. When multiplied by the 10% Public Service Tax rate, the gas seller owes the City \$338.00 and not the \$33.80 paid for a difference of \$304.20. No documentation was found indicating that the underpayment was questioned by the Finance Department.

In addition, Home Gas (Forever Propane) filed a Public Service Tax form in December 2019 showing the incorrect mathematical calculation with net sales equaling \$441.00. If the sales and non-sale tax amounts on the form are accurate, net sales would actually equal \$483.07 and not the \$441.00, as calculated. Consequently, the gas seller owed the City \$4.83 ( $\$483.07 \times 10\%$ ) and not the \$4.21 paid for a difference of \$.62. (The OIG recognizes that this is a *de minimis* discrepancy, but sees it as an indication that insufficient scrutiny of such figures could easily result in a more significant revenue loss for the City.)

Recommendation(s):

The Finance Department should create invoices for \$304.20 and \$.62 billing CVS and Home Gas (Forever Propane) respectively for the identified underpayments. Designated Finance Department staff should more closely scrutinize all future Public Service Tax submittals for mathematical accuracy before processing any transactions. Any identified differences should be promptly billed or credited to the gas seller.

The creation of an automated Public Service Tax payment process, like that utilized for Resort Tax collection, should help eliminate the possibility of undetected mathematical errors. It should also help eliminate any Postal Service time lags in delivering mailed payments to avoid the levying of interest.

Finance Department Response:

The Finance Department invoiced CVS for \$304.20 (Invoice #39607) and invoiced Home Gas (Forever Propane)(Invoice #39608) for \$0.62

Post audit, the review of Public Service Tax Return forms has been assigned to an FA-I in the Finance Department with sufficient professional experience to review the return forms and scrutinize for accuracy. Any noted corrections will be appropriately addressed in a timely manner.

While Finance agrees that automating the tax collection process would minimize errors and improve efficiency, the cost to implement and maintain such a specialized system might be cost prohibitive and may not represent the best utilization of City resources at this time. Comparatively, the revenue streams for Resort Taxes approximate \$80 million per annum compared to \$1 million in Gas tax revenues.

**4. Finding: Incorrect And/Or Incomplete Supporting Documentation Was Attached To Various Tested Accounts Receivable Created In The Munis System By City Finance Department Staff.**

The OIG Auditor reviewed the supporting documentation attached to the accounts receivable by Finance Department staff during the audit period for consistency, accuracy, and completeness. In doing so, the following deficiencies (presented alphabetically by gas seller) were noted:

- a. Dolphin Gas receivable #28759, dated December 5, 2020, attached supporting documentation related to TECO's franchise fee payment for October 2020.
- b. Gas South receivable #21314, dated July 2, 2019, attached supporting documentation related to another gas seller, Interconn Resources LLC.
- c. Gas South receivable #25409, dated February 26, 2020, included a supporting document stating that it was for January 2019. In addition, Home Gas (Forever Propane) receivable #29420, dated January 19, 2021, reported sales related to January 2020. Although the supporting documentation may be incorrectly dated, it should be detected by City staff upon receipt, and then verified with the gas seller so that any necessary corrections or notations can be made prior to processing the payment and attaching the documents to the receivables in the Munis system.
- d. Gas South receivable #31524 has a screen shot of Acrobat reader attached.
- e. Home Gas (Forever Propane) receivable #18382, dated January 28, 2019, and receivable #18366, dated January 22, 2019, each contain the same supporting documentation. PGS franchise fee payments related to receivable # 18384 and #18363 have the same supporting documentation and the same tax paid of \$54,684.71. Consequently, questions arise as to whether the gas sellers inadvertently filed the same returns twice and, if so, whether any additional monies are due to the City.
- f. Home Gas (Forever Propane) receivable #17251 includes a Dolphin Gas Public Service Tax form in its supporting documentation.
- g. PGS franchise fee payments related to receivable # 22737 and #28653 should be reclassified to PGS utility tax general ledger account number 011-8000-314420-00-302-301
- h. PGS-UT receivable #22241 showed supporting documentation in the Munis system related to a different company, Tiger Natural Gas.
- i. PGS-UT receivable #17249 for \$42,697.54 should be reclassified to general ledger account 011-8000-313400-00-304-306 related to PGS-FR, as it was recorded in the incorrect account (011-8000-314420-00-302-301-0).
- j. Radiant Oil receivable #16177 was paid and processed by the City Finance Department, but the \$8.53 payment appears to belong to a different city, Miami Shores Village.



- k. Walgreens receivable #21674 included a "Roll-Off Fee-Return form filed by Bicon Inc. d/b/a S&S National Waste with its supporting documentation.

Recommendation(s):

Designated Finance Department employees assigned to collect, and process filed Public Service Tax forms should more closely scrutinize the supporting documentation and remittances received. Any identified deficiencies related to dates, calculations, etc. should be questioned, with the company contacted, and any necessary corrections made and sufficiently documented. Also, Finance Department staff should confirm that payments received are recorded in the proper general ledger account with the appropriate supporting documentation, and assign an employee independent of the Public Service Tax process, to perform periodic reconciliations of the general ledger accounts to correct any noted errors.

Finance Department Response:

The Finance Department notes that during the period of review the responsibilities were rotated several times due to higher than normal staff turnover. Post audit, the review of Public Service Tax Return forms has been assigned to an FA-I in the Finance Department with sufficient professional experience to review the return forms and scrutinize for accuracy. Any noted corrections will be appropriately addressed in a timely manner and, going forward, a review of each filing's balance will be completed to ensure that appropriate documents are attached to each customer invoice.

The limited staffing of the Finance Department does not allow for a secondary person to perform a complete review of every Gas tax transaction that is recorded in the system. As noted above an adequately trained staff will review tax forms, the bills and invoices will be reviewed by an appropriate supervisor prior to remitting bill to customer.

Most importantly, it should be noted that the City operates a sophisticated ERP system that maintains the City's financial accounting records. Utilizing these automated systems, the City records/processes hundreds of thousands of transactions per month, within a mostly automated system with strong built-in internal controls. The vast majority of revenue transactions are processed seamlessly with zero to minimal manual intervention which minimizes errors in the City's accounting records. While very few processes, such as the Gas tax payments, as noted above, require manual data entry, manual entries may or may not be free of errors. The suggestion that a few manual entries with minimal financial impact is indicative of systemic issues with the City's Financial Accounting System may need to be revised with language that specifically addresses the Gas tax billing and collection process.

**ADDITIONAL OBSERVATIONS**

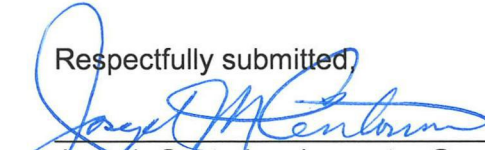
Article III of the City Code pertaining to Public Service Tax is incomplete and needs updating. As such, the OIG is recommending the following revisions to eliminate ambiguities, increase compliance, and deter scofflaws.


- a. Applicable gas sellers should be required to file monthly returns to the Finance Department even for those months in which they claim no Miami Beach sales. If not filed timely, there should be late filing charges levied.
- b. Penalties, in addition to the specified interest, should be levied against any gas seller submitting incomplete or late monthly filings, in which Public Services Tax is due.

- c. City staff should be able to levy estimated assessments against gas sellers submitting voluminous or insufficient records.
- d. Applicable gas sellers should be required to complete the semi-annual forms listed in City Code Section 102-156 and submit them by the established due date or be subject to late charges.

All auditee responses received within the thirty working days required under City Ordinance No. 2019-4239 were included in this final report.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph Centorino, Inspector General

  
\_\_\_\_\_  
Mark Coolidge, Chief Auditor

  
\_\_\_\_\_  
Norman Blaiotta, Deputy Chief Auditor

cc: Alina T. Hudak, City Manager  
Kathie Brooks, Acting Chief Financial Officer