

**AUDIT REPORT
OF
BOX BUTTE COUNTY COURT
JULY 1, 2001 THROUGH JUNE 30, 2002**

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BOX BUTTE COUNTY COURT

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BOX BUTTE COUNTY COURT

SUMMARY OF COMMENTS

During our audit of Box Butte County Court, we noted certain matters involving the internal control over financial reporting and other operational matters that are presented here. These comments and recommendations are intended to improve the internal control over financial reporting or result in operational efficiencies in the areas as follows:

1. ***Segregation of Duties:*** One individual was capable of handling all phases of a transaction from beginning to end.
2. ***Deposits Not Fully Insured:*** County Court deposits were not fully insured against bank failure.
3. ***Unclaimed Property:*** The County Court did not report and/or remit trust balances, which were over three years old, to the State Treasurer in accordance with State Statute.
4. ***Non-Monetary Receipt Transactions:*** Three of sixteen non-monetary receipts tested, totaling \$201, did not have supporting documentation on file.
5. ***Endorsement and Depositing of Checks:*** Checks were not restrictively endorsed immediately upon receipt and subsequently deposited in a timely manner.

More detailed information on the above items is provided hereafter. It should be noted that this report is critical in nature since it contains only our comments and recommendations on the areas noted for improvement and does not include our observations on any strong features of the Court.

Draft copies of this report were furnished to the Court to provide them an opportunity to review the report and to respond to the comments and recommendations included in this report. The Court declined to respond.

We appreciate the cooperation and courtesy extended to our auditors during the course of the audit.

BOX BUTTE COUNTY COURT

COMMENTS AND RECOMMENDATIONS

1. Segregation of Duties

Good internal control includes a plan of organization, procedures, and records designed to safeguard assets and provide reliable financial records. A system of internal control should include proper segregation of duties so no one individual is capable of handling all phases of a transaction from beginning to end.

We noted the office of the County Court had a lack of segregation of duties since one person was capable of handling all aspects of processing transactions from beginning to end. A lack of segregation of duties increases the risk of possible errors or irregularities. However, due to a limited number of personnel, an adequate segregation of duties is not possible without additional cost. Personnel are under the direction of both the Nebraska State Court Administrator and the Presiding Judge. We have noted this comment in previous audits.

We recommend the County Court and the Nebraska State Court Administrator review this situation. As always, the cost of hiring additional personnel versus the benefit of a proper segregation of duties must be weighed.

2. Deposits Not Fully Insured

Neb. Rev. Stat. Section 77-2326.04 R.S. Supp., 2001 requires that any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation (FDIC) be secured by either a surety bond or as provided in the Public Funds Deposit Security Act. When deposits are not fully insured, the risk of loss increases.

Review of the County Court's bank statements noted numerous times throughout the audit period deposits were in excess of FDIC coverage with no additional securities. Deposits exceeded coverage by as much as \$36,217.

This condition was also noted in the prior audit.

We strongly recommend the County Court actively monitor deposit balances and obtain additional securities, as necessary, to ensure the Court's deposits are fully insured at all times.

BOX BUTTE COUNTY COURT

COMMENTS AND RECOMMENDATIONS

3. Unclaimed Property

Neb. Rev. Stat. Section 25-2717 R.R.S. 1995 requires the County Judge to notify the State Treasurer regarding any fees, money, or costs due or belonging to persons which have not been paid or demanded within three years from the date the funds were paid to the County Court, and, at the direction of the State Treasurer, to remit such funds to the State Treasurer for deposit pursuant to the Unclaimed Property Act.

As of June 30, 2002, the County Court had six trust balances, totaling \$624, which did not have any activity in the previous three years. These six trust balances had neither been reported nor remitted to the State Treasurer in accordance with the Unclaimed Property Act.

This condition was also noted in the prior audit.

We recommend the County Court work to promptly remit all unclaimed property in its possession in accordance with State Statute.

4. Non-Monetary Receipt Transactions

Good internal control requires that adequate supporting documentation be retained by the County Court to support the issuance of non-monetary receipts. When documentation is not retained to support such receipts, there is an increased risk of loss, theft, or misuse of Court funds.

Three of sixteen non-monetary receipts tested, totaling \$201, did not have supporting documentation retained by the Court. Two of the receipts were non-monetary jail receipts, however, there were no jailer's returns or other certifications from the jail to support time served by defendants. One non-monetary receipt was issued to waive off a remaining city fine balance on a criminal case. In that case, it appeared that Court staff determined the balance to be uncollectible and, without written authorization, waived the balance.

We recommend the County Court implement procedures to ensure non-monetary receipts are adequately documented. This would include the timely receipt and filing of jailer's returns or similar jail certification. In addition, the Court should request written authorization from the Court Judge to support the waiver of uncollectible costs as may be deemed necessary.

BOX BUTTE COUNTY COURT

COMMENTS AND RECOMMENDATIONS

5. Endorsement and Depositing of Checks

Good internal control requires checks be restrictively endorsed immediately upon receipt and subsequently deposited in a timely manner. The practice of holding checks unendorsed, particularly when checks are not promptly deposited, increases the risk of loss, theft, or misuse of County Court funds.

During a surprise cash count, we noted one check on hand, totaling \$47, which was not restrictively endorsed. In addition, this check had been received by the Court six days prior to the cash count and remained undeposited.

The County Court's lack of immediate restrictive endorsements was also noted in the prior audit.

We strongly recommend all checks be restrictively endorsed immediately upon receipt. Furthermore, we recommend all monies received be deposited by the County Court in a timely manner.

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BOX BUTTE COUNTY COURT

INDEPENDENT AUDITORS' REPORT

We have audited the accompanying financial statement of Box Butte County Court as of and for the fiscal year ended June 30, 2002, as listed in the Table of Contents. The financial statement is the responsibility of the Court's management. 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 of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statement was prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

Also, as discussed in Note 1, the financial statement presents only the Court's Agency Funds activity and does not purport to, and does not, present fairly the assets, liabilities, and results of operations of Box Butte County Court for the year then ended in conformity with the cash receipts and disbursements basis of accounting.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the assets and liabilities arising from cash transactions of the Agency Funds of Box Butte County Court as of June 30, 2002, and the related activity for the fiscal year then ended, on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 7, 2002, on our consideration of Box Butte County Court's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

A handwritten signature in cursive script that reads "Deann Haefliger CPA". The signature is written in dark ink and is positioned to the right of the date.

November 7, 2002

Deputy State Auditor

BOX BUTTE COUNTY COURT
 ALLIANCE, NEBRASKA
STATEMENT OF CHANGES IN ASSETS AND LIABILITIES
AGENCY FUNDS

For the Fiscal Year Ended June 30, 2002

| | Balance July 1, 2001 | Additions | Deductions | Balance June 30, 2002 |
|------------------------------|-------------------------|-------------------|-------------------|--------------------------|
| ASSETS | | | | |
| Cash and Deposits | \$ 75,843 | \$ 456,385 | \$ 474,904 | \$ 57,324 |
| LIABILITIES | | | | |
| Due to State Treasurer: | | | | |
| Regular Fees | \$ 1,001 | \$ 65,413 | \$ 59,783 | \$ 6,631 |
| Law Enforcement Fees | - | 3,763 | 3,492 | 271 |
| Interest | 32 | 459 | 477 | 14 |
| State Judges Retirement Fund | 69 | 3,195 | 2,946 | 318 |
| Legal Services Fees | 16 | 4,297 | 4,004 | 309 |
| Due to County Treasurer: | | | | |
| Regular Fines | 20 | 171,947 | 161,318 | 10,649 |
| Overload Fines | - | 1,727 | 1,727 | - |
| Regular Fees | - | 14,498 | 13,944 | 554 |
| Due to Municipalities: | | | | |
| Regular Fines | - | 3,238 | 2,886 | 352 |
| Trust Fund Benefits Payable | 74,705 | 187,848 | 224,327 | 38,226 |
| Total Liabilities | \$ 75,843 | \$ 456,385 | \$ 474,904 | \$ 57,324 |

The accompanying notes are an integral part of the financial statements.

BOX BUTTE COUNTY COURT
NOTES TO FINANCIAL STATEMENT
For the Fiscal Year Ended June 30, 2002

1. Summary of Significant Accounting Policies

A. Reporting Entity

The Box Butte County Court is established by State Statute and is administratively operated through the Court Administrator's Office of the Nebraska Supreme Court, which is part of the State of Nebraska reporting entity. The Statement of Changes in Assets and Liabilities Arising from Cash Transactions of the County Court reflects only the Agency Funds activity of the Court; the receipts, and their subsequent disbursement to the appropriate entities for which they were collected. The financial statement does not reflect the personal services expenses of the Court, which are paid by the Nebraska Supreme Court, or the operating expenses, which are paid by Box Butte County.

B. Basis of Accounting

The accounting records of the County Court Agency Funds are maintained, and the Statement of Changes in Assets and Liabilities Arising from Cash Transactions has been prepared, on the cash receipts and disbursements basis of accounting. Under this basis of accounting, fines, fees, and receipts relating to trust funds are shown as additions to assets and as an increase in the related liability when received. Likewise, disbursements are shown as deductions to assets and a decrease in the related liability when a check is written. This differs from Generally Accepted Accounting Principles (GAAP) which requires the accrual basis of accounting. Under GAAP, Agency Funds would be reported in the Statement of Net Assets. Agency Funds are not reported in the Statement of Changes of Fiduciary Net Assets. Agency Funds are used to report resources held by the reporting government in a purely custodial capacity. Agency Funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments.

2. Deposits and Investments

Funds held by the County Court are deposited and invested in accordance with rules issued by the Supreme Court as directed by Neb. Rev. Stat. Section 25-2713 R.R.S. 1995. Funds are generally consolidated in an interest-bearing checking account; however, the Court may order certain trust funds to be invested separately. Any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation are required by Neb. Rev. Stat. Section 77-2326.04 R.S.Supp., 2001 to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.

BOX BUTTE COUNTY COURT
NOTES TO FINANCIAL STATEMENT
(Continued)

2. Deposits and Investments (Concluded)

The carrying amounts and bank balances of total deposits, consisting of checking accounts and a savings account, were as follows:

| | Total Cash and Deposit <u>Carrying Amount</u> | <u>Cash Amount</u> | Deposit <u>Carrying Amount</u> | <u>Bank Balance</u> |
|---------------|---|--------------------|-----------------------------------|---------------------|
| June 30, 2002 | \$ 57,324 | \$ 100 | \$ 57,224 | \$ 61,734 |

However, funds were not entirely covered by federal depository insurance during the entire year.

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BOX BUTTE COUNTY COURT REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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We have audited the financial statement of Box Butte County Court as of and for the year ended June 30, 2002, and have issued our report thereon dated November 7, 2002. The report was modified to emphasize that the financial statement presents only the Agency Funds of Box Butte County Court prepared on the basis of cash receipts and disbursements. 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.

Compliance

As part of obtaining reasonable assurance about whether Box Butte County Court's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, 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 that are required to be reported under *Government Auditing Standards*. We noted certain immaterial instances of noncompliance that we have reported to the management of Box Butte County Court in the Comments Section of this report as Comment Number 2 (Deposits Not Fully Insured) and Comment Number 3 (Unclaimed Property).

Internal Control Over Financial Reporting

In planning and performing our audit, we considered Box Butte County Court's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect Box Butte County Court's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. A reportable condition is described in the Comments Section of the report as Comment Number 1 (Segregation of Duties).

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness. We also noted other matters involving internal control over financial reporting that we have reported to the management of Box Butte County Court in the Comments Section of the report as Comment Number 4 (Non-Monetary Receipt Transactions) and Comment Number 5 (Endorsement and Depositing of Checks).

This report is intended solely for the information and use of the Court, the appropriate Federal and regulatory agencies, and citizens of the State of Nebraska, and is not intended to be and should not be used by anyone other than these specified parties.



Deputy State Auditor

November 7, 2002