

**AUDIT REPORT  
OF  
GARDEN COUNTY COURT**

**JULY 1, 2003 THROUGH JUNE 30, 2004**

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**Issued on December 29, 2004**

# GARDEN COUNTY COURT

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# GARDEN COUNTY COURT

## SUMMARY OF COMMENTS

During our audit of Garden 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. ***Unclaimed Property:*** The County Court did not remit trust balances which were over three years old and had not been reported to the State Treasurer in accordance with State Statute.
3. ***Non-Monetary Receipts:*** The County Court was not consistent in its claiming of non-waiverable court costs on dismissed and/or otherwise uncollectible cases.
4. ***Bond Assignments:*** Defendants' elections to assign bonds to fines and costs were not consistently documented, in writing, by use of the Assignment of Bond Form as prescribed by the Nebraska State Court Administrator's office, or a similar assignment form.

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

# GARDEN 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 as 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. 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, 2004, the Court had two checks, totaling \$7, and one trust balance, totaling \$180, which were over three years old and as of December 9, 2004 had not been reported to the State Treasurer in accordance with State Statute.

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

### 3. Non-Monetary Receipts

Neb. Rev. Stat. Section 29-2709 R.S.Supp., 2003, requires when any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in county court, except for those costs provided for in subsection (3) of Section 24-703 (Judges Retirement Fee), two dollars of the fee provided in Section 33-107.01

# GARDEN COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 3. Non-Monetary Receipts (Concluded)

(Legal Services Fee), the Court Automation Fee provided in Section 33-107.03, and the Uniform Data Analysis Fee provided in Section 47-633, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, enters an order assessing such portion of the costs as by law would be paid over by the court to the State Treasurer.

During testing of ten non-monetary receipts, the following was noted:

- The County Court was inconsistent in its billing of non-waiverable costs on dismissed cases. Three instances were noted (two traffic and one small claims) in which the County Court waived all court costs, including those costs which are non-waiverable per State Statute, when the cases were dismissed.
- One instance was noted in which the County Court administratively waived \$.75 in State fines on a criminal case due to an underpayment by the defendant. In this instance, the Clerk Magistrate had administratively determined the underpayment amount to be uncollectible.

Inconsistency in the claiming of court costs was also noted in the prior audit.

We recommend the County Court claim non-waiverable court costs on dismissed and/or otherwise uncollectible cases consistent with State Statute. We also recommend the County Court obtain a Judge's written authorization to support all waivers of underpayments as uncollectible.

### 4. Bond Assignments

The Court Accounting Manual issued by the Nebraska State Court Administrator's Office states that when a defendant wants to apply any or all of the bond amount to fines and costs, the Assignment of Bond Form (Form No. 13:2) is to be used to document the defendant's assignment. Furthermore, the Court Procedure Manual, also issued by the Nebraska State Court Administrator's Office, also references the use of the Assignment of Bond Form when defendants elect to assign bond money to fines and costs.

# GARDEN COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 4. Bond Assignments (Concluded)

The County Court did not consistently obtain signed Assignment of Bond Forms in support of defendants' assignments of their bond money to fines and costs. Two of five adjustments tested were bond assignments which had the Assignment of Bond Form completed; however, the forms had not been signed by the defendants.

We recommend the County Court review the Court Accounting Manual and Court Procedure Manual sections related to bond assignments and, as instructed in those manuals, consistently document the assignment of defendant bonds by having the prescribed forms properly signed.

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## GARDEN COUNTY COURT

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### INDEPENDENT AUDITORS' REPORT

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Mr. Frank Goodroe  
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We have audited the accompanying financial statement of Garden County Court as of and for the fiscal year ended June 30, 2004, 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.

Tim Channer, CPA  
Asst. Deputy Auditor  
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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.

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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 Garden 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 Garden County Court as of June 30, 2004, 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 December 9, 2004, on our consideration of Garden County Court's internal control over financial reporting and 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 the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

December 9, 2004

Pat Reding, CPA  
Assistant Deputy Auditor



GARDEN COUNTY COURT  
 OSHKOSH, NEBRASKA  
**STATEMENT OF CHANGES IN ASSETS AND LIABILITIES**  
**ARISING FROM CASH TRANSACTIONS**  
**AGENCY FUNDS**

For the Fiscal Year Ended June 30, 2004

	Balance July 1, 2003	Additions	Deductions	Balance June 30, 2004
<b>ASSETS</b>				
Cash and Deposits	\$ 4,993	\$ 131,293	\$ 114,920	\$ 21,366
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 1,657	\$ 21,534	\$ 20,258	\$ 2,933
Law Enforcement Fees	64	2,886	2,655	295
State Judges Retirement Fund	212	5,136	4,821	527
Court Administrative Fees	276	9,862	9,315	823
Legal Services Fees	184	7,596	7,012	768
Due to County Treasurer:				
Regular Fines	1,701	51,480	47,858	5,323
Regular Fees	136	1,054	1,180	10
Due to Municipalities:				
Regular Fines	-	25	-	25
Trust Fund Payable	763	31,720	21,821	10,662
Total Liabilities	\$ 4,993	\$ 131,293	\$ 114,920	\$ 21,366

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

**GARDEN COUNTY COURT**  
**NOTES TO FINANCIAL STATEMENT**  
For the Fiscal Year Ended June 30, 2004

**1. Summary of Significant Accounting Policies**

**A. Reporting Entity**

The Garden 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 Garden 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.R.S. 2003 to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.

The June 30, 2004, carrying amount of total deposits, which included a checking account, was \$21,366. The bank balance was \$21,031. All funds were entirely covered by federal depository insurance.

# STATE OF NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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## GARDEN COUNTY COURT REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

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Mr. Frank Goodroe  
State Court Administrator  
State Capitol Building, Room 1220  
Lincoln, Nebraska 68509

We have audited the financial statement of Garden County Court as of and for the year ended June 30, 2004, and have issued our report thereon dated December 9, 2004. The report was modified to emphasize that the financial statement presents only the Agency Funds of Garden 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.

### Internal Control Over Financial Reporting

In planning and performing our audit, we considered Garden 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 an opinion 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 Garden 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 reportable 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 caused by error or fraud 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.

#### Compliance and Other Matters

As part of obtaining reasonable assurance about whether Garden 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 or other matters that are required to be reported under *Government Auditing Standards*.

We also noted certain additional items that we have reported to the management of Garden County Court in the Comments Section of this report as Comment Number 2 (Unclaimed Property), Comment Number 3 (Non-Monetary Receipts), and Comment Number 4 (Bond Assignments).

This report is intended solely for the information and use of the Court, and the appropriate Federal and regulatory agencies. However, this report is a matter of public record and its distribution is not limited.

December 9, 2004

Pat Reding, CPA  
Assistant Deputy Auditor