

**AUDIT REPORT  
OF  
BUFFALO COUNTY COURT**

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

**This document is an official public record of the State of Nebraska, issued by  
the Auditor of Public Accounts.**

**Modification of this document may change the accuracy of the original  
document and may be prohibited by law.**

**Issued on May 27, 2005**

# BUFFALO COUNTY COURT

## TABLE OF CONTENTS

	<u>Page</u>
<b><u>Comments Section</u></b>	
Summary of Comments	1
Comments and Recommendations	2 - 3
<b><u>Financial Section</u></b>	
Independent Auditors' Report	4 - 5
Financial Statement:	
Statement of Changes in Assets and Liabilities Arising from Cash Transactions - Agency Funds - For the Fiscal Year Ended June 30, 2004	6
Notes to Financial Statement	7 - 8
<b><u>Government Auditing Standards Section</u></b>	
Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	9 - 10

# BUFFALO COUNTY COURT

## SUMMARY OF COMMENTS

During our audit of Buffalo 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. ***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.
3. ***Overdue Balances:*** The County Court did not regularly review its overdue balances to ensure timely collection and/or resolution.

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.

# BUFFALO 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. 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. Additionally, the Court Procedure Manual, also issued by the Nebraska State Court Administrator's office, references the use of the Assignment of Bond Form when defendants elect to assign bond money to fines and costs. Good internal control requires the County Court have adequate procedures in place to ensure compliance with all bond assignment provisions.

The County Court did not consistently obtain assignments, in writing, from defendants' to support their application of bond monies to fines and costs. Four of fifteen bond assignments tested did not have a signed Assignment of Bond document on file.

Consistent documentation of the defendants' election to assign bond monies reduces the liability of the County Court should defendants subsequently deny having authorized such assignments.

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 obtain adequate assignment of bond documentation.

# BUFFALO COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 3. Overdue Balances

Good internal control and sound business practices require overdue balances of the County Court be reviewed on a regular basis to determine what action should be taken to collect and/or otherwise resolve those balances.

Three of twenty-five overdue balances tested, totaling \$350, did not have subsequent action taken by the County Court to ensure collection and/or resolution of the balances, such as the issuance of warrants and/or suspensions or declaration of overdue balances as uncollectible. In addition, the last documented County Court review of the Overdue Case Account Report was in March 2002.

Without a regular review of overdue cases, there is an increased risk overdue balances may either not have proper action taken or the balances may have been previously resolved and should no longer be reflected as being overdue.

We recommend the County Court review the Overdue Case Account Report on a regular basis and take action, when appropriate, to further collect and/or resolve the balances overdue the County Court.

# STATE OF NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

---



P.O. Box 98917  
State Capitol, Suite 2303  
Lincoln, NE 68509  
402-471-2111, FAX 402-471-3301  
[www.auditors.state.ne.us](http://www.auditors.state.ne.us)

Kate Witek  
State Auditor  
[kwitek@mail.state.ne.us](mailto:kwitek@mail.state.ne.us)

Deann Haeffner, CPA  
Deputy State Auditor  
[haeffner@mail.state.ne.us](mailto:haeffner@mail.state.ne.us)

Don Dunlap, CPA  
Asst. Deputy Auditor  
[ddunlap@mail.state.ne.us](mailto:ddunlap@mail.state.ne.us)

Pat Reding, CPA  
Asst. Deputy Auditor  
[reding@mail.state.ne.us](mailto:reding@mail.state.ne.us)

Tim Channer, CPA  
Asst. Deputy Auditor  
[channer@mail.state.ne.us](mailto:channer@mail.state.ne.us)

Mary Avery  
SAE/Finance Manager  
[marya@mail.state.ne.us](mailto:marya@mail.state.ne.us)

Dennis Meyer, CGFM  
Subdivision Budget  
Coordinator  
[dmeyer@mail.state.ne.us](mailto:dmeyer@mail.state.ne.us)

Mark Avery, CPA  
Subdivision Audit  
Review Coordinator  
[mavery@mail.state.ne.us](mailto:mavery@mail.state.ne.us)

Perry Pirsch, JD, MPA  
Legal Counsel  
[ppirsch@mail.state.ne.us](mailto:ppirsch@mail.state.ne.us)

## BUFFALO COUNTY COURT

### INDEPENDENT AUDITORS' REPORT

Ms. Janice Walker  
State Court Administrator  
State Capitol Building, Room 1220  
Lincoln, Nebraska 68509

We have audited the accompanying financial statement of Buffalo 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.

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 Buffalo 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 Buffalo 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 May 11, 2005, on our consideration of Buffalo 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.

May 11, 2005



Deputy State Auditor

BUFFALO COUNTY COURT  
 KEARNEY, 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	\$ 660,886	\$ 2,060,172	\$ 2,076,430	\$ 644,628
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 22,861	\$ 209,802	\$ 216,094	\$ 16,569
Law Enforcement Fees	1,341	22,376	21,984	1,733
State Judges Retirement Fund	2,861	47,292	46,342	3,811
Court Administrative Fees	5,082	106,626	102,445	9,263
Legal Services Fees	3,416	60,431	59,270	4,577
Due to County Treasurer:				
Regular Fines	45,911	472,078	483,685	34,304
Overload Fines	2,900	9,629	10,729	1,800
Regular Fees	4,955	67,112	66,510	5,557
Due to Municipalities:				
Regular Fines	3,994	52,062	50,944	5,112
Regular Fees	10	154	150	14
Trust Fund Payable	567,555	1,012,610	1,018,277	561,888
<b>Total Liabilities</b>	<b>\$ 660,886</b>	<b>\$ 2,060,172</b>	<b>\$ 2,076,430</b>	<b>\$ 644,628</b>

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



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

**1. Summary of Significant Accounting Policies**

**A. Reporting Entity**

The Buffalo 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 Buffalo 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.

**BUFFALO COUNTY COURT  
NOTES TO FINANCIAL STATEMENT**

(Continued)

**2. Deposits and Investments (Concluded)**

The carrying amounts and bank balances of total deposits, consisting of a checking account and money market accounts, 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, 2004	\$ 644,628	\$ 200	\$ 644,428	\$ 657,827

However, funds were entirely covered by federal depository insurance or by collateral securities pledged to the Court and held by a Federal Reserve Bank, or by a Bank or trust company in this State other than the depository bank.

# STATE OF NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

---



P.O. Box 98917  
State Capitol, Suite 2303  
Lincoln, NE 68509  
402-471-2111, FAX 402-471-3301  
www.auditors.state.ne.us

Kate Witek  
State Auditor  
kwitek@mail.state.ne.us

## BUFFALO 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

Deann Haeffner, CPA  
Deputy State Auditor  
haeffner@mail.state.ne.us

Don Dunlap, CPA  
Asst. Deputy Auditor  
ddunlap@mail.state.ne.us

Pat Reding, CPA  
Asst. Deputy Auditor  
reding@mail.state.ne.us

Tim Channer, CPA  
Asst. Deputy Auditor  
channer@mail.state.ne.us

Mary Avery  
SAE/Finance Manager  
marya@mail.state.ne.us

Dennis Meyer, CGFM  
Subdivision Budget  
Coordinator  
dmeyer@mail.state.ne.us

Mark Avery, CPA  
Subdivision Audit  
Review Coordinator  
mavery@mail.state.ne.us

Perry Pirsch, JD, MPA  
Legal Counsel  
ppirsch@mail.state.ne.us

Ms. Janice Walker  
State Court Administrator  
State Capitol Building, Room 1220  
Lincoln, Nebraska 68509

We have audited the financial statement of Buffalo County Court as of and for the year ended June 30, 2004, and have issued our report thereon dated May 11, 2005. The report was modified to emphasize that the financial statement presents only the Agency Funds of Buffalo 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 Buffalo 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 Buffalo 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 Buffalo 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 noted certain additional matters that we reported to the management of Buffalo County Court in the Comments Section of this report as Comment Number 2 (Bond Assignments) and Comment Number 3 (Overdue Balances).

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



Deputy State Auditor

May 11, 2005