

**AUDIT REPORT  
OF  
DAWSON COUNTY COURT  
JULY 1, 2004 THROUGH JUNE 30, 2005**

**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 February 15, 2006**

# DAWSON 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, 2005	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

# DAWSON COUNTY COURT

## SUMMARY OF COMMENTS

During our audit of Dawson 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. *Investments:*** The County Court held investments in mutual funds; an investment type not permitted by County Court General Rules.

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. All formal responses received have been incorporated into this report. Where no response has been included, the Court declined to respond. Responses have been objectively evaluated and recognized, as appropriate, in the report. Responses that indicate corrective action has been taken were not verified at this time, but will be verified in the next audit.

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

# DAWSON 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. Further, 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. Investments

Nebraska County Court General Rule 50, Section II, states that investment of individual trust funds in excess of \$5,000 is limited to; interest-bearing certificates of deposit, a savings account with a bank or other financial institution, or interest-bearing obligations of the Federal government.

At June 30, 2005, investments in mutual funds of \$13,263 were held in the name of the County Court related to the conservatorship of a minor. Mutual funds are not listed as an investment type permitted by County Court General Rules. Subsequent to June 30, 2005, the County Court recorded mutual fund investments in two additional conservatorship cases.

When investments are made beyond those permitted by County Court General Rule 50 there is an increased risk of loss with funds not being guaranteed or otherwise secured.

We recommend the County Court review Nebraska County Court General Rule 50 and discuss with the Nebraska Court Administrator's Office the County Court's position on mutual fund investments held in the County Court's name and take corrective action, as necessary, to ensure the County Court's compliance with County Court rules.

# DAWSON COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 2. Investments (Concluded)

*County Court's Response: The Dawson County Court received a deposit of funds representing the proceeds of a court approved settlement in a guardianship and conservatorship in the court. Pursuant to directions from the Court, the funds were distributed to the conservator who directed that the funds be placed in an investment at Edward Jones. Pursuant to Nebraska County Court General Rule 41, a restriction was placed on the accounts to prohibit withdrawal of the accounts by court order only. Because of the restriction on the account, the records of the accounts are forwarded on an annual basis to the county court. The official title of the account and ownership of the account is in the name of the conservator on behalf of the ward reported under the ward's social security number.*

*By inadvertence or mistake by the Clerk Magistrate, the account was shown as a county court investment which would be subject to General Rule 50. The account should not have been maintained as a county court investment. The money was paid out of the account to Edward Jones on behalf of the conservator and should have been removed from the account upon clearance of the county court's check. The Court has not made any decisions concerning the investment, it has not ordered the specific investments. All decisions concerning the investment of the account is the responsibility of the conservator. The court's name is on the account only to satisfy the requirements of General Rule 41. The court file shows the appropriate receipts from the conservator and the accounting on an annual basis from the conservator reporting the account information including income and expenses.*

*In order to correct this inadvertent error, the court needs to clear this item from the Court Investment Panel on its trust funds invested ledger.*

*The conservator has broad powers to make decisions as to the nature of the investment. It is responsible for the investment and not the court and the Dawson County Court has not participated in the decision as to the nature of the conservator's investment.*

# 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  
[Kate.Witek@apa.ne.gov](mailto:Kate.Witek@apa.ne.gov)

## DAWSON COUNTY COURT

Deann Haeffner, CPA  
Deputy State Auditor  
[Deann.Haeffner@apa.ne.gov](mailto:Deann.Haeffner@apa.ne.gov)

### INDEPENDENT AUDITORS' REPORT

Don Dunlap, CPA  
Asst. Deputy Auditor  
[Don.Dunlap@apa.ne.gov](mailto:Don.Dunlap@apa.ne.gov)

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

Pat Reding, CPA  
Asst. Deputy Auditor  
[Pat.Reding@apa.ne.gov](mailto:Pat.Reding@apa.ne.gov)

Tim Channer, CPA  
Asst. Deputy Auditor  
[Tim.Channer@apa.ne.gov](mailto:Tim.Channer@apa.ne.gov)

We have audited the accompanying financial statement of Dawson County Court as of and for the fiscal year ended June 30, 2005, 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.

Mary Avery  
SAE/Finance Manager  
[Mary.Avery@apa.ne.gov](mailto:Mary.Avery@apa.ne.gov)

Dennis Meyer, CGFM  
Subdivision Budget  
Coordinator  
[Dennis.Meyer@apa.ne.gov](mailto:Dennis.Meyer@apa.ne.gov)

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.

Mark Avery, CPA  
Subdivision Audit  
Review Coordinator  
[Mark.Avery@apa.ne.gov](mailto:Mark.Avery@apa.ne.gov)

Perry Pirsch, JD, MPA  
Legal Counsel  
[Perry.Pirsch@apa.ne.gov](mailto:Perry.Pirsch@apa.ne.gov)

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 Dawson 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 Dawson County Court as of June 30, 2005, 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 January 24, 2006, on our consideration of Dawson 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.

January 24, 2006

  
Deputy State Auditor

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

For the Fiscal Year Ended June 30, 2005

	Balance July 1, 2004	Additions	Deductions	Balance June 30, 2005
<b>ASSETS</b>				
Cash and Deposits	\$ 140,778	\$ 1,308,303	\$ 1,318,402	\$ 130,679
Investments	-	13,263	-	13,263
<b>Total Assets</b>	<b>\$ 140,778</b>	<b>\$ 1,321,566</b>	<b>\$ 1,318,402</b>	<b>\$ 143,942</b>
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 16,017	\$ 163,841	\$ 166,553	\$ 13,305
Law Enforcement Fees	1,637	16,396	16,748	1,285
State Judges Retirement Fund	3,755	35,228	36,172	2,811
Court Administrative Fees	9,701	103,048	104,403	8,346
Legal Services Fees	4,631	45,108	46,183	3,556
Due to County Treasurer:				
Regular Fines	25,063	325,669	324,237	26,495
Overload Fines	1,050	4,625	4,425	1,250
Regular Fees	5,700	51,982	51,520	6,162
Due to Municipalities:				
Regular Fines	315	4,231	4,211	335
Regular Fees	460	4,809	4,793	476
Trust Fund Payable	72,449	566,629	559,157	79,921
<b>Total Liabilities</b>	<b>\$ 140,778</b>	<b>\$ 1,321,566</b>	<b>\$ 1,318,402</b>	<b>\$ 143,942</b>

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



DAWSON COUNTY COURT  
NOTES TO FINANCIAL STATEMENT  
For the Fiscal Year Ended June 30, 2005

**1. Summary of Significant Accounting Policies**

**A. Reporting Entity**

The Dawson 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 Dawson 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.

**DAWSON 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, savings accounts, 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, 2005	\$ 130,679	\$ 275	\$ 130,404	\$ 141,209

These 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.

The County Court investments as of June 30 consist of mutual fund accounts with a carrying value of \$13,263 and an account value of \$12,721. The funds were held by a private investment company in low-risk funds and were uninsured and uncollateralized during and at the end of fiscal year 2005. There is no policy regarding custodial credit risk.

# 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  
[Kate.Witek@apa.ne.gov](mailto:Kate.Witek@apa.ne.gov)

## DAWSON 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  
[Deann.Haeffner@apa.ne.gov](mailto:Deann.Haeffner@apa.ne.gov)

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

Don Dunlap, CPA  
Asst. Deputy Auditor  
[Don.Dunlap@apa.ne.gov](mailto:Don.Dunlap@apa.ne.gov)

Pat Reding, CPA  
Asst. Deputy Auditor  
[Pat.Reding@apa.ne.gov](mailto:Pat.Reding@apa.ne.gov)

Tim Channer, CPA  
Asst. Deputy Auditor  
[Tim.Channer@apa.ne.gov](mailto:Tim.Channer@apa.ne.gov)

Mary Avery  
SAE/Finance Manager  
[Mary.Avery@apa.ne.gov](mailto:Mary.Avery@apa.ne.gov)

Dennis Meyer, CGFM  
Subdivision Budget  
Coordinator  
[Dennis.Meyer@apa.ne.gov](mailto:Dennis.Meyer@apa.ne.gov)

Mark Avery, CPA  
Subdivision Audit  
Review Coordinator  
[Mark.Avery@apa.ne.gov](mailto:Mark.Avery@apa.ne.gov)

Perry Pirsch, JD, MPA  
Legal Counsel  
[Perry.Pirsch@apa.ne.gov](mailto:Perry.Pirsch@apa.ne.gov)

We have audited the financial statement of Dawson County Court as of and for the year ended June 30, 2005, and have issued our report thereon dated January 24, 2006. The report was modified to emphasize that the financial statement presents only the Agency Funds of Dawson 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 Dawson 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 Dawson 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 Dawson 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 a certain additional matter that we reported to the management of Dawson County Court in the Comments Section of the report as Comment Number 2 (Investments).

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.

January 24, 2006

  
Dawn Hauffman CPA  
Deputy State Auditor