

**ATTESTATION REPORT  
OF  
BANNER COUNTY COURT  
JULY 1, 2009 THROUGH JUNE 30, 2011**

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**Issued on April 11, 2012**

# BANNER COUNTY COURT

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# BANNER COUNTY COURT

## COMMENT AND RECOMMENDATION

During our examination of Banner County Court, we noted a certain deficiency in internal control that we consider to be a material weakness that is presented here.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the financial schedule will not be prevented, or detected and corrected on a timely basis.

The following comment and recommendation is intended to improve the internal control over financial reporting in the following area:

### **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 examinations.

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.

*County Court's Response: Banner County Court has implemented the following procedures to insure that one individual is not capable of handling all phases of a transaction from beginning to end. These procedures have been discussed with and approved by the individual conducting our audit. They are as follows:*

- 1. Scotts Bluff County Court staff now handle all Banner County Court transactions.*
- 2. The accounting clerk for Scotts Bluff County Court serves as accounting clerk for Banner County Court and is not allowed to issue monetary receipts.*
- 3. The clerk magistrate and the assistant clerk for Scotts Bluff County Court will alternate reconciling bank statements.*
- 4. The accounting clerk for Scotts Bluff County Court, the clerk magistrate and the assistant clerk for Scotts Bluff County Court will alternate balancing the cash drawers.*

# BANNER COUNTY COURT

## **COMMENT AND RECOMMENDATION**

(Continued)

It should be noted this report is critical in nature as it contains only our comment and recommendation on the area noted for improvement and does not include our observations on any accounting strengths of the County Court.

Draft copies of this report were furnished to the County Court to provide them an opportunity to review the report and to respond to the comment and recommendation included in this report. The formal response received has been incorporated into this report. The response has been objectively evaluated and recognized, as appropriate, in the report. A response that indicates corrective action has been taken was not verified at this time, but will be verified in the next examination.



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### BANNER COUNTY COURT

#### INDEPENDENT ACCOUNTANT'S REPORT

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of Banner County Court as of and for the fiscal years ended June 30, 2011, and June 30, 2010. The County Court's management is responsible for the Schedules. Our responsibility is to express an opinion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants, and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included examining, on a test basis, evidence supporting the amounts and disclosures in the Schedules and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

In our opinion, the Schedules referred to above present, in all material respects, the assets and liabilities arising from cash transactions of the Agency Funds of Banner County Court as of June 30, 2011, and June 30, 2010, and the related activity for the fiscal years then ended, based on the accounting system and procedures prescribed by the Nebraska Supreme Court as described in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Schedules and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We performed our examination to express an opinion on whether the Schedules are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over the Schedules or on compliance and other matters; accordingly we express no such opinions. Our examination disclosed a certain finding that is required to be reported under *Government Auditing Standards* and the finding, along with the views of management, is described in the Comments Section of the report.

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

Signed Original on File

March 22, 2012

Deann Haeffner, CPA  
Assistant Deputy Auditor

**BANNER COUNTY COURT**  
**HARRISBURG, NEBRASKA**  
**SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES**  
**ARISING FROM CASH TRANSACTIONS**  
**AGENCY FUNDS**

For the Fiscal Year Ended June 30, 2011

	<u>Balance</u> <u>July 1, 2010</u>	<u>Additions</u>	<u>Deductions</u>	<u>Balance</u> <u>June 30, 2011</u>
<b>ASSETS</b>				
Cash and Deposits	\$ 17,669	\$ 76,570	\$ 86,184	\$ 8,055
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 895	\$ 10,823	\$ 10,764	\$ 954
Law Enforcement Fees	146	1,669	1,677	138
State Judges Retirement Fund	402	4,848	4,886	364
Court Administrative Fees	484	6,324	6,365	443
Legal Services Fees	447	5,427	5,444	430
Due to County Treasurer:				
Regular Fines	3,754	38,302	39,079	2,977
Overload Fines	425	13,752	13,175	1,002
Regular Fees	130	884	905	109
Trust Fund Payable	10,986	(5,459)	3,889	1,638
Total Liabilities	<u>\$ 17,669</u>	<u>\$ 76,570</u>	<u>\$ 86,184</u>	<u>\$ 8,055</u>

The accompanying notes are an integral part of the schedule.

**BANNER COUNTY COURT**  
**HARRISBURG, NEBRASKA**  
**SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES**  
**ARISING FROM CASH TRANSACTIONS**  
**AGENCY FUNDS**

For the Fiscal Year Ended June 30, 2010

	Balance July 1, 2009	Additions	Deductions	Balance June 30, 2010
<b>ASSETS</b>				
Cash and Deposits	\$ 18,465	\$ 65,696	\$ 66,492	\$ 17,669
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 696	\$ 9,316	\$ 9,117	\$ 895
Law Enforcement Fees	61	1,031	946	146
State Judges Retirement Fund	239	3,382	3,219	402
Court Administrative Fees	250	4,102	3,868	484
Legal Services Fees	281	3,736	3,570	447
Due to County Treasurer:				
Regular Fines	1,856	31,545	29,647	3,754
Overload Fines	3,925	7,394	10,894	425
Regular Fees	14	424	308	130
Trust Fund Payable	11,143	4,766	4,923	10,986
Total Liabilities	\$ 18,465	\$ 65,696	\$ 66,492	\$ 17,669

The accompanying notes are an integral part of the schedule.



**BANNER COUNTY COURT**  
**NOTES TO FINANCIAL SCHEDULES**  
For the Fiscal Years Ended June 30, 2011, and June 30, 2010

**1. Criteria**

**A. Reporting Entity**

The Banner 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 Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the County Court reflect only the Agency Funds activity of the County Court; the receipts, and their subsequent disbursement to the appropriate entities for which they were collected. The Schedules do not reflect the personal services expenses of the County Court, which are paid by the Nebraska Supreme Court, or the operating expenses, which are paid by Banner County.

**B. Basis of Accounting**

The accounting records of the County Court Agency Funds are maintained, and the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions have been prepared, based on the accounting system and procedures prescribed by the Nebraska Supreme Court. Under this system 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.

**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. § 25-2713 (Reissue 2008). Funds are generally consolidated in an interest-bearing checking account; however, the County 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. § 77-2326.04 (Reissue 2009) to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.

**3. Trust Fund Payable**

Trust fund payable additions for the fiscal year ended June 30, 2011 are (\$5,459) as a result of defendant citation payments and appearance bonds that were on hand at June 30, 2010 but were not applied to the defendants' fines and court costs or, in the case of appearance bonds, refunded and/or applied until the subsequent fiscal year.