

**ATTESTATION REPORT
OF
KEARNEY COUNTY COURT
JULY 1, 2011 THROUGH JUNE 30, 2013**

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Issued on June 13, 2014

KEARNEY COUNTY COURT

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KEARNEY COUNTY COURT

SUMMARY OF COMMENTS

During our examination of the Kearney County Court, we noted certain deficiencies 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 following areas:

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 report and remit trust balances to the State Treasurer that were over three years old, as required by State statute.
3. ***Overdue Balances:*** The County Court did not review its overdue balances on an ongoing, timely basis to ensure collection and/or resolution of such balances.
4. ***Non-monetary Receipts:*** Non-monetary receipts issued by the County Court lacked complete, accurate, and/or appropriate supporting documentation.

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 County Court.

Draft copies of this report were furnished to the County Court to provide management with an opportunity to review the report and to respond to the comments and recommendations 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 it will be verified in the next examination.

KEARNEY COUNTY COURT

COMMENTS AND RECOMMENDATIONS

1. Segregation of Duties

Good internal control includes a plan of organization, procedures, and documentation designed to safeguard assets and provide reliable financial records. A system of internal control should include a 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 lacked a segregation of duties. Specifically, 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 included this comment in previous examinations. We consider this to be a material weakness.

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. § 69-1307.01 (Reissue 2009), which is found in the Uniform Disposition of Unclaimed Property Act, presumes intangible personal property held by a court and unclaimed for more than three years as abandoned. Neb. Rev. Stat. § 69-1310 (Reissue 2009), provides any unclaimed abandoned property, as of June 30 each year, must be reported and remitted to the State Treasurer by November 1 of each year.

As of June 30, 2013, the County Court had one outstanding check totaling \$25, which was over three years old and was not remitted to the State Treasurer's office as unclaimed property by November 1, 2013. Furthermore, as of May 14, 2014, no remittance had been made of this check.

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

3. Overdue Balances

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

KEARNEY COUNTY COURT

COMMENTS AND RECOMMENDATIONS

(Concluded)

3. Overdue Balances (Concluded)

During testing of seven overdue balances, five, totaling \$612, 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 certain overdue balances as uncollectible. As of May 13, 2014, overdue balances, excluding restitution judgments, totaled \$13,313.

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

We recommend the County Court implement ongoing, timely review of its Overdue Case Account reports to ensure timely collection and/or resolution of overdue balances.

4. Non-monetary Receipts

During testing of non-monetary receipts issued by the County Court, the following was noted:

- One instance in which a non-monetary receipt was issued for court costs totaling \$21, but there was no documentation to support the receipt.
- One instance in which a non-monetary receipt was issued for probation administration fees totaling \$30, but there was no documentation to support the receipt.
- One instance in which a non-monetary receipt was issued for credit counseling totaling \$500, but there was no documentation to support the receipt.

A good internal control plan requires consistent and adequate documentation of all issued receipts, including non-monetary receipts. Furthermore, sound accounting practices require all such receipts to be complete, accurate, and appropriately documented for the circumstances.

When non-monetary receipts are not complete, accurate, and appropriately documented, there is an increased risk of clerical error, loss, theft, and/or misuse of funds otherwise due to the County Court.

We recommend the County Court implement procedures to ensure all receipts, including non-monetary receipts, are complete, accurate, and appropriately documented. We further recommend the County Court consider implementation of a reasonable underpayment policy to provide the County Court guidance in handling defendant underpayments received by the County Court.

County Court's Overall Response: This audit encompasses a two year period. The current employees were not employed during the first year of the two year time period. The Magistrate was appointed June 1, 2012, and the Records Clerk was hired August of 2012.



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KEARNEY COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the Kearney County Court as of and for the fiscal years ended June 30, 2013, and June 30, 2012. 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 the Kearney County Court, as of June 30, 2013, and June 30, 2012, 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 are also required to obtain the views of management on those matters. 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 certain findings that are required to be reported under *Government Auditing Standards*, and those findings, along with the views of management, are 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, and it is not intended to be, and should not be, used by anyone other than these specified parties. However, this report is a matter of public record, and its distribution is not limited.

A handwritten signature in blue ink that reads "Kris Kucera". The signature is written in a cursive, flowing style.

Kris Kucera, CPA, CFE
Audit Manager

May 14, 2014

KEARNEY COUNTY COURT
MINDEN, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS
For the Fiscal Year Ended June 30, 2013

	Balance July 1, 2012	Additions	Deductions	Balance June 30, 2013
ASSETS				
Cash and Deposits	\$ 35,016	\$ 188,907	\$ 180,051	\$ 43,872
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 2,195	\$ 29,693	\$ 27,872	\$ 4,016
Law Enforcement Fees	219	2,556	2,551	224
State Judges Retirement Fund	808	9,154	9,060	902
Court Administrative Fees	1,543	16,758	16,936	1,365
Legal Services Fees	859	9,473	9,464	868
Due to County Treasurer:				
Regular Fines	4,573	45,710	46,528	3,755
Overload Fines	-	3,100	3,075	25
Regular Fees	376	3,831	4,126	81
Due to Municipalities:				
Regular Fines	50	125	175	-
Regular Fees	-	17	-	17
Trust Fund Payable	24,393	68,490	60,264	32,619
Total Liabilities	\$ 35,016	\$ 188,907	\$ 180,051	\$ 43,872

The accompanying notes are an integral part of the schedule.

KEARNEY COUNTY COURT
MINDEN, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS
For the Fiscal Year Ended June 30, 2012

	Balance July 1, 2011	Additions	Deductions	Balance June 30, 2012
ASSETS				
Cash and Deposits	\$ 18,395	\$ 319,179	\$ 302,558	\$ 35,016
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 1,654	\$ 26,391	\$ 25,850	\$ 2,195
Law Enforcement Fees	152	2,218	2,151	219
State Judges Retirement Fund	536	8,379	8,107	808
Court Administrative Fees	1,156	16,191	15,804	1,543
Legal Services Fees	584	8,566	8,291	859
Due to County Treasurer:				
Regular Fines	3,126	43,679	42,232	4,573
Overload Fines	150	4,600	4,750	-
Regular Fees	160	5,499	5,283	376
Due to Municipalities:				
Regular Fines	-	430	380	50
Trust Fund Payable	10,877	203,226	189,710	24,393
Total Liabilities	\$ 18,395	\$ 319,179	\$ 302,558	\$ 35,016

The accompanying notes are an integral part of the schedule.

KEARNEY COUNTY COURT
NOTES TO FINANCIAL SCHEDULES
For the Fiscal Years Ended June 30, 2013, and June 30, 2012

1. Criteria

A. Reporting Entity

The Kearney 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, including 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 Kearney 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 as 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.