

**ATTESTATION REPORT
OF
BURT COUNTY COURT**

JANUARY 1, 2018, THROUGH DECEMBER 31, 2019

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Issued on March 5, 2020

BURT COUNTY COURT

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BURT COUNTY COURT

COMMENT AND RECOMMENDATION

During our examination of the Burt County Court, we noted a certain deficiency and other operational matters that are presented here. The following comment is required to be reported in accordance with *Government Auditing Standards* and is considered to be a material weakness.

This comment and recommendation is intended to improve the internal control over financial reporting or result in operational efficiencies in the following area:

Segregation of Duties

Good internal control includes a plan of organization, procedures, and documentation designed to safeguard assets and to 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 that the office of the County Court lacked a sufficient 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 may not be 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.

Additionally, the following errors were noted during testing:

- The County Court did not attempt to refund three overpayments, totaling \$107. Two overpayments were for \$50 each, and the third was for \$7.
- For one case tested, the defendant was assessed a \$300 fine; however, the documentation available to support the fine amount did not include the Judge's signature.

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. We recommend also the County Court implement procedures for promptly refunding overpayments and ensuring fines are supported by appropriate documentation.

Clerk Magistrate's Response: Segregation of duties is addressed by having our Financial Specialist checking our records monthly, as well as alternating with a Clerk in Washington County every other month on balancing Burt County's books for that month.

The three cases that money was found needing to be refunded, I refunded the day it was brought to my attention and every month when I balance the books, I will check a screen "INQGLACCT" so this does not happen again. Also the Court Administrator's Office is addressing the issue and will have these cases print to a report for our review monthly.

The last comment regarding the Judge not signing the waiver where he assessed the \$300.00 fine, as I explained to the auditor, I cannot force the Judge to sign the waiver and I was not signing it because he assessed the fine and it was not per the State fine schedule.

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.

BURT COUNTY COURT

COMMENT AND RECOMMENDATION

(Concluded)

Draft copies of this report were furnished to the County Court to provide management 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 it will be verified in the next examination.



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BURT COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

Burt County Court
Tekamah, Nebraska 68061

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the Burt County Court as of and for the calendar years ending December 31, 2018, and December 31, 2019. The County Court's management is responsible for the Schedules based on the accounting system and procedures set forth in Note 1. Our responsibility is to express an opinion on the Schedules 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. Those standards require that we perform the examination to obtain reasonable assurance about whether the Schedules are based on the accounting system and procedures set forth in Note 1, in all material respects. An examination involves performing procedures to obtain evidence about the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of the Schedules, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

In our opinion, the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions for the calendar years ending December 31, 2018, and December 31, 2019, are based on the accounting system and procedures prescribed by the Nebraska Supreme Court, as set forth in Note 1, in all material respects.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the subject matter or an assertion about the subject matter of the examination engagement. We are also required to obtain and report the views of management concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. 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 that finding, along with the views of management, is described in the Comment Section of the report.

The purpose of this report is to express an opinion on the Schedules of Changes in Assets and Liabilities Arising from Cash Transactions, as described in paragraph one above. Accordingly, this report is not suitable for any other purpose. This report is a matter of public record, and its distribution is not limited.

A handwritten signature in black ink, appearing to read "C. Janssen", with a long horizontal flourish extending to the right.

March 4, 2020

Charlie Janssen
Auditor of Public Accounts
Lincoln, Nebraska

BURT COUNTY COURT
TEKAMAH, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS

For the Calendar Year Ended December 31, 2019

	Balance January 1, 2019	Additions	Deductions	Balance December 31, 2019
ASSETS				
Cash and Deposits	\$ 35,148	\$ 181,471	\$ 200,594	\$ 16,025
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 1,488	\$ 21,742	\$ 21,720	\$ 1,510
Law Enforcement Fees	156	2,275	2,321	110
State Judges Retirement Fund	788	11,867	11,920	735
Court Administrative Fees	1,601	20,564	20,582	1,583
Legal Services Fees	674	9,625	9,710	589
Due to County Treasurer:				
Regular Fines	3,199	43,786	45,316	1,669
Overload Fines	-	3,350	3,350	-
Regular Fees	431	8,229	8,001	659
Petty Cash Fund	60	-	-	60
Municipality Fines	18	70	88	-
Due to Municipalities:				
Regular Fees	-	-	-	-
Trust Fund Payable	26,733	59,963	77,586	9,110
Total Liabilities	\$ 35,148	\$ 181,471	\$ 200,594	\$ 16,025

The accompanying notes are an integral part of the schedule.

BURT COUNTY COURT
TEKAMAH, NEBRASKA
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS

For the Calendar Year Ended December 31, 2018

	Balance January 1, 2018	Additions	Deductions	Balance December 31, 2018
ASSETS				
Cash and Deposits	\$ 34,681	\$ 225,293	\$ 224,826	\$ 35,148
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 2,448	\$ 26,801	\$ 27,761	\$ 1,488
Law Enforcement Fees	179	2,652	2,675	156
State Judges Retirement Fund	844	12,768	12,824	788
Court Administrative Fees	1,858	22,603	22,860	1,601
Legal Services Fees	697	10,664	10,687	674
Due to County Treasurer:				
Regular Fines	3,549	50,082	50,432	3,199
Overload Fines	-	1,525	1,525	-
Regular Fees	608	8,587	8,764	431
Petty Cash Fund	60	-	-	60
Municipality Fines	-	245	227	18
Due to Municipalities:				
Regular Fees	-	40	40	-
Trust Fund Payable	24,438	89,326	87,031	26,733
Total Liabilities	\$ 34,681	\$ 225,293	\$ 224,826	\$ 35,148

The accompanying notes are an integral part of the schedule.

BURT COUNTY COURT
NOTES TO FINANCIAL SCHEDULES

For the Calendar Years Ending December 31, 2018, and December 31, 2019

1. Criteria

A. Reporting Entity

The Burt 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 Burt 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 or collected. 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 2016). 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 2018) to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.