

**ATTESTATION REPORT
OF
BUTLER COUNTY COURT**

JANUARY 1, 2018, THROUGH DECEMBER 31, 2019

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Issued on March 30, 2020

BUTLER COUNTY COURT

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BUTLER COUNTY COURT

COMMENT AND RECOMMENDATION

During our examination of the Butler 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

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:

- Two case balances tested consisted of overpayments for \$75 on November 14, 2019, and \$49 on December 14, 2019. No attempts were made to return the overpayments to the payors.
- For one non-monetary receipt tested, there was inadequate documentation to waive the fees and fines for \$377.

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 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.

Clerk Magistrate's Response: Regarding segregation of duties, you are correct that I am able to handle all aspects of processing transactions from beginning to end. In a small office, in order to receipt for the money when it is received, everyone needs to be able to issue receipts. Two of us are able to sign the checks. The daily deposits are prepared and taken to the bank by either myself or my assistant. I do the monthly balancing. My assistant or I do the daily review of reports, and disbursements of the fees. In addition, all accounting reports are imaged and reviewed remotely by an independent accounting specialist.

Regarding the following errors:

1. *Re: Case balances consisting of overpayments. Make certain the overpayments are returned to the payor in a timely manner.*
2. *Re: Non-monetary receipt issued with inadequate documentation to waive fees/fines. Make certain the Orders entered specifically waive the fees/fines. The Court will enter an Order waiving the unpaid fees/fines in this matter.*

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.

BUTLER 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.



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

Charlie Janssen
State Auditor

Charlie.Janssen@nebraska.gov
PO Box 98917
State Capitol, Suite 2303
Lincoln, Nebraska 68509
402-471-2111, FAX 402-471-3301
auditors.nebraska.gov

BUTLER COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

Butler County Court
David City, Nebraska 68632

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the Butler 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 Schedule 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 Schedule 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.J. Janssen".

March 27, 2020

Charlie Janssen
Auditor of Public Accounts
Lincoln, Nebraska

**BUTLER COUNTY COURT
DAVID CITY, 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	\$ 34,460	\$ 291,577	\$ 279,577	\$ 46,460
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 1,642	\$ 31,542	\$ 30,883	\$ 2,301
Law Enforcement Fees	139	2,294	2,301	132
State Judges Retirement Fund	745	12,243	12,207	781
Court Administrative Fees	1,467	18,407	18,161	1,713
Legal Services Fees	608	9,806	9,780	634
Due to County Treasurer:				
Regular Fines	5,051	78,786	78,299	5,538
Overload Fines	2,300	150	2,450	-
Regular Fees	376	10,499	10,615	260
Petty Cash Fund	100	-	-	100
Municipality Fines	-	2,625	2,625	-
Trust Fund Payable	<u>22,032</u>	<u>125,225</u>	<u>112,256</u>	<u>35,001</u>
Total Liabilities	<u>\$ 34,460</u>	<u>\$ 291,577</u>	<u>\$ 279,577</u>	<u>\$ 46,460</u>

The accompanying notes are an integral part of the schedule.

**BUTLER COUNTY COURT
DAVID CITY, NEBRASKA**
SCHEDULE OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS
For the Calendar Year Ended December 31, 2018

	<u>Balance</u>					<u>Balance</u>
	<u>January 1, 2018</u>	<u>Additions</u>	<u>Deductions</u>			<u>December 31, 2018</u>
ASSETS						
Cash and Deposits	\$ 37,364	\$ 285,663	\$ 288,567			\$ 34,460
LIABILITIES						
Due to State Treasurer:						
Regular Fees	\$ 2,642	\$ 31,060	\$ 32,060			\$ 1,642
Law Enforcement Fees	242	2,925	3,028			139
State Judges Retirement Fund	1,175	14,298	14,728			745
Court Administrative Fees	1,824	21,432	21,789			1,467
Legal Services Fees	948	11,774	12,114			608
Due to County Treasurer:						
Regular Fines	9,944	96,705	101,598			5,051
Overload Fines	150	3,325	1,175			2,300
Regular Fees	276	11,085	10,985			376
Petty Cash Fund	100	-	-			100
Municipality Fines	10	450	460			-
Trust Fund Payable	<u>20,053</u>	<u>92,609</u>	<u>90,630</u>			<u>22,032</u>
Total Liabilities	<u>\$ 37,364</u>	<u>\$ 285,663</u>	<u>\$ 288,567</u>			<u>\$ 34,460</u>

The accompanying notes are an integral part of the schedule.

BUTLER COUNTY COURT
NOTES TO FINANCIAL SCHEDULES
For the Calendar Years Ending December 31, 2018, and December 31, 2019

1. Criteria

A. Reporting Entity

The Butler 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 Butler 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.