

**ATTESTATION REPORT
OF
HOWARD COUNTY COURT**

JANUARY 1, 2018, THROUGH DECEMBER 31, 2019

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Issued on March 19, 2020

HOWARD COUNTY COURT

TABLE OF CONTENTS

	<u>Page</u>
<u>Comments Section</u>	
Summary of Comments	1
Comments and Recommendations	2
<u>Financial Section</u>	
Independent Accountant's Report	3 - 4
Financial Schedules:	
Schedule of Changes in Assets and Liabilities Arising from Cash Transactions - Agency Funds - For the Calendar Year Ended December 31, 2019	5
Schedule of Changes in Assets and Liabilities Arising from Cash Transactions - Agency Funds - For the Calendar Year Ended December 31, 2018	6
Notes to Financial Schedules	7

HOWARD COUNTY COURT

SUMMARY OF COMMENTS

During our examination of the Howard County Court, we noted certain deficiencies and other operational matters that are presented here. The following comments are required to be reported in accordance with *Government Auditing Standards*: Comment #2, "Unclaimed Property," which is considered to be a significant deficiency, and Comment #1, "Segregation of Duties," which is considered to be a material weakness.

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 to the State Treasurer trust balances that were over three years old, as required by State statute.

More detailed information on the above items is provided hereinafter. 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. All formal responses received have been incorporated into this report. 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 they will be verified in the next examination.

HOWARD 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 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. 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 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.

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: In response to the lack of segregation of duties finding in Howard County Court audit report I would like to relay the steps taken to alleviate the issue. One person prepares the daily deposit, and the other person carries the deposit to the bank. When cash is taken in by one person, the cash is verified by the other person at the time of the daily balancing. When it is possible I attempt to have the records clerk issue receipts while I would then make any adjustments that would be necessary and issue checks that need disbursed. All financial transactions and reports are periodically reviewed by a financial specialist. While I appreciate your comments, I believe Howard County Court is complying as much as possible with the limited personnel.

2. Unclaimed Property

During the audit, we noted that eight checks, totaling \$355, were outstanding for over three years.

Neb. Rev. Stat. § 69-1307.01 (Reissue 2018), 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 to be abandoned. Neb. Rev. Stat. § 69-1310 (Reissue 2018) requires any property presumed abandoned, as of June 30 each year, to be reported and remitted to the State Treasurer by November 1 annually.

A good internal control plan requires procedures to ensure that property presumed abandoned is remitted to the State Treasurer in accordance with Nebraska law.

We recommend the County Court implement procedures to ensure abandoned property in its possession is remitted timely to the State Treasurer, as required by Nebraska law.

Clerk Magistrate's Response: I was actually in the process of finding out from my financial specialist the process for handling outstanding checks during this audit process. I had been taught never void a check unless the check is physically in your hand. I now understand that I may void those checks which meet the requirements for unclaimed property.



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HOWARD COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

Howard County Court
St. Paul, Nebraska 68873

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of the Howard 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 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.

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", with a long horizontal flourish extending to the right.

March 18, 2020

Charlie Janssen
Auditor of Public Accounts
Lincoln, Nebraska

HOWARD COUNTY COURT
ST. PAUL, 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	\$ 40,897	\$ 208,376	\$ 225,812	\$ 23,461
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 1,721	\$ 22,666	\$ 22,856	\$ 1,531
Law Enforcement Fees	208	2,259	2,259	208
State Judges Retirement Fund	1,030	10,829	10,909	950
Court Administrative Fees	1,142	16,588	16,968	762
Legal Services Fees	845	8,867	8,932	780
Due to County Treasurer:				
Regular Fines	6,298	72,567	71,534	7,331
Overload Fines	150	3,825	3,975	-
Regular Fees	135	2,545	2,479	201
Petty Cash Fund	40	-	-	40
Municipality Fines	250	300	550	-
Trust Fund Payable	29,078	67,930	85,350	11,658
Total Liabilities	\$ 40,897	\$ 208,376	\$ 225,812	\$ 23,461

The accompanying notes are an integral part of the schedule.

HOWARD COUNTY COURT
ST. PAUL, 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	\$ 68,785	\$ 243,368	\$ 271,256	\$ 40,897
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 2,884	\$ 28,416	\$ 29,579	\$ 1,721
Law Enforcement Fees	215	2,902	2,909	208
State Judges Retirement Fund	986	13,591	13,547	1,030
Court Administrative Fees	1,063	19,781	19,702	1,142
Legal Services Fees	830	11,244	11,229	845
Due to County Treasurer:				
Regular Fines	7,887	71,594	73,183	6,298
Overload Fines	625	4,750	5,225	150
Regular Fees	344	4,785	4,994	135
Petty Cash Fund	40	-	-	40
Municipality Fines	-	425	175	250
Trust Fund Payable	53,911	85,880	110,713	29,078
Total Liabilities	\$ 68,785	\$ 243,368	\$ 271,256	\$ 40,897

The accompanying notes are an integral part of the schedule.

HOWARD COUNTY COURT
NOTES TO FINANCIAL SCHEDULES

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

1. Criteria

A. Reporting Entity

The Howard 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 Howard 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.