

**ATTESTATION REPORT  
OF  
VALLEY COUNTY COURT  
JULY 1, 2006 THROUGH JUNE 30, 2008**

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**Issued on September 4, 2008**

# VALLEY COUNTY COURT

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# VALLEY COUNTY COURT

## SUMMARY OF COMMENTS

During our examination of Valley County Court, we noted certain matters involving the internal control over financial reporting 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 areas as follows:

1. ***Segregation of Duties:*** One individual was capable of handling all phases of a transaction from beginning to end.
2. ***Deposits Not Secured:*** County Court deposits were not fully secured for a time period during the fiscal year.
3. ***Bond Assignments:*** Assignment of defendants' appearance bonds to fines and costs were not documented in writing.

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 them an opportunity to review the report and to respond to the comments and recommendations included in this report. The County Court declined to respond.

We appreciate the cooperation and courtesy extended to our auditors during the course of the examination.

# VALLEY COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

### 1. 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.

### 2. Deposits Not Secured

Neb. Rev. Stat. § 77-2326.04 (Reissue 2003) requires that any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation (FDIC) be secured by either a surety bond or as provided in the Public Funds Deposit Security Act.

We noted 23 days where the County Court was not entirely covered by the FDIC due to a large deposit made on December 19, 2006. The uninsured deposit balances ranged from \$33,296 to \$52,116 during the time period. The County Court did not obtain collateral to cover the excess amount.

When County Court deposits are not fully secured, the County Court is subject to an increased risk of loss.

We recommend the County Court actively monitor its deposit balances and obtain additional securities in a timely manner, when necessary, to fully secure County Court deposits at all times.

# VALLEY COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 3. Bond Assignments

Neb. Rev. Stat. § 29-901 (Cum. Supp. 2006), related to the execution of an appearance bond, requires return of a bond deposit and/or bond deposit proceeds to defendants upon various circumstances such as the performance of the defendant's appearance(s), declined and/or dismissed prosecution, bond reduction, etc. Financial Procedures Manual Checklist No. 9, "How to Apply a Bond to Pay Fines, Costs, Etc.," as issued by the Office of the Nebraska State Court Administrator, requires defendants' and/or assignees' signature authorization for assignment of bond deposit and/or proceeds to fines, costs, restitution, other judgments, etc.

The County Court did not consistently obtain written documentation of defendants' elections to assign their bond deposit or proceeds to fines and/or court costs. Of ten adjustments tested, three were bond assignments to fines and/or court costs which were not supported by written assignments from defendants.

When bond assignments are not consistently documented in writing, there is an increased risk of a defendant subsequently disputing such assignments.

We recommend the County Court consistently document, in writing, defendants' assignment of bond deposits or proceeds to fines and/or court costs.



## NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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Mike Foley  
State Auditor

Mike.Foley@apa.ne.gov  
P.O. Box 98917  
State Capitol, Suite 2303  
Lincoln, Nebraska 68509  
402-471-2111, FAX 402-471-3301  
[www.auditors.state.ne.us](http://www.auditors.state.ne.us)

### VALLEY COUNTY COURT

#### INDEPENDENT ACCOUNTANT'S REPORT

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of Valley County Court as of and for the fiscal years ended June 30, 2008, and June 30, 2007. 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 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 Valley County Court as of June 30, 2008, and June 30, 2007, 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 have also issued our report dated July 28, 2008, on our consideration of Valley County Court's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an attestation engagement performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our examination.

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

July 28, 2008

Assistant Deputy Auditor

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

For the Fiscal Year Ended June 30, 2008

	Balance July 1, 2007	Additions	Deductions	Balance June 30, 2008
<b>ASSETS</b>				
Cash and Deposits	\$ 54,349	\$ 146,237	\$ 137,090	\$ 63,496
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 2,314	\$ 23,558	\$ 24,100	\$ 1,772
Law Enforcement Fees	247	1,491	1,628	110
State Judges Retirement Fund	947	6,485	6,969	463
Court Administrative Fees	1,062	8,803	9,241	624
Legal Services Fees	1,205	7,351	7,996	560
Due to County Treasurer:				
Regular Fines	5,300	32,848	35,362	2,786
Overload Fines	100	5,719	5,819	-
Regular Fees	-	1,707	1,581	126
Due to Municipalities:				
Regular Fines	-	690	660	30
Trust Fund Payable	43,174	57,585	43,734	57,025
<b>Total Liabilities</b>	<b>\$ 54,349</b>	<b>\$ 146,237</b>	<b>\$ 137,090</b>	<b>\$ 63,496</b>

The accompanying notes are an integral part of the schedule.

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

For the Fiscal Year Ended June 30, 2007

	Balance July 1, 2006	Additions	Deductions	Balance June 30, 2007
<b>ASSETS</b>				
Cash and Deposits	\$ 14,822	\$ 295,697	\$ 256,170	\$ 54,349
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 2,020	\$ 25,667	\$ 25,373	\$ 2,314
Law Enforcement Fees	141	1,973	1,867	247
State Judges Retirement Fund	485	7,205	6,743	947
Court Administrative Fees	1,113	8,792	8,843	1,062
Legal Services Fees	498	7,843	7,136	1,205
Due to County Treasurer:				
Regular Fines	4,486	42,201	41,387	5,300
Overload Fines	500	7,981	8,381	100
Regular Fees	281	792	1,073	-
Due to Municipalities:				
Regular Fines	50	160	210	-
Trust Fund Payable	5,248	193,083	155,157	43,174
<b>Total Liabilities</b>	<b>\$ 14,822</b>	<b>\$ 295,697</b>	<b>\$ 256,170</b>	<b>\$ 54,349</b>

The accompanying notes are an integral part of the schedule.

**VALLEY COUNTY COURT**  
**NOTES TO FINANCIAL SCHEDULES**  
For the Fiscal Years Ended June 30, 2008, and June 30, 2007

**1. Criteria**

**A. Reporting Entity**

The Valley 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 Valley 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 1995). 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 2003) to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.



# NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

Mike Foley  
State Auditor

Mike.Foley@apa.ne.gov  
P.O. Box 98917  
State Capitol, Suite 2303  
Lincoln, Nebraska 68509  
402-471-2111, FAX 402-471-3301  
[www.auditors.state.ne.us](http://www.auditors.state.ne.us)

## VALLEY COUNTY COURT REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN EXAMINATION OF THE FINANCIAL SCHEDULE PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

We have examined the accompanying Schedules of Valley County Court as of and for the years ended June 30, 2008, and June 30, 2007, and have issued our report thereon dated July 28, 2008. We conducted our examination 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.

### Internal Control Over Financial Reporting

In planning and performing our examination, we considered Valley County Court's internal control over financial reporting as a basis for designing our procedures for the purpose of expressing our opinion on the Schedules, but not for the purpose of expressing an opinion on the effectiveness of the County Court's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County Court's internal control over financial reporting.

Our consideration of the internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency 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 significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the accounting system and procedures prescribed by the Nebraska Supreme Court such that there is more than a remote likelihood that a misstatement of the entity's Schedules that is more than inconsequential will not be prevented or detected by the entity's internal control. We consider the following deficiency described in the Comments Section of the report to be a significant deficiency in internal control over financial reporting: Comment Number 1 (Segregation of Duties).

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the Schedules will not be prevented or detected by the County Court's internal control.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we believe the significant deficiency described above is a material weakness.

#### Compliance and Other Matters

As part of obtaining reasonable assurance about whether Valley County Court's Schedules are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of Schedule amounts; however, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We also noted certain additional matters that we reported to the management of Valley County Court in the Comments Section of this report as Comment Number 2 (Deposits Not Secured) and Comment Number 3 (Bond Assignments).

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

July 28, 2008

Assistant Deputy Auditor