

**ATTESTATION REPORT
OF
LOGAN COUNTY COURT**

JULY 1, 2006 THROUGH JUNE 30, 2008

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Issued on February 19, 2009

LOGAN COUNTY COURT

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LOGAN COUNTY COURT

SUMMARY OF COMMENTS

During our examination of Logan 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. ***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. ***Bond Assignments:*** The County Court did not consistently obtain written assignments from defendants to authorize the application of bond proceeds to the defendant's fines and/or court costs.

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. 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 will be verified in the next examination.

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

LOGAN 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.

County Court's Response: Ongoing, annual issue.

2. Unclaimed Property

Neb. Rev. Stat. § 69-1310 (Reissue 2003), the Unclaimed Property Act, provides any unclaimed property, after three years, is presumed abandoned. Any presumed abandoned property, as of June 30 each year, must be reported and remitted to the State Treasurer by November 1 of each year.

During our testing, we noted six checks totaling \$112 in fiscal year 2007 and ten checks totaling \$130 in fiscal year 2008 which had not been remitted to Unclaimed Property.

When unclaimed property is not remitted pursuant to the Unclaimed Property Act not only is the County Court not in compliance with State Statute, but there is also an increased risk of loss or misuse of State funds.

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

County Court's Response: This issue was a surprise to me due to the fact that I recall looking into the unclaimed property in October 2008 and not finding anything needing to be turned over to the state. I apparently had been incorrect in the way I was doing my unclaimed property. I have since completed the unclaimed property for Logan County Court for the time in question and will continue to do so every year in October.

LOGAN COUNTY COURT

COMMENTS AND RECOMMENDATIONS

(Continued)

3. Bond Assignments

Neb. Rev. Stat. § 29-901(3)(a) (Reissue 2008), related to the execution of an appearance bond, requires return of the bond deposit or bond deposit proceeds to the defendant 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 defendant and/or assignee signature authorization for assignment of bond deposit and/or proceeds to fines, costs, restitution, other judgments, etc. Lastly, good internal control requires county courts have adequate procedures in place to ensure statutory compliance.

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 15 adjustments tested, 5 were bond assignments to fines and/or court costs which were not supported by written assignments from defendants or a court order from a judge.

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, defendant assignment of bond deposits or proceeds to fines and/or court costs.

County Court's Response: In looking at the cases in question, they were during my first year as a Clerk Magistrate. Our practice is to ALWAYS have bond assignments signed and I've discussed this with my assistant as well. She was surprised also there were cases without assignments authorizing proceeds to be applied to fines and costs. I may have been under the impression my first year that was the practice. I do know that we currently have signatures from Defendants to apply fines and costs with bond money. I do not foresee this as a problem in the future.



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LOGAN COUNTY COURT

INDEPENDENT ACCOUNTANT'S REPORT

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of Logan 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 Logan 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 January 22, 2009, on our consideration of Logan 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

January 22, 2009

Deann Haeffner, CPA
Assistant Deputy Auditor

LOGAN COUNTY COURT
 STAPLETON, 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
ASSETS				
Cash and Deposits	\$ 4,298	\$ 46,341	\$ 44,294	\$ 6,345
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 1,106	\$ 5,655	\$ 5,988	\$ 773
Law Enforcement Fees	37	511	463	85
State Judges Retirement Fund	220	1,931	1,839	312
Court Administrative Fees	280	2,512	2,446	346
Legal Services Fees	182	2,354	2,162	374
Due to County Treasurer:				
Regular Fines	1,056	18,045	16,956	2,145
Overload Fines	750	575	850	475
Regular Fees	-	253	231	22
Due to Municipalities:				
Regular Fines	-	66	66	-
Trust Fund Payable	667	14,439	13,293	1,813
Total Liabilities	\$ 4,298	\$ 46,341	\$ 44,294	\$ 6,345

The accompanying notes are an integral part of the schedule.

LOGAN COUNTY COURT
 STAPLETON, 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
ASSETS				
Cash and Deposits	\$ 4,074	\$ 46,863	\$ 46,639	\$ 4,298
 LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 548	\$ 6,818	\$ 6,260	\$ 1,106
Law Enforcement Fees	72	804	839	37
State Judges Retirement Fund	185	2,279	2,244	220
Court Administrative Fees	201	3,339	3,260	280
Legal Services Fees	214	2,566	2,598	182
 Due to County Treasurer:				
Regular Fines	1,682	20,080	20,706	1,056
Overload Fines	-	750	-	750
Regular Fees	-	104	104	-
 Due to Municipalities:				
Regular Fines	-	450	450	-
Trust Fund Payable	1,172	9,673	10,178	667
Total Liabilities	\$ 4,074	\$ 46,863	\$ 46,639	\$ 4,298

The accompanying notes are an integral part of the schedule.

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

1. Criteria

A. Reporting Entity

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



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

We have examined the accompanying Schedules of Logan County Court as of and for the years ended June 30, 2008, and June 30, 2007, and have issued our report thereon dated January 22, 2009. 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 Logan 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 Logan 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 Logan County Court in the Comments Section of this report as Comment Number 2 (Unclaimed Property) and Comment Number 3 (Bond Assignments).

The County Court's written response to the findings identified in our examination are described in the Comments Section of the report. We did not examine the County Court's response and, accordingly, we express no opinion on it.

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

January 22, 2009

Deann Haeffner, CPA
Assistant Deputy Auditor