

**ATTESTATION REPORT  
OF  
GARDEN COUNTY COURT  
JULY 1, 2007 THROUGH JUNE 30, 2009**

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**Issued on March 19, 2010**

# GARDEN COUNTY COURT

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# GARDEN COUNTY COURT

## SUMMARY OF COMMENTS

During our examination of Garden 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. ***Office Procedures:*** Various issues were noted related to office procedures necessary to ensure complete, accurate, and adequately supported transactions.

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.

# GARDEN 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. Office Procedures

Neb. Rev. Stat. § 29-901(3)(a) (Reissue 2008), related to the execution of an appearance bond, requires return of a bond deposit 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 Court Administrator, requires defendant and/or assignee signature authorization for assignment of bond deposit and/or proceeds to fines, costs, restitution, other judgments, etc. Sound accounting practices and good internal control require County Courts have adequate procedures in place to ensure statutory compliance, complete and accurate recording of citations and/or orders, and adequate supporting documentation of all transactions, including those subsequently voided by the County Court.

During our audit the following was noted:

- The County Court did not consistently obtain written documentation of the defendant's elections to assign their bond deposit or proceeds to fines and/or costs. Two of ten bond adjustments tested were assignments of bonds to fines and/or costs which were not supported by written assignments from defendants or court order from a judge.

# GARDEN COUNTY COURT

## COMMENTS AND RECOMMENDATIONS

(Continued)

### 2. Office Procedures (Concluded)

- One of fourteen receipts tested was a traffic citation which did not have the counts, speeding 16-20 mph (\$125 fine) and no operator's license (\$75 fine), accurately entered in the JUSTICE system, the computerized accounting and case management system of the County Court. The County Court overrode the speeding fine amount to \$200 and did not enter the second no operator's license count. As a result, the defendant would only have had 3 points revoked against his drivers license instead of the required 4 points under the Nebraska Point System.
- One of fifteen non-monetary receipts tested did not have adequate documentation on file to support the issuance of a \$4,032 civil satisfaction of judgment.
- One of four voided checks tested did not have the physical voided check retained for subsequent inspection.

All of the above noted exceptions occurred during the term of the preceding Clerk Magistrate. No similar exceptions were observed under the current Clerk Magistrate's term which began in the Fall of 2008.

When bond assignments are not consistently documented in writing and all transactions, including those subsequently voided, are not adequately documented there is an increased risk of a defendant subsequently disputing such assignments. In addition, when citation counts are not accurately entered into the JUSTICE system, points are not correctly revoked against drivers licenses under the Nebraska Point System.

We recommend the County Court consistently document, in writing, defendant assignment of bond deposits or proceeds to fines and/or costs. We also recommend the County Court have procedures in place to ensure complete and accurate recording and supporting documentation of all transactions, including those subsequently voided by the County Court.



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### GARDEN COUNTY COURT

#### INDEPENDENT ACCOUNTANT'S REPORT

We have examined the accompanying Schedules of Changes in Assets and Liabilities Arising from Cash Transactions of Garden County Court as of and for the fiscal years ended June 30, 2009, and June 30, 2008. 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 Garden County Court as of June 30, 2009, and June 30, 2008, 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 March 11, 2010, on our consideration of Garden 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

March 11, 2010

Deann Haeffner, CPA  
Assistant Deputy Auditor

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

For the Fiscal Year Ended June 30, 2009

	<u>Balance</u> <u>July 1, 2008</u>	<u>Additions</u>	<u>Deductions</u>	<u>Balance</u> <u>June 30, 2009</u>
<b>ASSETS</b>				
Cash and Deposits	\$ 9,215	\$ 88,339	\$ 87,121	\$ 10,433
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 1,611	\$ 16,326	\$ 16,755	\$ 1,182
Law Enforcement Fees	123	1,057	1,129	51
State Judges Retirement Fund	508	4,424	4,714	218
Court Administrative Fees	532	6,568	6,762	338
Legal Services Fees	615	5,200	5,542	273
Due to County Treasurer:				
Regular Fines	3,210	34,557	35,833	1,934
Regular Fees	14	678	688	4
Trust Fund Payable	2,602	19,529	15,698	6,433
Total Liabilities	<u>\$ 9,215</u>	<u>\$ 88,339</u>	<u>\$ 87,121</u>	<u>\$ 10,433</u>

The accompanying notes are an integral part of the schedule.

**GARDEN COUNTY COURT**  
**OSHKOSH, 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	\$ 11,046	\$ 83,324	\$ 85,155	\$ 9,215
<b>LIABILITIES</b>				
Due to State Treasurer:				
Regular Fees	\$ 1,722	\$ 15,502	\$ 15,613	\$ 1,611
Law Enforcement Fees	165	1,343	1,385	123
State Judges Retirement Fund	607	5,207	5,306	508
Court Administrative Fees	672	6,722	6,862	532
Legal Services Fees	780	6,375	6,540	615
Due to County Treasurer:				
Regular Fines	5,378	36,805	38,973	3,210
Overload Fines	-	1,150	1,150	-
Regular Fees	164	613	763	14
Trust Fund Payable	1,558	9,607	8,563	2,602
<b>Total Liabilities</b>	<b>\$ 11,046</b>	<b>\$ 83,324</b>	<b>\$ 85,155</b>	<b>\$ 9,215</b>

The accompanying notes are an integral part of the schedule.

**GARDEN COUNTY COURT**  
**NOTES TO FINANCIAL SCHEDULES**  
For the Fiscal Years Ended June 30, 2009, and June 30, 2008

**1. Criteria**

**A. Reporting Entity**

The Garden 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 Garden 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 2009) to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.



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### GARDEN 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 Garden County Court as of and for the years ended June 30, 2009, and June 30, 2008, and have issued our report thereon dated March 11, 2010. 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 Garden 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 Garden 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 a certain additional matter that we reported to the management of Garden County Court in the Comments Section of this report as Comment Number 2 (Office Procedures).

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

March 11, 2010

Deann Haeffner, CPA  
Assistant Deputy Auditor