

# **STATE OF NORTH CAROLINA**

## **FINANCIAL RELATED AUDIT REPORT OF BURKE COUNTY CLERK OF SUPERIOR COURT**

**MORGANTON, NORTH CAROLINA**

**FOR THE YEAR ENDED JUNE 30, 2001**

**THE HONORABLE MABEL H. LOWMAN, CLERK OF SUPERIOR COURT**

**OFFICE OF THE STATE AUDITOR**

**RALPH CAMPBELL, JR.**

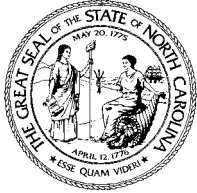
**STATE AUDITOR**

**FINANCIAL RELATED AUDIT REPORT OF  
BURKE COUNTY CLERK OF SUPERIOR COURT**

**MORGANTON, NORTH CAROLINA**

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**THE HONORABLE MABEL H. LOWMAN, CLERK OF SUPERIOR COURT**



Ralph Campbell, Jr.  
State Auditor

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**Office of the State Auditor**

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**AUDITOR'S TRANSMITTAL**

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The Honorable Michael F. Easley, Governor  
The General Assembly of North Carolina  
Burke County Clerk of Superior Court

This report presents the results of our financial related audit of Burke County Clerk of Superior Court for the year ended June 30, 2001. Our audit was made by authority of Article 5A of G.S. §147.

The accounts and operations of the Clerk are an integral part of the State's reporting entity represented in the State's *Comprehensive Annual Financial Report* (CAFR) and the State's *Single Audit Report*. In those reports the State Auditor expresses an opinion on the State's financial statements. In the *Single Audit Report*, the State Auditor also presents the audit results on the State's internal controls and on the State's compliance with laws and regulations applicable to the State's financial statements and to its federal financial assistance programs.

As part of the audit work necessary for the CAFR and the *Single Audit Report*, the accounts and operations of Burke County Clerk of Superior Court were subject to audit procedures as we considered necessary. In addition, we performed auditing procedures that we considered necessary for us to report on the accompanying financial statement that relates solely to Burke County Clerk of Superior Court. The audit procedures were conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States.

The purpose of this report is to present the results of our audit on the accompanying financial statement. A summary of our reporting objectives and audit results are:

1. **Objective** - Express an opinion on the financial statement.

**Results** - The financial statement presents fairly, in all material respects, the amounts and disclosures made in accordance with the cash basis of accounting. These matters are described in the Independent Auditor's Report on the financial statement.

2. **Objective** - Present instances of noncompliance, if any, with laws and regulations.

**Results** - The following instance of noncompliance was detected:

**Finding**

1. Investment of Funds Held by the Clerk

## AUDITOR'S TRANSMITTAL (CONCLUDED)

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This matter is described in the Independent Auditor's Report on Compliance and on Internal Control over Financial Reporting and the Audit Findings and Recommendations section of this report.

3. **Objective** - Present significant deficiencies, if any, in internal control over financial reporting which could adversely affect the Clerk's ability to record, process, summarize, and report financial data in the financial statement.

**Results** - The following significant deficiency was detected in internal control over financial reporting:

**Finding**

2. Internal Controls Over Computer Resources and Segregation of Duties

This matter is described in the Independent Auditor's Report on Compliance and on Internal Control over Financial Reporting and the Audit Findings and Recommendations section of this report.

North Carolina General Statutes require the State Auditor to make audit reports available to the public. Copies of audit reports issued by the Office of the State Auditor may be obtained through one of the options listed in the back of this report.

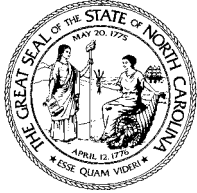


Ralph Campbell, Jr.  
State Auditor

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Ralph Campbell, Jr.  
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**INDEPENDENT AUDITOR'S REPORT**

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The Honorable Mabel H. Lowman, Clerk  
Burke County Clerk of Superior Court  
Morganton, North Carolina

We have audited the accompanying Statement of Assets and Liabilities of Burke County Clerk of Superior Court as of June 30, 2001. This financial statement is the responsibility of Burke County Clerk of Superior Court. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the accompanying Statement of Assets and Liabilities presents the agency funds for which the Clerk is responsible and is not intended to be a complete presentation of the Clerk's financial operations. This financial statement was prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the assets and liabilities of Burke County Clerk of Superior Court as of June 30, 2001, on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated August 16, 2001 on the results of our tests of the Clerk's compliance with certain provisions of laws and regulations and our consideration of the Clerk's internal control over financial reporting. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

A handwritten signature in cursive script that reads "Ralph Campbell, Jr.".

Ralph Campbell, Jr.  
State Auditor

August 16, 2001

***Burke County Clerk of Superior Court  
Statement of Assets and Liabilities  
June 30, 2001***

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***ASSETS***

Cash and Cash Equivalents:	
Change Funds	\$ 300.00
Cash in Bank - Checking	411,741.25
Cash in Bank - Savings	53,736.14
Certificates of Deposit	1,082,399.91
Receivables	5,312.69
	<hr/>
<b>Total Assets</b>	<b>\$ 1,553,489.99</b>
	<hr/> <hr/>

***LIABILITIES***

Uniform Court Costs and Fees - State	\$ 6,039.00
Uniform Court Costs and Fees - County	59,149.53
Uniform Court Costs and Fees - Municipality	1,415.00
Supervision Fees	945.00
Community Service Fees	686.00
Other Fees Due to State Treasurer	15.00
Due to Escheat Fund	29,416.04
Due to Administrative Office of the Courts	747.81
Partial Payments	3,172.00
Judgments	61,177.73
Cash Bonds	70,835.00
Trusts	1,190,374.21
Alimony and Support	100.00
Deposits Payable	129,192.83
Due to Other Counties	200.00
Due to Miscellaneous Parties	24.84
	<hr/>
<b>Total Liabilities</b>	<b>\$ 1,553,489.99</b>
	<hr/> <hr/>

The accompanying notes to the financial statement are an integral part of this statement.

**BURKE COUNTY CLERK OF SUPERIOR COURT**  
**NOTES TO THE FINANCIAL STATEMENT**  
**JUNE 30, 2001**

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**NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES**

- A. Financial Reporting Entity** - The concept underlying the definition of the financial reporting entity is that elected officials are accountable to their constituents for their actions. Although the Clerk is an elected official, the Clerk's office is administratively under the Administrative Office of the Courts, a division of the North Carolina Judicial Branch. The accompanying financial statement presents the agency funds for which the Clerk is accountable. The county in which the Clerk officiates provides office space and utilities. The Administrative Office of the Courts provides the other operating costs of the Clerk's office. Therefore, the operating costs of the Clerk's office are not reflected in the accompanying financial statement.
- B. Basis of Presentation** - The accompanying financial statement presents the agency funds under the authority of the Clerk and follows the cash basis of accounting. This basis differs from accounting principles generally accepted in the United States of America primarily because the effects of outstanding receivables and payables resulting from court actions are not included in this statement.
- C. Fund Structure** - An agency fund type is used to account for assets held by the Clerk as custodian or as an agent for individuals or agencies. Agency funds are purely custodial and thus do not involve measurement of results of operations.

**NOTE 2 - DEPOSITS**

Deposits include cash and cash equivalents and certificates of deposit.

G.S. 7A-112.1 requires the Clerk to deposit any funds received in an interest-bearing checking account or accounts in a bank, savings and loan, or trust company licensed to do business in North Carolina to the extent in each instance that such deposits are insured. When money in a single account in excess of \$2,000 is received, and it is expected that the money will remain on deposit in excess of six months, the money exceeding \$2,000 shall be invested within sixty days of receipt in securities authorized by G.S. 7A-112.



## **NOTES TO THE FINANCIAL STATEMENT (CONCLUDED)**

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G.S. 7A-112 authorizes the Clerk to invest in certificates of deposit for time deposits or savings accounts in any bank, savings and loan, or trust company authorized to do business in North Carolina to the extent in each instance that such deposits are insured.

If the Clerk desires to deposit moneys beyond the extent that such deposits are insured, the Clerk shall require such depository to furnish a corporate surety bond or obligations of the United States or obligations fully guaranteed both as to principal and interest of the United States or obligations of the State of North Carolina, or of counties and municipalities of North Carolina whose obligations have been approved by the Local Government Commission.

At June 30, 2001, the carrying amount of deposits was \$1,547,877.30 and the bank balance was \$1,596,572.55. All of the deposits were insured or collateralized with securities held by the Clerk or by the Clerk's agent in the Clerk's name.

### **NOTE 3 - PROPERTY HELD FOR SAFEKEEPING**

At June 30, 2001, property bonds held in lieu of security as authorized by G.S. 58-74 totaled \$415,500.00.



Ralph Campbell, Jr.  
State Auditor

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**INDEPENDENT AUDITOR'S REPORT  
ON COMPLIANCE AND ON INTERNAL CONTROL  
OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE  
FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH  
GOVERNMENT AUDITING STANDARDS**

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The Honorable Mabel H. Lowman, Clerk  
Burke County Clerk of Superior Court  
Morganton, North Carolina

We have audited the Statement of Assets and Liabilities of Burke County Clerk of Superior Court as of June 30, 2001, and have issued our report thereon dated August 16, 2001. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States.

**Compliance**

As part of obtaining reasonable assurance about whether the Statement of Assets and Liabilities is free of material misstatement, we performed tests of the Clerk's compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement 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, which are reported in the Audit Findings and Recommendations section of this report, disclosed instances of noncompliance that are required to be reported under *Government Auditing Standards*.

**Finding**

1. Investment of Funds Held by the Clerk

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition.

**INDEPENDENT AUDITOR'S REPORT  
ON COMPLIANCE AND ON INTERNAL CONTROL  
OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE  
FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH  
GOVERNMENT AUDITING STANDARDS (CONCLUDED)**

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Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the Clerk's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statement. The reportable conditions noted as a result of our audit are described in the Audit Findings and Recommendations section of this report:

**Finding**

2. Internal Controls over Computer Resources and Segregation of Duties

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, of the reportable conditions described above, we consider Finding 2 to be a material weakness.

This report is intended solely for the information and use of the Clerk, the Clerk's staff, the Administrative Office of the Courts, the Governor, the State Controller, and the General Assembly and is not intended to be, and should not be, used by anyone other than these specified parties.



Ralph Campbell, Jr.  
State Auditor

August 16, 2001

## AUDIT FINDINGS AND RECOMMENDATIONS

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*Current Year Findings and Recommendations* - The following findings and recommendations were identified during the current audit and represent a significant deficiency in internal control and noncompliance with G. S. §7A-112 regarding the investment of funds.

### 1. INVESTMENT OF FUNDS HELD BY THE CLERK

Our review of accounts placed with the Clerk disclosed four accounts greater than \$2,000 each that had been held by the Clerk in excess of one year as of June 30, 2001. At the time of our audit, these accounts had not been invested as required by G. S. §7A-112. This statute states that when money in a single account in excess of \$2,000 is received, and it is expected to be held in excess of six months, the money exceeding \$2,000 should be invested within sixty days of receipt. One of these accounts was an estate for which the heirs could not be located. The other three accounts were condemnations in which there was uncertainty concerning the time the Clerk would hold the funds.

*Recommendation:* We recommend that the Clerk implement procedures to periodically review uninvested accounts to ensure that accounts in excess of \$2,000 are properly invested as required by G. S. §7A-112. For accounts not expected to be held in excess of six months, the Clerk's Office should document review of the files and that as of the dates of review, the funds were not expected to be held in excess of six months.

*Clerk's Response:* We will implement a procedure to periodically review any uninvested accounts to insure that accounts in excess of \$2,000 are properly invested. Files will also be reviewed on a monthly basis.

### 2. INTERNAL CONTROLS OVER COMPUTER RESOURCES AND SEGREGATION OF DUTIES

During our review of computer access and closeout procedures for cashiers, we noted that four employees had special cashier access that allowed them to receipt monies and to perform the daily closeouts. For two of these employees, this access was not required to perform their job duties. Access for these two employees was modified on August 13, 2001. The remaining two employees with special cashier access routinely perform both cashiering and closeout duties. As a result, segregation of duties and the assignment of computer access rights relating to the duties of receipting and the daily closeouts are not adequately achieved.

*Recommendation:* We recommend that the Clerk implement procedures to segregate cash receipting duties and assign computer access in a manner that prohibits employees who receipt monies from performing the daily closeout procedures.

*Clerk's Response:* The Clerk in the past has sent an exception to AOC dealing with the proper separation of duties. We will attempt to make every effort that the daily close out procedures will be done by an employee other than the cashier for that drawer.

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## **DISTRIBUTION OF AUDIT REPORT**

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In accordance with G.S. § 147-64.5 and G.S. § 147-64.6(c)(14), copies of this report have been distributed to the public officials listed below. Additional copies are provided to other legislators, state officials, the press, and the general public upon request.

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The Honorable Beverly M. Perdue  
The Honorable Richard H. Moore  
The Honorable Roy A. Cooper, III  
Mr. David T. McCoy  
Mr. Robert L. Powell

Governor of North Carolina  
Lieutenant Governor of North Carolina  
State Treasurer  
Attorney General  
State Budget Officer  
State Controller

### **JUDICIAL BRANCH**

The Honorable Mabel H. Lowman  
The Honorable Robert H. Hobgood  
Mr. Steve Lusk

Burke County Clerk of Superior Court  
Director, Administrative Office of the Courts  
Deputy Director for Administrative Services  
Administrative Office of the Courts

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Majority Leader of the N.C. Senate  
Minority Leader of the N.C. Senate  
Minority Leader of the N.C. House of Representatives  
N. C. House Speaker Pro-Tem  
Director, Fiscal Research Division

November 7, 2001

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