



STATE OF NORTH CAROLINA

MARTIN COUNTY CLERK OF SUPERIOR COURT

FISCAL CONTROL AUDIT

WILLIAMSTON, NORTH CAROLINA

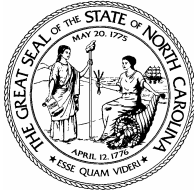
OFFICE OF THE STATE AUDITOR

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STATE AUDITOR

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THE HONORABLE TONYA C. LEGGETT, CLERK OF SUPERIOR COURT



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AUDITOR'S TRANSMITTAL

The Honorable Michael F. Easley, Governor
The General Assembly of North Carolina
The Honorable Tonya C. Leggett, Clerk of Superior Court

This report presents the results of our fiscal control audit of the Martin County Clerk of Superior Court. Our work was performed by authority of Article 5A of Chapter 147 of the *North Carolina General Statutes* and was conducted in accordance with the standards contained in *Government Auditing Standards* issued by the Comptroller General of the United States. The objective of a fiscal control audit is to gather and evaluate evidence about internal control over selected fiscal matters, such as financial accounting and reporting; compliance with finance-related laws and regulations; and/or management of financial resources.

The results of our audit disclosed deficiencies in internal control that are considered reportable under *Government Auditing Standards*. These matters are described in 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.

Leslie W. Merritt, Jr.

Leslie W. Merritt, Jr., CPA, CFP
State Auditor

TABLE OF CONTENTS

| | PAGE |
|---|------|
| BACKGROUND INFORMATION | 1 |
| OBJECTIVES, SCOPE, METHODOLOGY, AND RESULTS | 3 |
| AUDIT FINDINGS AND RECOMMENDATIONS..... | 5 |
| ORDERING INFORMATION | 7 |

BACKGROUND INFORMATION

The office of the Clerk of Superior Court is created by the North Carolina Constitution which mandates that there be a Clerk of Superior Court for each county. Under the constitution, it is the responsibility of the General Assembly to prescribe jurisdiction and the powers of the Clerk. Laws of the General Assembly regarding clerks must be uniformly applied in every county in the State.

Voters of each county elect the Clerk of Superior Court to a four-year term. Clerks are paid by the State, with their salaries scaled in accordance with the population of their counties. The Clerk appoints the assistants, deputies and employees in his or her office. The number of assistants and deputies that each clerk may employ varies from county to county depending on the volume of business. Assistant and deputy clerks are paid on a salary schedule fixed by the Administrative Office of the Courts based on education and years of service in the Clerk's office; the maximum and minimum salaries within that scale are fixed by the General Assembly.

The responsibilities of the Clerk are numerous and varied. The Clerk, as a judicial officer of the Superior Court, has judicial responsibilities. The Clerk is judge of probate; that is, the Clerk handles the probate of wills (proceedings to determine if a paper writing is a valid will) and the administration of estates of decedents, minors and incompetents. The Clerk also hears a variety of special proceedings such as adoptions, incompetency determinations and partitions of land and is empowered to issue arrest and search warrants and to exercise the same powers as a magistrate with respect to taking pleas of guilty to minor littering, traffic, wildlife, boating, marine fisheries, alcoholic beverage, State park recreation and worthless-check offenses.

The Clerk is also responsible for all clerical and record-keeping functions of the Superior Court and District Court. The Clerk operates a unified record-keeping system for all civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court, judgments, liens, lis pendens, and numerous other records required by law. The Clerk maintains the judgment docket, is custodian of evidence in civil and criminal trials, and issues civil summons and subpoenas. In addition, the Clerk invests money received and held by his or her office in trust and receives and administers insurance or other money on behalf of minors and incapacitated adults.

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OBJECTIVES, SCOPE, METHODOLOGY, AND RESULTS

OBJECTIVES

As authorized by Article 5A of Chapter 147 of the *North Carolina General Statutes* and in accordance with the standards contained in *Government Auditing Standards* issued by the Comptroller General of the United States, we have conducted a fiscal control audit at the Martin County Clerk of Superior Court.

The objective of a fiscal control audit is to gather and evaluate evidence about internal control over selected fiscal matters, such as financial accounting and reporting; compliance with finance-related laws and regulations; and/or management of financial resources. Our audit does not provide a basis for issuing an opinion on internal control, and consequently, we have not issued such an opinion.

Management is responsible for establishing and maintaining effective internal control. Internal control is a process designed to provide reasonable assurance that relevant objectives are achieved. Because of inherent limitations in internal control, errors or fraud may nevertheless occur and not be detected. Also, projections of any evaluation of internal control to future periods are subject to the risk that conditions may change or compliance with policies and procedures may deteriorate.

SCOPE

Our audit scope covered the period December 1, 2006, through May 31, 2007. During our audit, we considered internal control related to the following accounts and control objectives:

Cash and Cash Equivalentents - This classification includes change funds and cash on deposit with private bank accounts. We examined internal controls designed to ensure that the Clerk properly safeguards and accounts for these assets. We also examined evidence to support compliance with finance-related laws and regulations over these assets. These laws and regulations provide for the Clerk to receive a fee for administering the funds and provide for allocation of interest to the beneficial owner or owners of the funds. As of May 31, 2007, the Clerk had \$194,687.04 in Cash and Cash Equivalentents.

Investments - This classification includes certificates of deposit and pooled savings accounts. We examined internal controls designed to ensure that the Clerk properly safeguards and accounts for these assets. We also examined evidence to support compliance with finance-related laws and regulations over these assets. These laws and regulations set limits on authorized investments, set timing requirements for investing funds, provide for the Clerk to receive a fee for administering the investments and provide for allocation of interest to the beneficial owner or owners of the funds. As of May 31, 2007, the Clerk had \$585,350.13 in Investments.

OBJECTIVES, SCOPE, METHODOLOGY, AND RESULTS (CONCLUDED)

Trusts - This classification includes funds held by the Clerk for minors, incapacitated adults, and others according to the terms of a court order, will or deed. We examined internal control designed to ensure that the Clerk properly safeguards and accounts for trust accounts. We also examined evidence to support compliance with finance-related laws and regulations. These laws and regulations set guidelines for the receipt, administration and disbursement of these accounts. As of May 31, 2007, the Clerk had \$595,924.49 in Trust accounts.

METHODOLOGY

To accomplish our audit objectives, we gained an understanding of internal control, performed tests of control effectiveness, and/or performed direct tests of the accounts and transactions as we considered necessary in the circumstances. Specifically, we performed procedures such as interviewing personnel, observing operations, reviewing policies, analyzing accounting records and examining documentation supporting recorded transactions and balances.

RESULTS

The results of our audit disclosed deficiencies in internal control that are considered reportable under *Government Auditing Standards*. These items are described in the Audit Findings and Recommendations section of this report.

AUDIT FINDINGS AND RECOMMENDATIONS

1. INADEQUATE SEGREGATION OF DUTIES AND ACCESS CONTROLS

The Clerk's office had inadequate segregation of duties and passwords were shared. As a result, there is an increased possibility of error or fraud occurring and not being detected. Also, the responsible party for an error or misappropriation may be difficult to identify.

The Clerk had the ability to perform head bookkeeping responsibilities, approve payment authorizations and bank reconciliations, and print checks. In addition, she had the ability to perform cashiering functions. Since she did not have assigned security access to perform these functions within the Financial Management System, another employee's security access and password were used.

The Clerk of Superior Court Financial Policies and Procedures Manual describes sound internal controls, including controls applicable to segregation of duties and security access within the Financial Management System. Segregation of duties is a basic internal control that requires assigning different people the responsibilities of authorizing transactions, recording transactions and maintaining custody of assets to reduce opportunities that could arise when a person could both perpetrate and conceal errors or fraud in the normal course of his or her duties.

Recommendation: The Clerk should assign access rights within the Financial Management System according to the Clerk of Superior Court Financial Policies and Procedures Manual. The Clerk should also implement a policy prohibiting the sharing of passwords.

Clerk's Response: I have changed my own FMS access to "Inquiry" only. The request for access change was made immediately, while the auditors were on site. Sharing of passwords: during that occurrence the assistant clerk was on site but unavailable to cashier. I don't believe she "shared" her password with me. I receipted money in her absence. It should also be noted that an AOC auditor was on site during that time and she made recommendations as to alternative methods to handle personnel shortages. In the future I will follow her recommendations such as requesting a temporary password for myself or write manual receipts.

2. MAGISTRATE COLLECTIONS NOT DEPOSITED TIMELY

Magistrate collections were not deposited timely in accordance with established procedures. When deposits are delayed, revenues may be lost and inappropriate or fraudulent activity may go undetected.

The Magistrate's Office has a policy requiring receipts to be deposited with the Clerk Cashier's Office daily or by the next business day if the money was receipted on weekends or after normal Clerk Cashier's Office hours. In our test of 19 deposit days, we identified two days where magistrate receipts were deposited two to three business days after the required deposit date.

AUDIT FINDINGS AND RECOMMENDATIONS (CONCLUDED)

The Clerk of Superior Court Financial Policies and Procedures Manual describes sound internal controls over magistrate collections, including controls applicable to the timely submission of and accounting for all receipts.

Recommendation: The Clerk should implement procedures to ensure that all receipts are deposited in accordance with established procedures. Procedures should be in accordance with the Clerk of Superior Court Financial Policies and Procedures Manual.

Clerk's Response: I met with each magistrate individually and stressed the importance of following the Financial Policies and Procedures Manual. I provided each magistrate with a copy of the section titled "Submitting Collections to the CSC" from the financial manual. I requested that each magistrate read the policy and had each sign a copy of the memo that I had attached to their copies.

ORDERING INFORMATION

Audit reports issued by the Office of the State Auditor can be obtained from the web site at www.ncauditor.net. Also, parties may register on the web site to receive automatic email notification whenever reports of interest are issued. Otherwise, copies of audit reports may be obtained by contacting the:

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