



STATE OF NORTH CAROLINA

RANDOLPH COUNTY CLERK OF SUPERIOR COURT

FISCAL CONTROL AUDIT

ASHEBORO, NORTH CAROLINA

OFFICE OF THE STATE AUDITOR

LESLIE W. MERRITT, JR., CPA, CFP

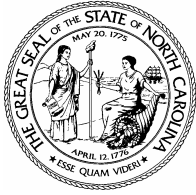
STATE AUDITOR

RANDOLPH COUNTY CLERK OF SUPERIOR COURT

FISCAL CONTROL AUDIT

ASHEBORO, NORTH CAROLINA

THE HONORABLE PAMELA L. HILL, CLERK OF SUPERIOR COURT



STATE OF NORTH CAROLINA
Office of the State Auditor

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

2 S. Salisbury Street
20601 Mail Service Center
Raleigh, NC 27699-0601
Telephone: (919) 807-7500
Fax: (919) 807-7647
Internet
<http://www.ncauditor.net>

AUDITOR'S TRANSMITTAL

The Honorable Michael F. Easley, Governor
The General Assembly of North Carolina
The Honorable Pamela L. Hill, Clerk of Superior Court

This report presents the results of our fiscal control audit of the Randolph 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 a deficiency in internal control that is considered reportable under *Government Auditing Standards*. This matter is described in the Audit Findings and Recommendations section of this report. We also noted certain matters that we reported to management of the Randolph County Clerk of Superior Court in a separate letter dated May 14, 2007.

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.

[This Page Left Blank Intentionally]

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 Randolph 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 September 1, 2006, through February 28, 2007. During our audit, we considered internal control related to the following accounts and control objections:

Cash and Cash Equivalents - This classification includes change funds and cash on deposit with private bank accounts. We examined internal control 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 February 28, 2007, the Clerk had \$913,877.06 in Cash and Cash Equivalents.

Investments - This classification includes certificates of deposit and savings accounts. We examined internal control 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 February 28, 2007, the Clerk had \$1,721,621.24 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 funds. 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 February 28, 2007, the Clerk had \$1,750,673.38 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 a deficiency in internal control that is considered reportable under *Government Auditing Standards*. This item is described in the Audit Findings and Recommendations section of this report. We also noted certain other matters that we have reported to management in a separate letter dated May 14, 2007.

AUDIT FINDINGS AND RECOMMENDATIONS

SEGREGATION OF DUTIES

The Head Bookkeeper is responsible for preparing bank reconciliations. The AOC Clerk of Superior Court Financial Policies and Procedures Manual, Chapter 3.3 states that bank statements should be reconciled by an employee who does not have Head Bookkeeper, Bookkeeper, Cashier or Special Cashier access rights. The employee who reconciles the bank statement should not enter Payment Authorization Forms, take cash receipts or prepare deposits.

Recommendation: The Clerk should evaluate and reassign job duties in order to better segregate duties.

Clerk's Response: I became Clerk of Court for Randolph County beginning December 2006. My understanding from our Head Bookkeeper who had been here in the same capacity for the State audit in 2004 explained that this same finding had been identified in the last audit, and was resolved with the assistance of the Administrative Office of the Courts (AOC) Financial Management Department, an AOC analyst, who committed with approval of her supervisor, to verify and sign off on the reconciled bank statements, each and every month since the State audit in 2004.

The months included in the current State Auditor's report identified as findings occurred due to the AOC analyst being unavailable because of assignments from AOC to complete exit audits for several counties throughout the State. This prevented scheduled visits to our office to verify and sign off on the reconciled bank statements.

We have spoken with the AOC analyst, who has agreed, with approval once again from her supervisor at AOC, to continue and ensure that our bank statements are verified and signed off by her.

I am in the process of contacting the AOC supervisor, to establish a backup plan in the event of some unforeseen circumstance in which the analyst is unavailable to assist with verifying and signing off on the bank reconciliations in the future.

One fact that I would like recognized in this report is the reason behind this current audit finding, and the same finding 3 years prior in 2004, which still remains an issue to date, involving staffing limitations, (shortage of staff available). This dilemma prevents our office from designating another clerk to be responsible for reconciling the bank statements, which would enhance segregation of duties and proper internal controls.

[This Page Left Blank Intentionally]

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:

Office of the State Auditor
State of North Carolina
2 South Salisbury Street
20601 Mail Service Center
Raleigh, North Carolina 27699-0601

Telephone: 919/807-7500

Facsimile: 919/807-7647