

STATE OF NORTH CAROLINA

OFFICE OF THE STATE AUDITOR

BETH A. WOOD, CPA



CURRITUCK COUNTY CLERK OF SUPERIOR COURT

CURRITUCK, NORTH CAROLINA

FINANCIAL RELATED AUDIT

JUNE 2018



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The Taxpayers' Watchdog

STATE OF NORTH CAROLINA
Office of the State Auditor



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AUDITOR'S TRANSMITTAL

June 19, 2018

The Honorable Roy Cooper, Governor
The General Assembly of North Carolina
The Honorable Raymond F. Matusko, Currituck County Clerk of Superior Court

This report presents the results of our financial related audit at Currituck 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 performance audit standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

The results of our audit identified a deficiency in internal control and an instance of noncompliance that is considered reportable under *Government Auditing Standards*. This item is described in the *Audit Findings, Recommendations, and Responses* 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.

A handwritten signature in black ink that reads "Beth A. Wood".

Beth A. Wood, CPA
State Auditor



**Beth A. Wood, CPA
State Auditor**

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Article V, Chapter 147 of the *North Carolina General Statutes*, gives the Auditor broad powers to examine all books, records, files, papers, documents, and financial affairs of every state agency and any organization that receives public funding. The Auditor also has the power to summon people to produce records and to answer questions under oath.

As authorized by Article 5A of Chapter 147 of the *North Carolina General Statutes*, we have conducted a financial related audit at Currituck County Clerk of Superior Court. There were no special circumstances that caused us to conduct the audit, but rather it was performed as part of our effort to periodically examine and report on the financial practices of state agencies and institutions.

The voters of each county elect a Clerk of Superior Court for a four-year term. Clerks are responsible for all clerical and record-keeping functions of the superior court and district court. The Clerks' Offices collect, invest, and distribute assets in a fiduciary capacity. For example, the Clerks' Offices collect fines and court costs, hold cash and property bonds, administer estates on behalf of minors, and distribute resources to governmental and private parties as required.

The North Carolina Administrative Office of the Courts (NCAOC) provides statewide support services for the courts, including court programs and management services; information technology; human resources services; financial, legal, and legislative support; and purchasing services. In addition, the NCAOC prepares and administers the court system's budget.

The general objective of this financial related audit was to identify improvements needed in internal control over selected fiscal matters. 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. Errors or fraud may nevertheless occur and not be detected because of the inherent limitations of internal control. Also, projections of any evaluation of internal control to future periods are subject to the risk that conditions may change or that compliance with policies and procedures may deteriorate. Our audit does not provide a basis for rendering an opinion on internal control, and consequently, we have not issued such an opinion.

Our audit scope covered the period July 1, 2017 through March 31, 2018. During our audit, we considered internal control related to the following objectives:

Cash – The Clerk’s Office collects various fines, fees, and court costs daily, as well as collections for bonds, judgments, and other matters. We examined internal controls designed to ensure that the Clerk properly safeguards and accounts for cash receipts. We also examined internal controls designed to ensure compliance with laws and regulations related to depositing cash receipts. During the audit period, the Clerk collected \$2,907,248 in cash.

Estates – The Clerk’s Office ensures all estates are charged an application fee plus an assessment based on the value of the estate’s inventory. An estate inventory is to be filed by the representative of the estate. We examined internal controls designed to ensure that the Clerk properly obtains an inventory for each estate in compliance with laws and regulations. We also examined internal controls designed to ensure compliance with laws and regulations related to the appropriate assessment and collection of estate fees. During the audit period, the Clerk collected \$40,051 in estate fees.

Bond Forfeitures – The Clerk’s Office ensures that all motions or orders to set aside bond forfeitures meet specified criteria and are supported by required documentation. We examined internal controls designed to ensure compliance with laws and regulations related to the processing of these bond forfeitures. During the audit period, \$133,400 in bond forfeitures were set aside.

Escheats – The Clerk’s Office transfers abandoned property to the State. The transfer results when the person legally entitled to the property fails to make a valid claim on the property within a prescribed period of time. After that time, all abandoned property held by the Clerk is required to be transferred to the North Carolina Department of State Treasurer. We examined internal controls designed to ensure that the Clerk properly identifies escheatable funds. We also examined internal controls designed to ensure compliance with laws and regulations related to escheating unclaimed funds after a prescribed period of time. During the audit period, the Clerk transferred \$3,329 in escheats to the State Treasurer.

To accomplish the audit objectives, auditors gained an understanding of the Clerk's internal control over matters described in the *Audit Objectives and Scope* section of this report and evaluated the design of the internal control. Auditors then performed further audit procedures consisting of tests of control effectiveness and/or substantive procedures that provide evidence about our audit objectives. Specifically, auditors interviewed personnel, observed operations, reviewed policies, analyzed accounting records, and examined documentation supporting recorded transactions and balances, as considered necessary in the circumstances. Whenever sampling was used, we applied a nonstatistical approach, but chose sample sizes comparable to those that would have been determined statistically. As a result, we were able to project our results to the population as applicable but not quantify the sampling risk. This approach was determined to adequately support audit conclusions.

As a basis for evaluating internal control, we applied the internal control guidance contained in professional auditing standards. As discussed in the standards, internal control consists of five interrelated components: (1) control environment, (2) risk assessment, (3) control activities, (4) information and communication, and (5) monitoring.

We conducted this audit in accordance with the performance audit standards 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 sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Based on the results of audit procedures described in the *Methodology* section of this report, auditors identified a deficiency in internal control and an instance of noncompliance that is considered reportable under *Government Auditing Standards*. This item is described in the *Audit Findings, Recommendations, and Responses* section of this report. Management's response is presented after the audit finding. We did not audit the response, and accordingly, we express no opinion on it.

FAILURE TO COLLECT ESTATE INVENTORY FEES

The Clerk's Office did not collect estate inventory fees in accordance with state law, resulting in delays and potential loss in the collection of estate costs and fees.

Auditors examined all 75 estates in the audit period in which a final inventory was filed. Fees totaling \$477 for seven (9%) estates were not collected when the final inventory was filed and remained uncollected as of the time of our audit. Additionally, there was no evidence in the file to support fee collection attempts once the final inventory was filed.

For the seven estates, there were also no monitoring procedures in place to ensure the Clerk's Office continued efforts of identifying, tracking, and compelling the collection of fees not paid at the time of the final inventory filing.

According to the Clerk, the Clerk's staff did not follow procedures on collecting estate costs and fees due to oversight.

North Carolina General Statute 7A-307(a)(2) requires the Clerk to assess and collect the estate fees at the time the final inventory is filed.

Recommendation: The Clerk should follow state law to ensure appropriate action is taken to assess and collect estate costs and fees at the time the final inventory is filed. In addition, the Clerk should implement monitoring procedures to facilitate and document continuing efforts of identifying, tracking, and compelling the collection of outstanding fees not paid at the time of the final inventory filing.

Clerk's Response: See page 6 for the Clerk's response to this finding.



State of North Carolina
General Court of Justice
CLERK OF SUPERIOR COURT

RAY MATUSKO, CLERK
EX OFFICIO JUDGE OF PROBATE

CURRITUCK COUNTY
P.O. Box 175
CURRITUCK, NC 27929-0175

JERRY TILLET
SENIOR RESIDENT JUDGE

J. CARLTON COLE
RESIDENT JUDGE

June 15, 2018
Office of the State Auditor

This is my response to the Agency Audit Finding Report that I received dated June 6, 2018:

I agree with the findings of the Office of the State Auditor. The initial \$120.00 filing fees were not collected due to their being no cash assets available in the estate and an oversight was made to collect these filing fees at the time the final filing was made. The findings of insufficient inventory fees collected occurred when an amended inventory was filed in an estate and the clerk did not realize that there was a difference in the assessment fees due in excess of the inventory assessment fee that was previously collected when the original inventory was filed.

No effort was made to collect the past due fees due to oversight, and my office was not aware that these fees had not been paid.

In a strengthened effort to comply with North Carolina General Statute 7A-307 (a)(2), my office will improve our auditing of estate files when the final account is filed and audited. We will ensure that we pay particular attention to inventory assessment fees that are collected when an amended inventory is filed. We will also improve our effort to ensure that the original \$120.00 filing fee is collected before the final account is approved and the estate file is closed.

My office has collected all of the past due fees on the estate files in the State Audit findings.

A handwritten signature in cursive script that reads "R. F. Matusko Jr.".

The Honorable Raymond F. Matusko Jr.
Clerk of Superior Court
Currituck County

ORDERING INFORMATION

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