

# STATE OF NORTH CAROLINA

OFFICE OF THE STATE AUDITOR

BETH A. WOOD, CPA

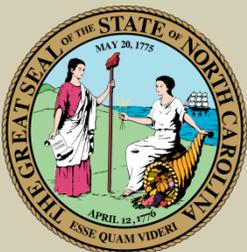


## SAMPSON COUNTY CLERK OF SUPERIOR COURT

CLINTON, NORTH CAROLINA

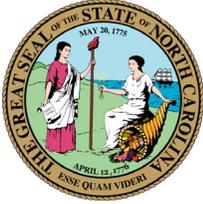
PERFORMANCE AUDIT

AUGUST 2022



**NC\$OSA**  
The Taxpayers' Watchdog

STATE OF NORTH CAROLINA  
**Office of the State Auditor**



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## AUDITOR'S TRANSMITTAL

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The Honorable Roy Cooper, Governor  
The General Assembly of North Carolina  
The Honorable J. Chris Fann, Sampson Clerk of Superior Court

Ladies and Gentlemen:

We are pleased to submit this performance audit report for the Sampson County Clerk of Superior Court. The audit objective was to identify improvements needed in internal control over selected financial matters, as listed on pages 2-3.

This audit was conducted in accordance with Chapter 147, Article 5A of the North Carolina General Statutes.

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 FINDING, RECOMMENDATION, AND RESPONSE section of this report.

We appreciate the courtesy and cooperation received from management and the employees of the Sampson County Clerk of Superior Court during our audit.

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.

Beth A. Wood, CPA  
State Auditor

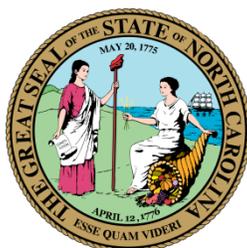
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**Beth A. Wood, CPA  
State Auditor**

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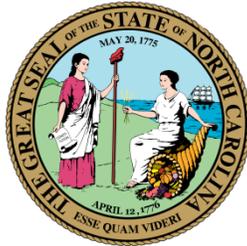


# BACKGROUND

We have conducted a performance audit of the Sampson County Clerk of Superior Court, as authorized by Chapter 147, Article 5A of the North Carolina General Statutes, which requires the Office of the State Auditor to periodically examine and report on the financial practices of state agencies.

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.



# **OBJECTIVES, SCOPE, AND METHODOLOGY**

The objective of this performance audit was to identify improvements needed in internal control over selected financial 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 scope covered the period July 2021 through March 2022. In conducting our audit, we observed, documented, and evaluated the effectiveness of selected internal controls related to:

- *Cash* - The Clerk's office collects various fines, fees, and court costs daily, as well as bonds, judgments, and other amounts. We examined internal controls to determine whether such controls were designed and implemented to ensure that the Clerk properly safeguarded and accounted 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 \$7,467,025 in cash.
- *Estates* - The Clerk's office is to ensure that all estates are charged an application fee plus an assessment based on the value of each estate's inventory. An estate inventory is to be filed by the representative of the estate. We examined internal controls to determine whether such controls were designed and implemented to ensure that the Clerk properly obtained 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 \$114,163 in estate fees related to estates.

The Clerk's office is to ensure that all estate guardians<sup>1</sup> are properly bonded based on the value of each annual estate inventory. An annual estate inventory is to be filed by the estate guardian of a minor or incapacitated adult. We examined internal controls designed to ensure that the Clerk properly obtained an inventory for each guardianship in compliance with laws and regulations. We also examined internal controls to determine whether such controls were designed and implemented to ensure that bonds assessed and collected were sufficient and in compliance with laws and regulations. During the audit period, auditors examined \$3,396,180 in estate guardian bonds retained by the Clerk related to 44 estates.

- *Escheats* - The Clerk's office is to transfer 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 to determine whether such controls were designed and implemented to ensure that the Clerk properly identified 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 did not make any transfers in escheats to the Department of State Treasurer.

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<sup>1</sup> Guardianship is a legal relationship in which a person(s) or agency (the guardian) is appointed by the court to make decisions and act on behalf of a minor or incapacitated adult.

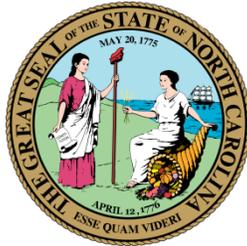
- *Trusts* - The Clerk's office receives, administers, and disburses trust funds for minors and incapacitated adults. We examined internal controls to determine whether such controls were designed and implemented to ensure that disbursements from minor and incapacitated adult trust accounts were proper to ensure compliance with laws and regulations. During the audit period, the Clerk disbursed \$27,260 from minor and incapacitated adult trust accounts.

To accomplish the audit objective, auditors gained an understanding of the Clerk's internal control over matters and evaluated the design of 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 our audit conclusions.

Because of the test nature and other inherent limitations of an audit, together with limitations of any system of internal and management controls, this audit would not necessarily disclose all deficiencies in internal control or instances of noncompliance.

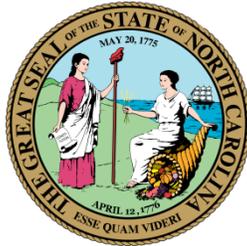
As a basis for evaluating internal control, we applied the internal control guidance contained in professional auditing standards. However, our audit does not provide a basis for rendering an opinion on internal control, and consequently, we have not issued such an opinion. See the Appendix for internal control components and underlying principles that were significant to our audit objectives.

We conducted this performance audit in accordance with *Generally Accepted Government Auditing Standards*. 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.



# **RESULTS AND CONCLUSIONS**

Based on the results of audit procedures described in the OBJECTIVES, SCOPE, AND 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 FINDING, RECOMMENDATION, AND RESPONSE 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.



# **FINDING, RECOMMENDATION, AND RESPONSE**

## FAILURE TO IDENTIFY AND TRANSFER UNCLAIMED FUNDS TO RIGHTFUL OWNER OR THE STATE TREASURER

The Clerk's office did not identify and transfer unclaimed funds to the rightful owners or the Department of State Treasurer (Treasurer) in accordance with state law.

Auditors examined all 208 unclaimed items totaling \$367,335 held by the Clerk's office for over one year<sup>2</sup> and found 127 (61%) items totaling \$189,009 where the Clerk did not attempt to identify and transfer the items to the rightful owner or to the Treasurer between 2015 and 2021.

As a result, the return of unclaimed funds to the rightful owners has been delayed. Additionally, there was a potential loss of earnings on the Treasurer's Escheat Fund. A loss of Escheat Fund earnings reduces the amount of funds available for transfer to the North Carolina State Education Assistance Authority.<sup>3</sup>

The Clerk's office prioritized other tasks over identifying and transferring unclaimed funds to the rightful owners or to the Treasurer.

North Carolina General Statutes<sup>4</sup> and the *North Carolina Clerk of Superior Court Escheats Manual*<sup>5</sup> require the Clerk's office to:

- Make a good faith effort to locate the owners of unclaimed funds.
- Transfer unclaimed funds to the rightful owner or transfer the funds to the Treasurer no later than November 1 of each year.

*Recommendation:* The Clerk should prioritize locating and notifying owners of unclaimed funds.

In addition, the Clerk should implement monitoring procedures to ensure unclaimed funds are returned to rightful owners or transferred to the Treasurer as required.

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

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<sup>2</sup> As of the end of our audit period, March 31, 2022.

<sup>3</sup> The State Education Assistance Authority provides loans and grants to worthy and needy North Carolina students attending state-supported colleges and universities.

<sup>4</sup> North Carolina General Statutes 116B-53(c), 116B-60(d), and 116B-61.

<sup>5</sup> Sections C1, C2, C5 and C7.



CHRIS FANN, CLERK  
EX OFFICIO JUDGE OF PROBATE

CLERK OF SUPERIOR COURT  
SAMPSON COUNTY  
CLINTON, NC

CHARLES H. HENRY  
SENIOR RESIDENT SUPERIOR COURT JUDGE

August 2, 2022

The Honorable Beth A. Wood  
Office of the State Auditor  
2 South Salisbury Street  
20601 Mail Service Center  
Raleigh, North Carolina 27699-0600

This letter is in response to the State Auditor's letter dated July 27, 2022, outlining the audit finding and recommendation.

We appreciate the work that the State Auditor's office does as well as the courteous service extended from the audit team.

I concur with the audit finding and recommendation.

**Audit Finding**-Failure to Identify and Transfer unclaimed funds to the rightful Owner or the State Treasure.

**Recommendation**-The Clerk should prioritize locating and notifying owners of unclaimed funds.

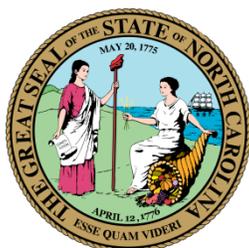
**Clerk's response**- Clerk's response- Corrective action has been implemented.

1. We've begun an immediate review of the 127 items from 2015 to 2021 to determine ownership of funds. If owners are not found, we will transfer those funds to the State Treasurer by November 1.
2. All divisions will assist in the review of the monthly aging report to help determine rightful owners.
3. The bookkeeper will attend the next Escheat class offered by AOC for a refresher on escheat guidelines.
4. The bookkeeper will work the Check Reconciliation Activity Report monthly and ensure all eligible funds are recorded in the Escheats accounts within that same month.
5. Both the Monthly Aging report and Check Reconciliation Activity Report will be reviewed by myself bi-monthly to ensure that it is being properly worked by my staff.

It is our goal to comply with all standards as set forth by the NCAOC and the General Statutes of the State of North Carolina

With best regards,

J. Chris Fann  
Clerk of Superior Court, Sampson County



# APPENDIX

## Internal Control Components and Principles Significant to the Audit Objectives

Our general audit objective was to identify improvements needed in internal control over selected financial matters.

Internal control components and underlying principles that were significant to our audit objectives are identified in the table below.

COMPONENTS AND PRINCIPLES	AUDIT OBJECTIVES			
	CASH	ESTATES	ESCHEATS	TRUSTS
<b>CONTROL ENVIRONMENT</b>				
1. The oversight body and management should demonstrate a commitment to integrity and ethical values.	X	X	X	X
2. The oversight body should oversee the entity's internal control system.	X	X	X	X
3. Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.	X	X	X	X
4. Management should demonstrate a commitment to recruit, develop, and retain competent individuals.				
5. Management should evaluate performance and hold individuals accountable for their internal control responsibilities.				
<b>RISK ASSESSMENT</b>				
6. Management should define objectives clearly to enable the identification of risks and define risk tolerances.				
7. Management should identify, analyze, and respond to risks related to achieving the defined objectives.	X	X	X	X
8. Management should consider the potential for fraud when identifying, analyzing, and responding to risks.				
9. Management should identify, analyze, and respond to significant changes that could impact the internal control system.	X	X	X	X

<b>CONTROL ACTIVITIES</b>				
10. Management should design control activities to achieve objectives and respond to risks.	X	X	X	X
11. Management should design the entity's information system and related control activities to achieve objectives and respond to risks.				
12. Management should implement control activities through policies.	X	X	X	X
<b>INFORMATION AND COMMUNICATION</b>				
13. Management should use quality information to achieve the entity's objectives.	X	X	X	X
14. Management should internally communicate the necessary quality information to achieve the entity's objectives.	X	X	X	X
15. Management should externally communicate the necessary quality information to achieve the entity's objectives.	X	X	X	X
<b>MONITORING ACTIVITIES</b>				
16. Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.	X	X	X	X
17. Management should remediate identified internal control deficiencies on a timely basis.	X	X	X	X

# ORDERING INFORMATION

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This audit required 252 hours at an approximate cost of \$26,712.