



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>

July 6, 2005

The Honorable Ralph A. Walker
Director, Administrative Office of the Courts
Post Office Box 2448
Raleigh, North Carolina 27602-2448

Dear Judge Walker:

The Office of the State Auditor received an allegation through the State Auditor's Hotline concerning foreign language (Spanish) interpreters. The anonymous complaint alleged that an interpreter was receiving payment from non-English speaking defendants, while at the same time being paid by the State. If confirmed, this would be a violation of Administrative Office of the Court (AOC) policy, "Guidelines for the Use of Foreign Language Interpreting and Translating Services in the Court System", chapter 3, section D. "An interpreter may not (1) bill twice for the same period of time or (2) bill both the State and the indigent non-English speaking person." Such actions may also violate State law or policy.

Background

The court system has experienced a steady increase in non-English speaking defendants and participants, which will likely continue. The court has the inherent authority and discretion to appoint interpreters as necessary. Interpreters are paid by the State through the court and AOC using form AOC-G-107 "MOTION, APPOINTMENT AND ORDER AUTHORIZING PAYMENT OF INTERPRETER" (attached).

Non-English speaking defendants and participants may come from cultures where payment of a tip, gratuity or compensation directly to court personnel is the norm. Due to the language barrier, workload and focus of the court while court is in session, the opportunity for violation of AOC policy or state law is plausible.

Although we did not substantiate the specific allegation above, interviews with the Clerk of Court and the acting Chief District Court Judge for the jurisdiction confirmed that the same or similar concerns have been raised with some regularity. Both confirmed that they would reinforce the AOC policy with all concerned.

In addition to reinforcing the present AOC policy, the following procedural changes may strengthen the internal controls associated with the use of court-appointed foreign language interpreters.

Recommendations

1. AOC should consider adding language to form AOC-G-107 under the certification section affirming that the signing interpreter requesting payment has not received nor will they accept any other payment or gratuity for the same services.
2. AOC should consider requesting that presiding judges in open court inform non-English speaking defendants and participants that they are not to make any payment to the court-appointed interpreter. This could be done enmass at the beginning of court as well as on an as needed/as appropriate basis.
3. AOC should consider the development of internal processes to monitor, audit and investigate various interpreter concerns. A Spanish-speaking investigator may be employed for this.

General Statute§147-64.6(c)(12) requires the State Auditor to provide the Governor, the Attorney General, and other appropriate officials with written notice or apparent instances of violations of penal statutes or apparent instances of malfeasance, misfeasance, or nonfeasance by an officer or employee. In accordance with that mandate, and our standard operating practice, we are providing copies of this management letter to the Governor, the Attorney General and other appropriate officials.

If you have any questions or wish to discuss this matter further, please contact us. We appreciate the cooperation received from your staff during our review.

Sincerely,



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

Management letters and responses receive the same distribution as audit reports.

STATE OF NORTH CAROLINA

File No. 

☐ Multiple Cases
On Reverse

County

In The General Court Of Justice
☐ District ☐ Superior Court Division
County Number

Case Name

MOTION, APPOINTMENT AND ORDER AUTHORIZING PAYMENT OF INTERPRETER OR OTHER ACCOMMODATION

G.S. 7A-314; 8B-2; 8B-8; 8C-1, Rule 604

MOTION

The undersigned requests the Court to appoint an interpreter or other person to serve in this proceeding for the reasons stated below:

Type Of Interpreter/Accommodation: ☐ Deaf ☐ Language [specify] ☐ Other

Nature Of Proceeding

- ☐ 50B Domestic Violence ☐ Other
☐ Involuntary Commitment
☐ Traffic
☐ Juvenile

Name Of Person In Need Of Interpreter/Accommodation

☐ Multiple Cases On Reverse

A U S Center 1230
O S 1240
C E RCC

Date

Signature

☐ Prosecutor ☐ Defendant's Counsel ☐ Special Counsel
☐ Magistrate ☐ Other

APPOINTMENT

The Court finds that a sufficient showing has been made for the appointment of the type of interpreter/accommodation requested above.

- ☐ **Sign Language Interpreter/Accommodation** - The Court finds that the person named below is qualified by knowledge, skill, experience, training and education as required by law.
☐ **Foreign Language Interpreter** - The Court finds that the person named below is qualified by knowledge, skill, experience, training and education to interpret the language set out above into the English language and the English language into the language set out above for the person(s) named above as required by law.

Name Of Person Appointed

Date

Signature

☐ Superior Court Judge ☐ District Court Judge
☐ Asst/CSC ☐ Magistrate

CERTIFICATION

I, the undersigned, certify that I served in the above named proceeding(s), and I request payment for professional services and travel expenses as set out below.

Beginning Date (Include All Dates Of Service)	No. Hours	Hourly Rate	Total Mileage	Travel Expenses	Total
Ending Date (Include All Dates Of Service)		\$		\$	\$

NOTE: If payment is to be made to person individually, write "same" under payee and give person's own taxpayer ID No. (either Social Security No. or Federal Employer ID as used by person). If payment is to be made to person's business, give business name under payee and give the business taxpayer ID No.

Name And Address Of Individual Providing Service (Type Or Print)

Payee (see note)

☐ Certified by AOC

Taxpayer ID No. (see note)

Date

Signature Of Individual Providing Service

ORDER FOR PAYMENT

It is ORDERED that the named individual be awarded the total shown below for professional services and travel expenses.

Date	Signature	<input type="checkbox"/> SC Judge <input type="checkbox"/> DC Judge <input type="checkbox"/> Asst/CSC <input type="checkbox"/> Magistrate	Total \$
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INSTRUCTIONS: File the original with the clerk and mail a copy of the completed form to: Administrative Office of the Courts, Attn: Interpreter Services, Financial Services Division, Courier Box 56-10-50, Raleigh, NC, OR if courier not available, mail to P.O. Box 2448, Raleigh, NC 27602.



**ADMINISTRATIVE OFFICE OF THE COURTS
JUSTICE BUILDING**

JUDGE RALPH A. WALKER
DIRECTOR

P.O. BOX 2448
RALEIGH, N.C. 27602
(919) 733-7107

DAVID F. HOKE
ASSISTANT DIRECTOR

July 19, 2005

Mr. Leslie W. Merritt, Jr., CPA, CFP
State Auditor
Office of the State Auditor
2 S. Salisbury Street
Raleigh, NC 27699-0601

Dear Mr. Merritt:

The Administrative Office of the Courts (AOC) appreciates the opportunity to comment on the draft management letter of your review of the Interpreter Services program and would like to thank you for the work of your staff in this area. The review concentrated on an anonymous complaint received by your office that alleged an interpreter was receiving payment from defendants, while at the same time being paid by the State for interpreter services.

As stated in your draft letter, your office was unable to substantiate the allegation. As a result of your interviews with local court officials, they indicated that would reinforce existing AOC policies. AOC is aware of the potential for violation of policies related to interpreters services and takes seriously any reports of inappropriate activity. As part of our continuing efforts to improve and strengthen our controls in this area we will give your recommendations careful consideration.

If you have any questions, please contact us. Again, I would like to thank you and your staff again for looking in to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph A. Walker", written over a horizontal line.

Judge Ralph A. Walker
Director