

THE COUNTY OF GALVESTON
COUNTY AUDITOR'S OFFICE
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September 1, 2015

Honorable Mark A. Henry, County Judge, and
Members of the Commissioners Court

Honorable Mark Henry and Members of the Court:

Attached for your consideration is the internal audit report of the FY2015 County Clerk Fee Audit. The audit covered the period May 1, 2014 through April 30, 2015. Also attached is the response letter from Honorable Dwight D. Sullivan, dated August 12, 2015.

Sincerely,

A handwritten signature in blue ink that reads "Rice CPA".

Randall Rice CPA
County Auditor

cc: Honorable Dwight D. Sullivan, County Clerk

Attachment: FY2015 County Clerk Fee Audit Report
Response Letter, Honorable Dwight D. Sullivan



County Clerk Fee Audit

August 3, 2015

Galveston
County
Internal Audit
Division

Randall Rice CPA
CITP CISA CIO CBM DABFA CGMA
County Auditor

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Executive Summary

Reliability and Integrity of Information (page 3)

- County Clerk's Office practices proper separation of duties among the clerks.
- County Clerk's Office has adequate controls over voided receipts. A clerk who records the receipts does not have the ability to void the receipts in the Odyssey system. The void functionality is only granted to management staff.

Safeguarding of Assets (page 4)

- All cash collected on the day of the surprise cash count was accounted for. Collections are deposited daily by a Sheriff's Deputy.
- Physical security over assets (collections) is adequate.

Compliance with Statutes, Policies, and Procedures (page 5)

- To comply with Transportation Code (TC) §542.4031, TC §542.403 and Code of Criminal Procedure (CCP) §102.022, the office should implement the following recommendations:
 - Correct the charges assessed in Odyssey for the discrepancies noted during the audit. The office should also consider providing a chart of applicable basic fines and fees for clerks to use when assessing fines and fees in Odyssey.
- Dismissals tested for misdemeanor cases were in compliance with CCP §32.01.
- Basic court costs and fees tested for civil and probate cases were in compliance with applicable Texas statutes.
- Marriage license fees were not able to be reviewed during the audit due to the office's new software (AVID) not being able to provide data for auditing purposes. AVID's software provider, Fidlar Technologies, is in the process of creating a report that can be used by the County Clerk's Office and the Auditor's Office. Once the report is ready, Internal Audit will perform a follow-up review of marriage license fees.

Introduction

The Internal Audit Division conducted an internal audit of the County Clerk's Office as required by Local Government Code §115.0035. The internal audit covered the period May 1, 2014 through April 30, 2015. The audit was performed from May 18, 2015 through August 3, 2015. The delay in fieldwork was caused by a delayed installation of the new software, AVID, on the auditor's computer and the lack of data available in AVID for marriage licenses for auditing purposes.

The primary objectives of the internal audit are to provide reasonable assurance concerning:

- Reliability and integrity of the information.
- Safeguarding of assets.
- Compliance with laws, regulations, contracts, policies, plans and procedures.

The scope of the internal audit encompassed the financial records and administrative procedures related to the County Clerk's Office. The internal audit included, but was not limited to, the books, accounts, reports, dockets and records of the County Clerk.

The internal audit included examining transactions on a test basis, and required exercising judgment in the selection of such tests. As the internal audit was not a detailed examination of all transactions, there is a risk that errors or fraud were not detected during the internal audit. The official therefore retains the responsibility for the accuracy and completeness of the financial information.

Because of certain statutory duties required of the County Auditor, we are not independent with regard to the Galveston County County Clerk, as defined by the AICPA professional standards. However, our internal audit was performed with objectivity and due professional care.

Jordan Guss, Information Systems Audit Team Lead, performed the audit.

Reliability and Integrity of Information

Reliable information is accurate, timely, complete and useful. In order to achieve this, controls over record keeping and reporting must be adequate and effective.

Separation of Duties

One of the most important internal controls is to have proper separation of duties. No one person should be able to authorize, record and void transactions and have custody of the assets.

Civil and Probate Court Division

For civil and probate court divisions, the office has established procedures to allow clerks to record cases, to assess court fees and to collect payments in the court system (Odyssey). Clerks do not have the ability to adjust the assessments of court fees or to void receipts. Management staff performs the adjustments and voids.

Internal Audit verified only management personnel performed voids. No exceptions were noted during the audit period. Accordingly, the office has a proper separation of duties in place relative to recording and voiding of receipts.

Misdemeanor Court Division

The office has instituted procedures to separate the custody of assets from the recording and authorization functions in the Misdemeanor Division. The Misdemeanor Division clerks only record the cases in Odyssey and collect miscellaneous payments for other services (such as copies, certified copies, etc). The Court Collections Department collects the payments for court costs and fees of misdemeanor cases. Accordingly, they have an effective separation of duties.

Mail-In Payments

Office procedures over mail-in payments include Recording Deputies receipting, sorting and distributing the mail to the appropriate divisions. Each division immediately processes the mail accordingly. Proper separation of duties regarding mail-in payments appear to be in place.

Safeguarding of Assets

Safeguarding of assets has three basic components: 1.) physical security of assets, 2.) minimal exposure to loss and 3.) proper management of the assets.

Physical Security

Physical security encompasses any method to physically secure the assets from loss. Assets not being used should be kept in a locked drawer or safe until they are needed.

Controls are in place to ensure the staff uses lockable drawers and a safe to secure the collections in the office until deposited.

Minimizing Exposure to Loss

Daily depositing is one of the best methods of minimizing exposure of collections to loss as well as providing the county with maximum benefit of collections. The County Clerk's Office has a policy to deposit collections daily.

As part of the audit, the auditor conducted surprise cash counts at both office locations. All collections and change funds were accounted for at the time of the surprise cash counts. Cash collections were deposited daily by a Sheriff's Deputy during the audit period.

Compliance with Statutes, Policies and Procedures

As part of the audit, the auditor evaluated the adequacy and effectiveness of internal controls in responding to risks within the County Clerk's operations and governance regarding compliance with laws, regulations and contracts.

Misdemeanor Case Fees

The state and local fees assessed for misdemeanor cases were reviewed to verify they were in compliance with current statutes.

Finding: The office inconsistently assessed the Additional Court Cost of \$3.00 (TC §542.403), the State Traffic Fine of \$30.00 (TC §542.4031) and the Moving Violation Fee of \$0.10 (CCP §102.022) for misdemeanor cases involving Rules-of-the-Road and Moving Violation offenses tested during the audit period.

Recommendation CC-15-01: The office should correct the under-assessed charges in Odyssey for the cases noted during the audit. The office should also consider providing a chart of applicable basic fines and fees for offense types that clerks can use when assessing fines and fees in Odyssey.

Misdemeanor Case Dismissals

CCP §32.02 states "the attorney representing the state may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge."

All dismissed misdemeanor cases reviewed contained the "Motion and Order to Dismiss" document signed by the presiding judge.

Civil and Probate Case Fees

The state and local fees assessed for civil and probate cases were reviewed to verify they were in compliance with current statutes.

No discrepancies were detected for fees assessed on civil or probate cases during the audit period.

Marriage License Fees

Marriage license fees were not able to be reviewed during the audit due to the office's new software (AVID) not being able to provide data for auditing purposes. AVID's software provider, Fidlar Technologies, is in the process of creating a report that can be used by the County Clerk's Office and the Auditor's Office. Once the report is ready, Internal Audit will perform a follow-up review of marriage license fees.



The County of Galveston

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GALVESTON, TEXAS 77552-7253

DWIGHT D. SULLIVAN
COUNTY CLERK

August 12, 2015

Mr. Randall Rice, CPA
County Auditor
722 Moody, 4th Floor
Galveston, Texas 77550

Re: Response to the FY 2015 County Clerk Fee Audit

Dear Mr. Rice,

Thank you for conducting this audit. Ms. Jordan was a pleasure to work with and presented an outstanding report. I am providing herein my response to the recommendations in the report.

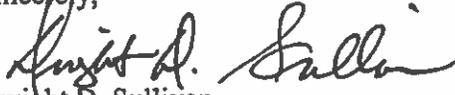
Recommendation CC-15-01: The office should correct the under-assessed charges in Odyssey for the cases noted during the audit. The office should also consider providing a chart of applicable basic fines and fees for offense types that clerks can use when assessing fines and fees in Odyssey.

Response: I concur with this recommendation. The cases identified were corrected and amended cost bills were sent to the defendants with a letter of explanation. The court clerks have been provided a listing of offense codes that the fee should be applied to.

We thank your staff for taking the time to assist us.

Thank you for ensuring the accountability of our office in financial matters.

Sincerely,


Dwight D. Sullivan,
County Clerk