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Missouri State Auditor

Thirteenth Judicial Circuit

Callaway County



October 2013
Report No. 2013-110

<http://auditor.mo.gov>



CITIZENS SUMMARY

Findings in the audit of the Thirteenth Judicial Circuit, Callaway County

Missing Funds and Other Questionable Transactions

At least \$355 is missing, and another \$11,292 may be missing based upon voided cash receipts, unsupported non-monetary transactions, and improper reduction or non-assessment of fines and court costs in the computerized case management system. The court clerk supervisor primarily responsible for the affected cases has been terminated, the Callaway County Sheriff's office is investigating, and a Special Prosecutor has been appointed.

Accounting Controls and Procedures

The Circuit Clerk has not adequately segregated the duties of receiving and recording receipts, preparing deposits, and disbursing funds, and has not established supervisory reviews of cash handling and recordkeeping functions. Any court clerk can issue checks from the bank account, checks only require one signature, and checks are not independently reviewed. The former Clerk Supervisor was able to inappropriately issue a \$149 check to a family member; and although the check was never negotiated, the court did not identify the problem for 8 months. Non-monetary transactions, voids, and adjustments are not properly documented or reviewed. The Circuit Clerk has not established proper controls or procedures for manual receipt slips. Manual receipt slips are not timely recorded in the case management system and there is no review of manual receipts to ensure monies receipted are deposited. The Circuit Clerk has not established procedures to promptly log or restrictively endorse mail receipts, and garnishment receipts are not always maintained in a secure location and deposited timely and intact. The court does not periodically review outstanding balances and has not created payment plans for all amounts not paid in full at case disposition, as required by the court policy and Supreme Court Operating Rules. The court does not always collect the \$25 time payment fee; audit staff found 35 time payment fees totaling \$825 were adjusted to zero in 2012. Prior to February 2013, the court did not ensure bonds were timely disbursed. Court personnel do not always properly record the initial entry and final disposition of each case in the Justice Information System.

In the areas audited, the overall performance of this entity was **Poor**.*

*The rating(s) cover only audited areas and do not reflect an opinion on the overall operation of the entity. Within that context, the rating scale indicates the following:

- Excellent:** The audit results indicate this entity is very well managed. The report contains no findings. In addition, if applicable, prior recommendations have been implemented.
- Good:** The audit results indicate this entity is well managed. The report contains few findings, and the entity has indicated most or all recommendations have already been, or will be, implemented. In addition, if applicable, many of the prior recommendations have been implemented.
- Fair:** The audit results indicate this entity needs to improve operations in several areas. The report contains several findings, or one or more findings that require management's immediate attention, and/or the entity has indicated several recommendations will not be implemented. In addition, if applicable, several prior recommendations have not been implemented.
- Poor:** The audit results indicate this entity needs to significantly improve operations. The report contains numerous findings that require management's immediate attention, and/or the entity has indicated most recommendations will not be implemented. In addition, if applicable, most prior recommendations have not been implemented.

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THOMAS A. SCHWEICH

Missouri State Auditor

Presiding Judge and Court en Banc
and
Circuit Clerk of the
Thirteenth Judicial Circuit
Callaway County, Missouri

The State Auditor was requested by the Honorable Judge Gary Oxenhandler, Presiding Judge at the time of the request, under Chapter 29, RSMo, to audit the Thirteenth Judicial Circuit, Callaway County. The scope of our audit included, but was not necessarily limited to, the year ended December 31, 2012. The objectives of our audit were to:

1. Evaluate the court's internal controls over significant financial functions.
2. Evaluate the court's compliance with certain legal provisions.
3. Determine the extent of monies missing from the court.

Our methodology included reviewing written policies and procedures, financial records, and other pertinent documents; interviewing various personnel of the court, as well as certain external parties; and testing selected transactions. We obtained an understanding of internal controls that are significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our 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 such a basis.

The accompanying Organization and Statistical Information is presented for informational purposes. This information was obtained from the court's management, the Office of State Courts Administrator, and Callaway County and was not subjected to the procedures applied in our audit of the court.

For the areas audited, we identified (1) deficiencies in internal controls, (2) noncompliance with legal provisions, and (3) missing monies. The accompanying Management Advisory Report presents our findings arising from our audit of the Thirteenth Judicial Circuit, Callaway County.

A handwritten signature in black ink, reading "Thomas A. Schweich". The signature is fluid and cursive, with the first name "Thomas" and last name "Schweich" clearly legible.

Thomas A. Schweich
State Auditor

The following auditors participated in the preparation of this report:

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1. Missing Funds and Other Questionable Transactions

During 2011 and 2012, monies were determined to be missing from circuit court receipts.

In September 2012 the Office of State Courts Administrator (OSCA) performed a routine accounting review of the circuit court and identified 60 questionable transactions between January 1, 2012, and September 13, 2012, totaling \$8,845 for which monies could be missing. Based on these discrepancies, the Presiding Judge contacted the State Auditor's office (SAO) to request an audit of court operations.

In addition to the amounts identified by OSCA, our audit determined from January 2011 through December 2011, receipts totaling at least \$355 were received but not deposited, and additional funds totaling at least \$2,447 are likely missing, based on voided cash receipts, unsupported non-monetary transactions, and improper reduction or non-assessment of fines and court costs in the computerized system. Further, some manual receipt slips were removed from the receipt slip books and could not be located, indicating possible additional missing funds during 2012 and 2011.

The Clerk Supervisor primarily responsible for the cases in which problems were identified was placed on administrative leave on September 14, 2012, and was subsequently terminated on October 6, 2012. The OSCA information was turned over to the Callaway County Sheriff's office and a Special Prosecutor after the OSCA review was completed. The investigation is ongoing.

Undeposited cash receipts

Recorded cash receipts totaling \$355 were not deposited.

- The former Clerk Supervisor issued a manual receipt slip for a cash receipt totaling \$199 in fines and court costs, but did not deposit the monies and recorded the receipt as a non-monetary receipt in the Justice Information System (JIS), the Missouri courts automated case management system.
- The former Clerk Supervisor issued a manual receipt slip for a cash receipt totaling \$126 in fines and court costs, but did not deposit or record the receipt in the JIS. The court eventually sent this case to a debt collection agency and the outstanding balance plus collection fees was collected by the agency, causing this defendant to effectively pay these fines and court costs twice.
- The docket sheet for one case indicated a \$30 payment was made on the case. However, this payment was not deposited. Instead, the former Clerk Supervisor initially recorded it in the JIS as a non-monetary judicial order transaction, voided it, and then re-entered it as a non-monetary time served transaction.



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Possible additional missing monies

A review of available court records indicates the handling of fines and court costs for some cases was not consistent with judge's orders on the case docket sheets. Payments totaling at least \$2,447 for fines and court costs associated with 17 cases were likely made to the court, but were not recorded in the JIS or deposited. Associated fines and court costs for these cases were adjusted to zero or not assessed in the JIS. In addition, several receipt slips from four manual receipt slip books were missing.

- The former Clerk Supervisor assigned JIS receipt numbers to ten non-monetary judicial order, time served, and community service transactions totaling \$1,338, which were not supported by a judge's order in the case file, inappropriately reducing the amount due from the defendants by the same amounts.
- The former Clerk Supervisor initially recorded two cash receipts totaling \$518 as monetary transactions in the JIS, but later voided and then re-entered them as non-monetary judicial order, time served, or community service transactions, without a supporting judge's order in the case file, and therefore, inappropriately reduced the amounts due from the defendants by the same amounts.
- The former Clerk Supervisor initially recorded a \$217 receipt as a monetary transaction in the JIS, but later voided this transaction. This case was exempted from automatic debt collection in the JIS; therefore, the outstanding balance remained undetected by the court.
- The former Clerk Supervisor did not assess court costs totaling \$374 on four cases in the JIS prior to disposition of the cases. The docket sheets for these cases indicate court costs were ordered by the Judge and should have been assessed prior to the disposition of the cases in the JIS.
- Several manual receipt slips and the top copies of some blank manual receipt slips were missing. In addition, the originals of some voided manual receipt slips were also missing. Therefore, defendants may have been issued manual receipt slips for payments made, which were later removed from the manual receipt slip book or voided and not deposited or recorded in the JIS.

The lack of segregation of duties, inadequate controls, and the absence of proper oversight by the Circuit Clerk, as discussed in the remainder of this report, resulted in the failure to detect these discrepancies.

Recommendation

The Court en Banc and the Circuit Clerk continue to work with law enforcement officials regarding criminal prosecution related to the missing



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funds and other questionable transactions, including restitution of missing funds.

Auditee's Response

The Court en Banc provided the following written response:

The Court will continue to do all that it ethically can to cooperate in the resolution of the issues raised in the audit.

The Circuit Clerk provided the following written response:

The Circuit Clerk filed a report with the Callaway County Sheriff's department two working days after the fraud had been identified. All pertinent information has been given to the investigator of the Callaway County Sheriff's department. The Presiding Judge referred this matter to the Supreme Court. The Supreme Court transferred a Judge outside the 13th Circuit to the 13th Circuit for the purpose of appointing a Special Prosecutor. A Special Prosecutor has been appointed and we remain in contact with him. It is my understanding that both parties, the investigator and the Special Prosecutor, will proceed after they have received this report.

2. Accounting Controls and Procedures

Significant weaknesses were identified with accounting controls and procedures. As a result, some receipts were not accounted for properly.

According to court records, receipts totaled approximately \$1,510,000 in 2012 and \$1,860,000 in 2011. Fines and court costs are collected, recorded in the JIS, and deposited into the Circuit Clerk's general bank account by personnel of the Circuit Clerk's office. Cash bonds are collected and receipted by the Callaway County Sheriff's office, then transmitted by check to the Circuit Clerk's office for deposit. In addition, manual receipt slips are used to record some cash receipts that are not immediately recorded in the JIS. Based on the OSCA review performed in 2012, the court established procedures to address some of the weaknesses noted below; however, not all of these procedures were fully implemented as of March 2013.

2.1 Segregation of duties and supervisory review

The Circuit Clerk has not adequately segregated the duties of receiving and recording receipts, preparing deposits, and disbursing funds and has not established supervisory reviews to detect errors. There are several court clerks with responsibilities for collecting monies. The three court clerk supervisors rotate various duties, but at times have the capabilities to record transactions, prepare deposits, compare the composition of receipts to the composition of the deposit for each JIS cashier session, and sign disbursement checks, in addition to collecting monies.

Neither the Circuit Clerk nor clerk personnel independent of the cash custody and record-keeping functions provide adequate supervision or



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review of the work performed by various clerks to ensure transactions are appropriate.

Receipts

Because of inadequate supervision, questionable transactions were not identified and monies are missing. For example, one discrepancy noted during the OSCA review indicated the former Clerk Supervisor issued JIS receipt number 13CW379327 for \$637 cash on April 18, 2012, and then later the same day voided the cash receipt with non-monetary receipt number 13CW379336. This Supervisor disposed the case without assessing the applicable fees in the JIS and the cash associated with the receipt was never deposited. However, there was no entry on the docket sheet or other documentation in the case file to indicate the Judge authorized the non-assessment of fees for this case. In addition, the Circuit Clerk has not established supervisory reviews of voided receipts, which would have detected these discrepancies. At the OSCA's request, the court contacted the defendant and the defendant was able to provide a copy of the original cash receipt slip number 13CW379327 to the court as proof of payment.

Disbursements

Checks from the bank account can be issued by any court clerk, require only one signature, and are not reviewed by a person independent of the disbursement function. As a result, the former Clerk Supervisor was able to inappropriately issue a \$149 check on July 31, 2012, to a member of her family for a bond refund instead of disbursing these monies to the defendant in the case. Although this check had not been negotiated as of March 2013, the Circuit Clerk had not established controls to prevent or detect such improper disbursements, such as requiring dual signatures on checks or performing periodic independent reviews of disbursements. This discrepancy was eventually found by the court in March 2013 when new procedures were put in place for reviewing outstanding checks. However, if this check had been cashed, these new procedures would not have detected this discrepancy.

Conclusions

Thorough supervisory reviews help ensure all transactions are accounted for properly and assets are adequately safeguarded. Such reviews would reduce the possibility of errors, loss, theft, or misuse of funds going undetected. Internal controls would be improved by segregating duties to the extent possible, and the Circuit Clerk performing a thorough supervisory review. Further, dual signatures would help provide assurance checks are written only for appropriate disbursements.

2.2 Non-monetary transactions

Non-monetary transactions, voids, and adjustments in the JIS are not properly documented and the Circuit Clerk has not established procedures for review and approval of such transactions by persons independent of the receipting process. Non-monetary transactions, including judicial order, time served, and community service transactions, are transactions in which no monies are received; however, credit is applied to the account balances. Adjustments include the reduction or non-assessment of fines and court



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costs in which the amounts due are changed or not assessed in the JIS. Most non-monetary transactions and adjustments should be supported by a judicial order reducing the defendant's debt owed. However, the Circuit Clerk's office did not maintain documentation for numerous non-monetary transactions, voids, and adjustments that occurred during the audit period. Some of these transactions were possibly used to conceal missing monies (see MAR finding number 1).

Adequate documentation and independent review and approval of non-monetary transactions are necessary to help ensure such transactions are appropriate and reduce the risk of errors, theft, or misuse of funds.

2.3 Manual receipt slips

The Circuit Clerk has not established proper controls or procedures for manual receipt slips. Manual receipt slips issued are not recorded timely in the JIS, reviewed by a supervisor, or reconciled to the JIS, and the related monies are not deposited timely. In addition, the method of payment is not always indicated and these receipt slips are not accounted for properly. Prior to September 2012 the manual receipt slip book was accessible to all clerks at any time. In September 2012 the Circuit Clerk implemented new procedures, and manual receipt slips are now only used when the JIS is unavailable. In addition, the manual receipt slip book is now secured by the Circuit Clerk when not in use. The following concerns were noted during a review of manual receipt slips:

- Generic unnumbered manual receipt slips were issued for monies received until May 2012 when the office began using a generic prenumbered receipt slip book. In January 2013, new control procedures were implemented, which include using an official prenumbered manual receipt slip book.
- Manual receipt slips are not always recorded in the JIS on a timely basis and subsequently the related monies are not deposited timely. Of the 204 manual receipt slips issued during 2012, 47 (23 percent) were not recorded in the JIS and deposited for 4 or more business days after receipt. One manual receipt slip issued on April 13, 2012, was not recorded in the JIS until July 12, 2012, a lapse of 90 days.
- The method of payment was not recorded on 13 (6 percent) of the 204 manual receipt slips issued during 2012.
- Receipt slips are not accounted for properly. Our review of the 2012 manual receipt slip books identified nine manual receipt slips for which both the original and copy were torn from the applicable receipt slip book and not retained. In addition, the original of three blank and two voided manual receipt slips was torn from the applicable receipt slip book and not retained.



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- There is no independent review to ensure manual receipt slips issued are properly recorded in the JIS and the related monies are subsequently deposited. Receipts are only included in daily deposits if they are recorded in the JIS as monetary transactions. Our audit of select manual receipt slips issued during 2011 identified two manual receipts totaling \$325 in which the related monies were not deposited (see MAR finding number 1). In addition, \$802 recorded on 6 of the 204 (3 percent) manual receipt slips issued during 2012 was not deposited and the transactions were also identified by OSCA as questionable.

Controls over manual receipt slips are necessary to adequately safeguard receipts and reduce the risk of loss, theft, or misuse of funds. Necessary controls include utilizing official prenumbered manual receipt slips, limiting or restricting their use, accounting for the numerical sequence, indicating the method of payment, and ensuring proper and timely recording of manual receipts in the JIS.

2.4 Receipting and deposit procedures

The Circuit Clerk has not established procedures to log or restrictively endorse mail receipts immediately upon receipt or issue receipt slips immediately for these monies. In addition, garnishment receipts are not always maintained in a secure location and deposits of garnishment receipts are not made intact or on a timely basis.

A court employee initially opens and sorts the mail; however, that individual does not record the payments on a mail log, issue receipt slips, or restrictively endorse the checks or money orders received. Instead, the various court clerks receive the checks and record and process the monies received.

At the time of our cash count on January 16, 2013, there were 44 garnishment checks on hand totaling \$6,325 ranging in date from November 19, 2012, to January 14, 2013. Four of these checks were not restrictively endorsed and the garnishments receipts were not deposited intact with other monies on hand. Although a deposit was prepared the day after our cash count, none of these checks were included in that deposit. Twenty-four of the checks totaling \$4,744 were receipted and deposited within 3 calendar days of our cash count; however, 18 checks totaling \$1,475 were not receipted into the JIS until January 24, 2013, and were not deposited until January 25, 2013. The remaining two checks totaling \$106 were returned to the senders because the garnishments were already paid in full. The clerk responsible for handling garnishment checks stated she only posts these checks to the JIS when she has time. In addition, garnishment checks are stored in a folder on the clerk's desk instead of a secure location prior to recording in the JIS and subsequent deposit. Because there is no log of monies received in the mail, we were unable to determine the date these checks were actually received by the court. Some of these checks may have been held unsecured for several weeks.



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An initial record of monies received in the mail combined with procedures to reconcile these monies to the JIS and deposit records is necessary to adequately safeguard receipts. In addition, restrictively endorsing checks immediately upon receipt, posting all receipts to the JIS when received, maintaining receipts in a secure location until deposited, and depositing all receipts intact in a timely manner helps reduce the risk of loss, theft, or misuse of funds.

2.5 Accrued costs

The Circuit Clerk does not periodically review accrued costs owed to the court (fines and court costs, incarceration costs, and court-ordered restitution). Accrued costs totaled \$1,014,529 as of December 31, 2012. In addition, the court has not created payment plans for all amounts not paid in full at case disposition and does not always enforce collection of the time payment fee.

Outstanding balances

The court does not follow its formal administrative plan for collection of court debt, including establishing payment plans and reviewing outstanding balances to write off amounts deemed uncollectible. Outstanding balances are not periodically reviewed to determine if any amounts are uncollectible.

Payment plans

The court has not established payment plans in the JIS for all amounts not paid in full at case disposition as required by state court operating rules. As of March 4, 2013, 2,748 cases with balances due totaling approximately \$400,000 had been outstanding for greater than 5 years and another 1,866 cases with balances due totaling approximately \$260,000 were not associated with payment plans.

Time payment fees

The court does not always enforce collection of the \$25 time payment fee. Court personnel will sometimes adjust this fee to zero if all other fines and court costs are paid in full within a few weeks after the 30-day deadline. Our review of the fee adjustments report identified 35 time payment fees totaling \$875 were adjusted to zero during 2012.

Conclusions

The formal administrative plan for collection of court debt requires the Court to review accounts receivable reports developed by OSCA and the debt collection vendor. Accounts deemed to be uncollectible may be written off by court order by the assigned judge. Adherence to the provisions of Court Operating Rule (COR) 21, as adopted by the Missouri Supreme Court, is required for courts automated on the JIS. COR 21.07 requires all courts using the JIS to participate in the tax offset and debt collection programs and requires the court to create payment plans in the JIS for all amounts not paid in full at case disposition. In addition, COR 21.13 requires all divisions of the circuit courts, except municipal divisions, to assess a \$25 time payment fee on all cases not paid in full within 30 days of disposition. Failure to follow these guidelines could result in lost revenue and in loss, theft, or misuse of funds.



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2.6 Open Items

Prior to February 2013 the court did not adequately review monthly lists of liabilities to ensure bonds were disbursed in a timely manner. Court personnel indicated a monthly liabilities report was generated from the JIS to perform end of month procedures; however, it was not reviewed from January 2011 through January 2013 to determine if any bonds should be disbursed. In one case reviewed, bond monies were received in January 2012, and the fine and court costs were assessed in September 2012; however, action was not taken to offset the fine and court costs from the bond and refund the balance to the defendant until February 2013 after the bond liabilities report was reviewed as part of the court's newly established procedures.

Procedures to routinely investigate bonds remaining on the liabilities list over a specific period of time is necessary to properly monitor bonds and ensure monies are appropriately disbursed as provided by state law.

2.7 Case entry and disposition

Court personnel do not always properly record the initial entry and final disposition of each case in the JIS. We obtained case reports from OSCA for 2012 which identified four cases that were suspended and had been inactive for periods ranging from 8 to 14 months because court personnel canceled a future court date and did not reschedule a new court date. When case activity is suspended, the case no longer appears on the court docket and cannot be properly disposed. We also identified a disposed case in which court costs of \$162 were not assessed at disposition and four traffic cases that were entered incorrectly in the JIS. The court costs of \$162 were assessed and billed after we brought it to the Court's attention. The traffic case errors were caused by clerks entering incorrect case numbers in the JIS. For example, case number 700322543 was erroneously entered as case number 70022543 in the JIS. Although case number 700322543 was later properly entered and disposed, the erroneously entered case number 70022543 was not removed from the JIS and was automatically suspended because it did not have a scheduled court date.

In addition, at our request OSCA generated a special report showing disposed cases with no fees for 2011, which identified four cases in which court costs totaling \$374 for four cases were not assessed prior to disposition (see MAR finding number 1).

Without procedures to ensure the proper case number, disposition, and associated costs of all cases have been entered in the JIS, the Court cannot be assured all cases are properly handled and associated costs are assessed.

Recommendations

The Circuit Clerk:

- 2.1 Segregate accounting duties to the extent possible and implement appropriate reviews and monitoring procedures. In addition, the Circuit Clerk should require dual signatures on all checks.



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- 2.2 Require an independent review and approval of non-monetary transactions, voids, and adjustments made in the JIS, and retain adequate documentation to support these transactions.
- 2.3 Continue to ensure manual receipt slips are prenumbered and their use is limited. The Circuit Clerk should also ensure manual receipt slips are recorded timely in the JIS and deposited timely. In addition, the method of payment should be indicated for all manual receipts and the numerical sequence should be accounted for properly. Further, manual receipts should be reviewed and reconciled to the JIS and to the related deposits by someone independent of the receipting process.
- 2.4 Require an initial record of monies received by mail be prepared and reconciled to the JIS, restrictively endorse checks and money orders immediately upon receipt, and require receipt slips be issued for all monies on a timely basis. In addition, the Circuit Clerk should maintain garnishment monies collected in a secure location and deposit these receipts timely and intact.
- 2.5 Follow established policy and ensure collection of accrued costs and fees in accordance with court operating rules.
- 2.6 Continue recent efforts to review the status of liabilities to determine the appropriate disposition of funds.
- 2.7 Implement procedures to ensure the initial entry and disposition of cases and associated costs are properly recorded in the JIS. Various case reports should be reviewed on a monthly basis to detect erroneously entered and suspended cases and to ensure proper treatment of disposed cases.

Auditee's Response

The Circuit Clerk provided the following written responses:

- 2.1 *Accounting duties have been segregated. An "Accounting Supervisor" was appointed in January 2013 and she began reviewing monthly reports starting February 2013. This position has no receipting or initiating disbursement duties. This position reviews the following items monthly: Open Items Report – Outstanding Check List – Deposit Report in Detail – Manual Receipts – Void Receipts – Non-Monetary Transactions – Fee Adjustments. In our effort to segregate duties the Accounting Supervisor also signs checks. As we do not have enough staff to provide for two people to sign each check, we do not require two signatures on our checks. We have instituted "Positive Pay" with*



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our bank. We believe the segregation of duties and the Positive Pay accomplishes the same purpose as dual signatures.

- 2.2 *Our Accounting Supervisor reviews all non-monetary transactions, voids and adjustments made in JIS for accuracy and for adequate documentation. The reports used to accomplish these reviews are listed in the response to 2.1. When a transaction is voided a copy of the void and all supporting documentation is given to the Accounting Supervisor for review. Additionally only two clerks have the password and authority to void transactions. Because we are an eFiling court, non-monetary transactions and adjustments are viewed for accuracy and documentation by viewing the information in JIS.*
- 2.3 *Manual receipts that are imprinted with the court name and address and that are pre-numbered are now being used. These receipts are secured by the Circuit Clerk and are only used when JIS is unavailable or at month's end when final accounting is being accomplished. Manual receipts are reviewed monthly by the Accounting Supervisor to ensure they are recorded in JIS and deposited timely, that the method of payment is indicated and that the numerical sequence is accounted for.*
- 2.4 *Checks are restrictively endorsed and file date stamped when they are received. Garnishment checks are removed from the clerk's desk at day's end and stored in the vault. The person that is responsible for processing the garnishment checks is also one of two clerks that perform weekly accounting duties. They alternate weeks. Garnishment checks are deposited weekly on the week that the garnishment clerk is performing accounting duties and twice weekly on the week that she is not. Once again we do not have enough staff to accomplish recording the garnishment checks at time of receipt. We do file date stamp each check stub or envelope containing the check for those that do not have pay stubs. This enables us to determine that the checks are deposited timely. As recommended, in our attempt not to issue manual receipts, we use the receipts provided by JIS when money is receipted.*
- 2.5 *Our court had established a Formal Administrative Plan for the Collection of Court Debt in accordance with Court Operating Rule 21. This plan was reviewed and revised with an effective date of August 28, 2013. This office held a staff meeting on August 27, 2013, to review, discuss and implement the changes this plan requires for the collection of court costs and fines. This current revision of the Formal Administrative Plan for the Collection of Court Debt also makes provision for debt older than five years to be*



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written off by court order. It is the intent of this Circuit Clerk to provide the Presiding Judge a list of accounts older than five years with no activity in the last 12 months requesting an order to write them off as uncollectible. After these old accounts have been removed the Accounting Supervisor will run the following reports for review and action as required. These reports will continue to be reviewed monthly, Costs Not Associated to a Party – Costs Not Associated to a Payment Plan – Costs With no Time Payment Fee – Inactive Payment Plans – Active Payment Plans (review on test basis to ensure they are set up according to court policy).

- 2.6 *The Accounting Supervisor runs, reviews and makes necessary corrections to the "Open Items Report" monthly. This process started in February of 2013.*
- 2.7 *With the implementation of eFiling our office stays current within two days on the entry of new cases. Cases that are filed ProSe and have a filing fee associated with them take precedence for initiation to ensure that the money is deposited timely. The Accounting Supervisor since February of 2013 monthly runs and reviews a report CZRNSCH that lists Non-Scheduled Active Cases. We have been in contact with OSCA and we are currently waiting for them to develop a report that indicates disposed cases with no fees. When this report is available we will run and review it monthly.*

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Organization and Statistical Information

The Thirteenth Judicial Circuit consists of Callaway County as well as Boone County.

The Thirteenth Judicial Circuit consists of four circuit judges and six associate circuit judges. The circuit judges hear cases in Callaway and Boone Counties and preside over Circuit Divisions I, II, III, and IV. Of the six associate circuit judges, two are located in Callaway County and preside over Associate Circuit Divisions VI and VII. The other four associate circuit judges are located in Boone County and are not included in the scope of this audit. The Family Court Commissioner is appointed pursuant to Section 487.020, RSMo, and presides over Division VIII.

Personnel

At December 31, 2012, the judges, Family Court Commissioner, Circuit Clerk, Court Administrator, and Juvenile Officer of the Thirteenth Judicial Circuit, Callaway County, were as follows:

Title	Name
Circuit Judge, Division I	Christine Carpenter
Circuit Judge, Division II	Gary Oxenhandler
Circuit Judge, Division III	Kevin Crane
Circuit Judge, Division IV	Jodie Capshaw Asel
Associate Circuit Judge, Division VI	Carol England
Associate Circuit Judge, Division VII	Robert Sterner
Family Court Commissioner, Division VIII	Sara Miller
Circuit Clerk	Judy O. Groner
Court Administrator	Kathy Lloyd
Juvenile Officer	Cindy Garrett

Financial Information

Receipts of the Thirteenth Judicial Circuit, Callaway County, were as follows:

	Year Ended December 31,	
	2012	2011
Court deposits, fee, bonds, and other	\$1,496,051	\$1,853,445
Drug court	7,105	5,305
DWI court (1)	4,550	-
Interest Income	2,429	1,485
Total	\$1,510,135	\$1,860,235

(1) Program began in 2012



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Caseload Information

From the Office of State Courts Administrator Missouri Judicial Reports, case filings of the Thirteenth Judicial Circuit, Callaway County, were as follows:

	Year Ended June 30,	
	2012	2011
Civil	2,053	2,161
Criminal	4,069	3,714
Juvenile	187	114
Probate	269	114
Total	6,578	6,103

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Supporting Documentation for Missing Cash Receipts and Possible Additional Missing Funds

The following tables provide supporting documentation for the undeposited cash receipts totaling \$355 as discussed in Management Advisory Report finding number 1.

Unnumbered Manual Cash Receipts Entered as Non-monetary Receipts¹ in JIS

Date Received	JIS Receipt Number ²	Amount Received
November 30, 2011	13CW372823	\$ 199
Total		\$ 199

Unnumbered Manual Cash Receipts not Entered in JIS

Date Received	Case Number	Amount Received
December 9, 2011	11CW-CR01603	\$ 126
Total		\$ 126

Cash Receipt Entered as Non-Monetary¹ Receipt, Voided, and Re-entered as Another Non-Monetary Receipt

Date Received	JIS Receipt Number ²	Amount Received
November 10, 2011 & December 12, 2011	13CW371037, 13CW371038, & 13CW372517	\$ 30
Total		\$ 30

The following tables provide supporting documentation for the possible additional missing monies based on court records, which indicate payments totaling at least \$2,447 may have been made to the court, but were not properly recorded and deposited.

JIS Non-Monetary¹ Receipts

Date Received	JIS Receipt Number ²	Amount Received
January 5, 2011	13CW353190	\$ 150
June 14, 2011	13CW361958	50
June 17, 2011	13CW362409	10
July 18, 2011	13CW364475	144
July 18, 2011	13CW364476	144
August 24, 2011	13CW366474	300
December 14, 2011	13CW372829	142
December 15, 2011	13CW372879	180
December 27, 2011	13CW373318	100
December 29, 2011	13CW373544	118
Total		\$ 1,338



Thirteenth Judicial Circuit - Callaway County
Supporting Documentation for Missing Cash Receipts and
Possible Additional Missing Funds

JIS Cash Receipts Entered, Voided,
and Re-Entered as Non-monetary
Transactions¹

Date Received	JIS Receipt Number ²	Amount Received
December 8, 2011	13CW372430, 13CW372431, 13CW372432, & 13CW372433	\$ 200
December 12, 2011 & December 13, 2011	13CW372554, 13CW372555 13CW372661	318
Total		\$ 518

JIS Cash Receipt Entered and Voided
(case exempt from debt collection)

Date Received	JIS Receipt Number ²	Amount Received
December 1, 2011	13CW371987 & 13CW371990	\$ 217
Total		\$ 217

Cases Disposed with No Court Costs
in JIS

Case Number	Judgment Order Date	Applicable Costs
10CW-CR01441	April 22, 2011	\$ 85
10CW-CR01150	June 29, 2011	85
11CW-CR01473	October 7, 2011	119
11CW-CR00124	October 19, 2011 ³	85
Total		\$ 374

¹ Non-monetary receipts include judicial order, time served, and community service. There were no entries on the docket sheets or other documentation in the case files to indicate the Judge authorized the reduction of amounts due for these transactions.

² All transactions in the JIS are assigned receipt numbers, including monetary receipts, non-monetary receipts, voids, and adjustments.

³ The case docket sheet indicates the judgment order was on October 19, 2011, while the JIS indicates the order date was October 21, 2011.