

Scott Fitzpatrick

Missouri State Auditor

Ste. Genevieve County
Public Administrator

Report No. 2024-022

March 2024

auditor.mo.gov



Findings in the audit of the Ste. Genevieve County Public Administrator

Annual Settlements	The former Public Administrator did not file annual settlements timely. Of the 55 annual settlements filed for each ward or estate for the period of January 1, 2021, through March 17, 2022, the former Public Administrator did not file any by the required due date. The former Public Administrator filed 45 of the settlements between 30 and 182 days late. She filed the other 10 annual settlements less than 30 days after the due date. The Probate Division issued late filing citations for 12 of the annual settlements.
Disbursements	The former Public Administrator did not retain adequate supporting documentation for disbursements, totaling \$2,724, from 7 of 29 ward bank accounts reviewed. She did not maintain supporting documentation for 20 questionable and unsupported disbursements including 13 disbursements, totaling \$1,898, made to Walmart and 7 disbursements, totaling \$270, to other retail and online stores. She did not maintain supporting documentation for 6 payments identified as reimbursements, including 3, totaling \$263, to the former Public Administrator and 3, totaling \$293, to the mother of the ward.
Bank Reconciliations	The former Public Administrator did not prepare or maintain accurate bank reconciliations for ward accounts. For the 29 filings reviewed, the former Public Administrator should have completed 134 monthly bank reconciliations for the period reviewed. Of those 134 reconciliations due, 63 (47 percent) were inaccurate or were missing.
Electronic Data Security	Controls over the Public Administrator's computers are not sufficient. As a result, the Public Administrator's computers and data are not adequately protected and are susceptible to unauthorized access or loss.

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.

Ste. Genevieve County Public Administrator

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SCOTT FITZPATRICK MISSOURI STATE AUDITOR

County Commission
and
Public Administrator of Ste. Genevieve County

We have audited certain operations of the Ste. Genevieve County Public Administrator in fulfillment of our duties under Section 29.230, RSMo. Due to a complaint received through our Whistleblower Hotline alleging fiscal mismanagement, the State Auditor's Office initiated the audit. The scope of our audit included, but was not necessarily limited to, the period from January 1, 2021, through March 31, 2022. The objectives of our audit were to:

1. Evaluate the Public Administrator's internal controls over significant management and financial functions.
2. Evaluate the Public Administrator's compliance with certain legal provisions.
3. Evaluate the economy and efficiency of the Public Administrator's management practices and procedures, including certain financial transactions.
4. Determine if improper use of public resources occurred and, if so, quantify the amount to the extent possible.

Our methodology included reviewing written policies and procedures, financial records, and other pertinent documents; interviewing various personnel of the county, as well as certain external parties; and performing sample testing using haphazard and judgmental selection, as appropriate. The results of our sample testing cannot be projected to the entire populations from which the test items were selected. We obtained an understanding of internal control that is significant to the audit objectives and planned and performed procedures to assess internal control to the extent necessary to address our audit objectives. 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 applicable contract, grant agreement, or 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 the evidence obtained provides such a basis.

For the areas audited, we identified (1) deficiencies in internal controls, (2) noncompliance with legal provisions, (3) the need for improvement in management practices and procedures, and (4) improper use of public resources. The accompanying Management Advisory Report presents our findings arising from our audit of the Ste. Genevieve County Public Administrator.



Scott Fitzpatrick
State Auditor

Ste. Genevieve County Public Administrator

Introduction

Background

The Public Administrator serves as the court appointed personal representative for decedent estates and as guardian and/or conservator for individuals who are unable to care for themselves or their property when there is no one else to serve in that capacity. The Public Administrator was responsible for the financial activity of approximately 44 wards with assets totaling approximately \$514,000 as of January 1, 2021, and approximately 52 wards with assets totaling approximately \$778,000 as of January 1, 2022. The Public Administrator is required to file annual settlements with the Circuit Court, Probate Division, for each appointed ward or estate reflecting the financial activity for the year.

Robin Naeger was elected Ste. Genevieve County Public Administrator in November 2020 and began her term on January 1, 2021. During the year ended December 31, 2021, the Public Administrator received salary compensation of \$55,329. The Public Administrator supervises the daily operations of the Public Administrator's office. The Public Administrator's office employed 1 part-time employee for nearly all of Robin Naeger's time in office.

Robin Naeger resigned and Amanda Kuehn was appointed as Interim Public Administrator by the Ste. Genevieve County Commission on March 17, 2022. Robin Naeger is referred to as the former Public Administrator throughout this report. Amanda Kuehn was appointed temporary guardian/conservator on March 18, 2022, by the Twenty-Fourth Judicial Circuit Court, and on April 20, 2022, Governor Michael Parson appointed Amanda Kuehn as the Ste. Genevieve County Public Administrator.

In March 2022, the State Auditor's Office (SAO) received complaints through its Whistleblower Hotline alleging fiscal mismanagement within the Ste. Genevieve County Public Administrator's office. The SAO conducted an initial review of these matters under Section 29.221, RSMo. After completion of a review of documentation and communications provided, the SAO determined further investigation was warranted under Section 29.221, RSMo. In February 2023, SAO personnel informed the Ste. Genevieve County Commission that our office had received credible complaints and that under Section 29.230, RSMo, the SAO would conduct an audit of the Ste. Genevieve County Public Administrator.

Ste. Genevieve County Public Administrator

Management Advisory Report

State Auditor's Findings

1. Annual Settlements

The former Public Administrator did not file annual settlements timely.

For each ward or estate, the Public Administrator is required to file an annual settlement with the Circuit Court, Probate Division, on the case anniversary date, detailing assets held, as well as financial activity for the previous year. We reviewed all 55 annual settlements filed for the period of January 1, 2021, through March 17, 2022, and noted the former Public Administrator did not file any by the due date. The former Public Administrator filed 45 of the settlements between 30 and 182 days late. She filed the other 10 annual settlements less than 30 days after the due date. The Probate Division issued late filing citations for 12 of the annual settlements. Probate Division personnel indicated they did not always issue citations because the Probate Clerk's workload did not allow her to focus exclusively on the Public Administrator's cases. They indicated both the clerk and judge verbally reminded the former Public Administrator of the need to file timely. The former Public Administrator indicated, during a recorded interview, that she was unable to complete annual settlements timely due to her numerous responsibilities.

Section 475.270, RSMo, requires the Public Administrator to file annual settlements at a time fixed by the court. Timely filing of annual settlements is necessary for the court to properly oversee the administration of cases and reduce the possibility that errors, loss, theft, or misuse of funds will go undetected.

Recommendation

The Public Administrator ensure annual settlements are filed timely.

Auditee's Response

The current Public Administrator provided the following response:

I am in agreement with this recommendation and continue to submit annual settlements prior to the due date.

The former Public Administrator provided the following response:

Nearly every time a settlement was late, it was because I was waiting for information/documentation from a facility or caseworker. It was COVID. For most of the first year, I was not allowed in many facilities due to their right to restrict access when they had outbreaks. They were nearly all short-staffed and unable to respond to my requests for documentation and receipt slips in a timely manner. No one is at fault here, that was life with the pandemic. Chaos. Nothing working as it should. There were things beyond my control, which did not affect my ability or dedication. Several settlements came due at the same time and were in various states of readiness when I was shoved out the door. They would have been on time and correct or I would have had time to make them so, had I been allowed the two weeks I offered in my resignation.



Ste. Genevieve County Public Administrator
Management Advisory Report - State Auditor's Findings

2. Disbursements

The former Public Administrator did not retain adequate supporting documentation for disbursements, totaling \$2,724, from 7 of 29 ward bank accounts reviewed.

We reviewed the 25 filings (20 annual settlements and 5 Decedent Estates/Order of Discharge) made for wards with assets during the period of January 1, 2021, through September 1, 2021. We reviewed this time period because, during this time, the Probate Clerk indicated she had little to no time to review annual settlements before they were presented to the judge. As a result, there was less oversight of Public Administrator activity. We also reviewed 4 annual settlements (approximately 10 percent of the settlements filed) submitted for wards with assets during the period of September 1, 2021, to March 31, 2022, because the Judge requested additional documentation for these settlements.¹ The former Public Administrator did not retain adequate supporting documentation for 7 of 29 filings reviewed (24 percent). Without adequate documentation, there was nothing to indicate what was purchased and to demonstrate the purchases were necessary for the wards. We noted the following unsupported disbursements in the 7 filings.

- The former Public Administrator did not maintain supporting documentation for 20 questionable and unsupported disbursements (12 debit card purchases, 1 electronic payment, and 7 checks) from 6 ward bank accounts totaling \$2,168. The former Public Administrator made 13 of the disbursements, totaling \$1,898, to Walmart and the remaining 7 disbursements, totaling \$270, to other retail and online stores.
- For another ward, the former Public Administrator did not maintain supporting documentation for 6 payments identified as reimbursements, including 3, totaling \$263, to the former Public Administrator and 3, totaling \$293, to the mother of the ward.

During a recorded interview, the former Public Administrator discussed that all of the supporting documentation should have been in the wards' files or could have been obtained from her online account with Walmart. We were unable to access the Walmart account because it required an email confirmation from a deactivated email account. The former Public Administrator indicated, in response to questions about the printing and retaining physical copies of supporting documentation for online purchases, that "I'm pretty sure I always did, because I needed something to go by." However, we could not locate such documents in the wards' files or elsewhere in the Public Administrator's office.

¹ There were 67 total filings, 55 annual settlements and 12 other filings, during the audit period. The 29 reviewed were selected from this population.



Ste. Genevieve County Public Administrator
Management Advisory Report - State Auditor's Findings

To ensure payments are valid and proper and to reduce the risk of loss, theft, or misuse of funds, the Public Administrator should maintain adequate supporting documentation for all disbursements.

Recommendation

The Public Administrator ensure disbursements are supported by adequate documentation to demonstrate the payments are necessary and appropriate disbursements of ward funds.

Auditee's Response

The current Public Administrator provided the following response:

I am in agreement and continue to maintain all supporting documentation of disbursements of ward assets.

The former Public Administrator provided the following response:

When I was in office I was able to provide any documentation requested and did. I cannot account for items missing or discovered to be in error after my resignation. Had any errors or omissions been brought to my attention while I had the power and access to address them, I could have.

3. Bank Reconciliations

The former Public Administrator did not prepare or maintain accurate bank reconciliations for ward accounts. During a recorded interview, the former Public Administrator indicated she did not prepare bank reconciliations timely "because there were so many other demands of the job, so sometimes I was doing it 2 or 3 months after the fact."

For the 29 filings reviewed,² the former Public Administrator should have completed 134 monthly bank reconciliations. Of those 134 reconciliations due, 63 (47 percent) were inaccurate or were missing. The former Public Administrator did not have any explanation as to why the reconciliations contained errors and also stated, in a recorded interview, that she did not think it was necessary to provide all bank reconciliations to the court with the annual settlements because the annual settlements were her reconciliations over the whole period. We could not retrieve the missing bank reconciliations from the case system.

Performing and maintaining accurate, monthly bank reconciliations helps ensure receipts and disbursements have been properly handled and recorded. The lack of bank reconciliations or inaccurate reconciliations may allow for errors or misstatements to go undetected.

Recommendation

The Public Administrator complete and maintain accurate monthly bank reconciliations for all ward bank accounts.

² The filings reviewed were the same as those reviewed for annual settlement timeliness.



Ste. Genevieve County Public Administrator
Management Advisory Report - State Auditor's Findings

Auditee's Response

The current Public Administrator provided the following response:

I am in agreement and continue to maintain complete and accurate monthly bank reconciliations for all ward bank accounts.

The former Public Administrator provided the following response:

The accounting software I purchased needed an accurate beginning balance to set up each ward's account. To get that took time and research in some accounts where there were errors going years back. Because this job was 24 hours a day, 365 days a year for 4 years and for most of it I had only me to do it, streamlining the work was necessary. The paper check registers I felt were an outdated method which the EMS system could vastly improve upon for our purposes. I used them in tandem in the interim and did have some errors of my own to account for, but I could always account and answer for them when they arose in the process.

In any given moment I had to choose which fire to put out. I could easily log on and see a balance and know what was about to come or go from an account, so filling out a paper register was often the smaller fire in the big scheme of things. Many of the wards never have more than the few regular deposits and charges. It was the few who had constant demands beginning with the first stimulus drop, which caused chaos in the smooth workings of my office accounting.

4. Electronic Data Security

4.1 User identification and passwords

Controls over the Public Administrator's computers are not sufficient. As a result, the Public Administrator's computers and data are not adequately protected and are susceptible to unauthorized access or loss.

Controls over user identifications and passwords need improvements.

- User identifications and passwords for accessing computers and the EMS system are shared by the Public Administrator and her staff. The Public Administrator's office only has one computer that can be assigned to the EMS system without additional charge; therefore, if staff need to work when the Public Administrator is out of the office, passwords are shared to gain access into the EMS system and the computer by the staff. The EMS system is used to do certain tasks such as backing up documents and maintaining bank reconciliations. The Public Administrator indicated she did not realize the importance of keeping passwords and user identifications confidential.
- The Public Administrator is not required to change her password periodically to help ensure it remains known only to her and is not required to have a minimum number of characters for her EMS system



Ste. Genevieve County Public Administrator
Management Advisory Report - State Auditor's Findings

password. The Public Administrator indicated she did not realize the importance of having password controls in place.

Unique user accounts and passwords are necessary to authenticate access to computers. The security of computer passwords and user accounts is dependent upon keeping them confidential. However, since passwords do not have to be periodically changed or contain a minimum number of characters and are allowed to be shared, there is less assurance the office is effectively limiting access to computers and data files. User identifications should not be shared since individual accountability for system activity could be lost and unauthorized system activity could occur. Passwords should be unique, confidential, contain a minimum number of characters, and be changed periodically to reduce the risk of a compromised password and unauthorized access to and use of computers and data.

4.2 Security controls

The Public Administrator does not have security controls in place to lock the EMS system after a specified number of incorrect login attempts. The former Public Administrator was not aware of and/or did not remember if any security controls were in place on her computer or the EMS system. The current Public Administrator indicated she was not aware of the importance of having security controls in place.

Logon attempt controls lock the capability to access a computer after a specified number of consecutive invalid logon attempts and are necessary to prevent unauthorized individuals from continually attempting to logon to a computer by guessing passwords. If such controls are not available, it is critical passwords are unique, confidential, contain a minimum number of characters, and are changed periodically to reduce the risk they can be guessed. Without effective security controls, there is an increased risk of unauthorized access to computers and the unauthorized use, modification, or destruction of data.

Recommendations

The Public Administrator:

- 4.1 Ensure employees do not share user identifications and passwords, and require confidential passwords that contain a minimum number of characters and are periodically changed to prevent unauthorized access to computers and data.
- 4.2 Require computers to have security controls in place to lock after a specified number of incorrect logon attempts.

Auditee's Response

The current Public Administrator provided the following response:

- 4.1 *I am continuing to work with the EMS system and the county IT department to limit the use of shared usernames and passwords as*



Ste. Genevieve County Public Administrator
Management Advisory Report - State Auditor's Findings

much as possible. In addition, I have set a reminder on my computer to change my passwords every 90 days.

4.2 *EMS system personnel indicated that these types of security controls are not available for this system.*

The former Public Administrator provided the following response:

My office was always locked when I was even down the hall. My passwords were securely stowed away. I trusted only my assistants with access to the things they were assigned to manage and am aware of no breach. From the first week, I made repeated requests from the powers that be for assurances my data was securely and separately stored from the other offices, but never felt that was the case. The information was mine to protect and I did so.



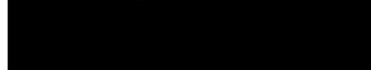
Appendix A
Ste. Genevieve County Public Administrator
State Auditor Subpoena - Robin Naeger



MISSOURI STATE AUDITOR

SUBPOENA

To: **Robin Naeger**



YOU ARE COMMANDED AND REQUIRED to appear personally before the State Auditor or his representative(s), at the Wainwright State Office Building 111 North 7th Street, Room 334 St. Louis, MO 63101 at 10:30am on Thursday, September 14, 2023, for purposes of providing testimony, and producing for examination, copying, and interrogation the following records and documents listed on Exhibit A attached to this Subpoena.

In lieu of appearance, physical access to the records described in Exhibit A may be granted for State Auditor staff on or before the appearance date listed above. Alternatively, records may be shipped to the Missouri State Auditor to the attention of Ethan Evans at 301 W. High St., Room 880, Jefferson City, MO 65102, to be received no later than the appearance date listed above.

ISSUED this 24th day of August 2023, pursuant to Section 29.235.4(1), of the Revised Statutes of Missouri.

A handwritten signature of Scott Fitzpatrick in black ink.

Scott Fitzpatrick
Missouri State Auditor

I served the foregoing subpoena by hand delivery on this 31st day of August, 2023.

A handwritten signature of Ethan Evans in black ink.



Appendix A
Ste. Genevieve County Public Administrator
State Auditor Subpoena - Robin Naeger

EXHIBIT A

You are to preserve for production and inspection, and then appear as instructed on the attached subpoena and produce for inspection and examination, the following items in your possession or under your control:

All documents or other records, in whatever form, whether hard copy or electronic, pertaining or belonging to the Ste. Genevieve County Public Administrator's Office for the time period of January 2020 to March 2022.

This request includes, but is not limited to, the following:

1. **E.g.** - All documentation (invoices, receipts, bank statements, bank reconciliations, etc.) for services provided to/by the Ste. Genevieve County Public Administrator's Office for the period of January 2020 through March 2022;
2. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
3. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
4. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
5. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
6. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
7. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
8. **E.g.** - All records related to account [REDACTED] Ste. Genevieve County Public Administrator for [REDACTED]
9. **E.g.** - All records related to account [REDACTED] Ste. Genevieve Public Administrator for [REDACTED]

This request for records includes all materials that exist in paper ("hard copy") or electronic form (including but not limited to records and data maintained on computers, tablets, smart phones, external electronic storage drives, thumbnail drives, remote servers or back up tapes). All information requested in the items above are subject to inspection, review and copying by the state auditor. Section 29.235.4(1), RSMo.