

# GALVESTON COUNTY



## Office of County Auditor

Randall Rice CPA CISA CIO, County Auditor  
Madeline Walker CPA CFE, First Assistant County Auditor

P.O. Box 1418, Galveston, Texas 77553

(409) 770-5304

722 Moody Ave 4<sup>th</sup> Floor, Galveston, TX 77550

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May 28, 2021

Honorable Mark A. Henry, County Judge, and  
Members of the Commissioners Court  
722 Moody Avenue  
Galveston, Texas 77550

Honorable Mark A. Henry and Members of the Court:

Attached to be received and filed is the internal audit report of the County Clerk's Registry and Trust Fund. The audit covered the period May 1, 2020 through April 30, 2021. Also attached is the response letter from Honorable Dwight D. Sullivan, dated May 19, 2021.

Sincerely,

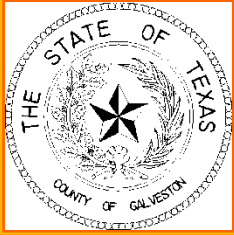
*Randall Rice CPA*

Digitally signed by Randall Rice  
CPA  
Date: 2021.05.20 15:13:42 -05'00'

Randall Rice CPA  
County Auditor

cc: Honorable Dwight D. Sullivan

Attachments: County Clerk's Registry and Trust Fund Audit Report  
Response Letter, Honorable Dwight D. Sullivan



# County Clerk's Registry and Trust Audit

5/14/2021

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 (pages 3)**

- Internal controls for daily operations are sufficient to ensure proper separation of duties.
- No discrepancies were noted in the review of CD investment account balances.

## **Safeguarding of Assets (page 4)**

- Controls are in place to secure the financial assets in the office.
- No material exceptions were noted in the review of the bank reconciliation.

## **Compliance with Statutes, Policies and Procedures (page 5-6)**

- The office is in compliance with court orders when placing funds into the county court registry.
- The office is in compliance with LGC §117.054 and LGC §117.055 when disbursing funds for interest and non-interest bearing accounts.
- There were no discrepancies found when testing for compliance with LGC §117.002 Transfer of Unclaimed Funds to Comptroller.

# Introduction

The Internal Audit Division conducted an internal audit of the Galveston County Clerk's Office, in accordance with Local Government Code §115. The internal audit covered the period May 1, 2020 through April 30, 2021. The audit was performed from May 4, 2021 through May 14, 2020.

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's Office.

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 will not be 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 County Clerk's Office as defined by the AICPA professional standards. However, our internal audit was performed with objectivity and due professional care.

Jessica Gaul, Internal Auditor, performed the audit.

## **Reliability and Integrity of the 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.

The office has instituted procedures to separate the custody of the assets from the recording and authorizing functions. Bookkeeping creates the account owner's and the administrative fee checks at the same time. Administrative Supervisors sign both checks and only return the administrative fee check to the check preparer for end of day depositing. The account owner's check is not returned to the check preparer and is kept locked in the safe until picked up or mailed. The office has effective separation of duties.

### **Certificate of Deposits (CDs)**

The County Clerk is responsible for custody and management of the funds of the county court registry and special (trust) accounts in accordance with applicable statutes and orders of the county courts. The court management system the office uses is Odyssey.

The County Clerk's Office invests registry funds in interest bearing CD accounts when directed by the court. The CD contract reflects the terms of the investment. The bank sends statements to the County Clerk's Office whenever the account earns interest. The office keeps these statements secured in a filing cabinet in the County Clerk's Bookkeeping Department. Bookkeeping enters the interest into Odyssey each compounding period.

The auditor tested a sample of CD accounts for accuracy of information recorded in Odyssey. The current bank statement balances were compared to balances recorded in Odyssey. No discrepancies were noted.

# 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 all methods used 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 staff uses lockable cabinet drawers and a safe to secure the financial assets in the office.

## Management of Assets

Properly prepared and adequately supported bank reconciliations are one of the best methods of cash management available to any official. The reconciliation process identifies any discrepancies in the registry and trust accounts and assists in preventing the misuse of funds.

The County Clerk's Office manages 2 bank accounts:

- Odyssey Registry (non-interest bearing account)
- Odyssey NOW (interest bearing account)

No material discrepancies were noted during the review of the Odyssey Registry bank account reconciliation.

Interest accrued in the Odyssey NOW bank account must be allocated to the individual accounts that make up the bank balance. The County Clerk's Office maintains a spreadsheet used to calculate each account's proportionate share of the monthly accrued interest. The office also maintains individual spreadsheets for each of the accounts. The amount calculated for each account on the individual spreadsheet is then recorded in Odyssey.

The bank reconciliation for the Odyssey NOW bank account was properly performed and adequately supported.

## **Compliance with Statutes, Policies and Procedures**

The following areas were tested to provide reasonable assurance the office is in compliance with statutes, policies and procedures.

### **Compliance with Court Orders**

Funds received by the County Clerk must be deposited in the registry account within three days. The court order dictates the amount to deposit and whether or not the funds are to be transferred to an interest-bearing account or certificate of deposit. The auditor tested a sample of un-invested funds to verify the deposits into the registry were made in accordance with the court orders.

The office is in compliance with court orders when placing funds into the county court registry.

### **Registry Disbursements**

Local Government Code §117.054 County Expenses Paid From Interest states: “(a) If a special or separate account earns interest, the clerk, at the time of withdrawal, shall pay in a manner directed by a court with proper jurisdiction the original amount deposited into the registry of the court and any interest credited to the account in the manner calculated in Subsection (b). (b) The interest earned on a special account or a separate account shall be paid in the following amounts: (1) 10% of the interest shall be paid to the general fund of the county to compensate the county for the accounting and administrative expenses of maintaining the account; and (2) 90% of the interest shall be credited to the special or separate account.”

Local Government Code §117.055 County Expenses Paid From Fees states: “(a) To compensate the county for the accounting and administrative expenses incurred in handling the registry funds that have not earned interest, including funds in a special or separate account, the clerk shall, at the time of withdrawal, deduct from the amount of the withdrawal a fee in an amount equal to five percent of the withdrawal but that may not exceed \$50.”

All disbursements tested for interest and non-interest bearing accounts had corresponding court orders signed by the judge authorizing both a release of funds and the appropriate administrative fee made payable to the county for rendering services when applicable.

## **Compliance with Statutes, Policies and Procedures (Continued)**

### **LGC §117.002 Transfer of Unclaimed Funds to Comptroller**

Local Government Code §117.002 states: “Any funds deposited under this chapter, except cash bail bonds, that are presumed abandoned under Chapter 72, 73, or 75, Property Code, shall be reported and delivered by the county or district clerk to the comptroller without further action by any court. The dormancy period for funds deposited under this chapter begins on the later of:

(1) the date of entry of final judgment or order of dismissal in the action in which the funds were deposited; (2) the 18th birthday of the minor for whom the funds were deposited; or (3) a reasonable date established by rule by the comptroller to promote the public interest in disposing of unclaimed funds.”

A sample of cases was tested. There were no discrepancies noted.





## The County of Galveston

P.O. BOX 17253  
JUSTICE CENTER  
GALVESTON, TEXAS 77552-7253

DWIGHT D. SULLIVAN  
COUNTY CLERK

May 19, 2021

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

Re: Response to the County Clerk's Registry and Trust Audit

Dear Mr. Rice,

Thank you for conducting this audit. Your staff was a pleasure to work with and presented an outstanding report.

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

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

Sincerely,

A handwritten signature in black ink that reads "Dwight D. Sullivan". The signature is written in a cursive style with a large, prominent initial "D".

Dwight D. Sullivan  
County Clerk