



Audit Report
JUSTICE OF THE PEACE - PRECINCT 3-1
OCTOBER 1, 2014 – MARCH 31, 2015
Status: Final

For action:

Chuck Ruckel

Justice of the Peace

For information:

Jeff May

Linda Riggs

County Auditor

First Assistant Auditor

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Report Summary

As part of the 2015 Compliance Audit Plan, an audit of the Justice of the Peace - Precinct 3-1 was conducted in accordance with Texas Local Government Code §115.002.

The overall objective of the audit was to provide assurance that internal controls are in place to ensure:

- The officer has collected all the money they are obligated to collect
- The money collected was properly remitted to the appropriate party
- All funds are properly managed
- All money is properly accounted for, accurately reported, and adequately safeguarded
- The operations of the office conform to prescribed procedures
- Exposure to potential risk is minimized

The audit scope included an audit of banking, cash receipts and internal controls. The time period audited was October 1, 2014 through March 31, 2015.

Refer to the Observations and Recommendations section, as well as the Appendix for the results of the audit.

This review was not intended to provide absolute assurance on all procedures, activities, or controls. We will continue to examine aspects of the office in compliance with statutes and to provide reasonable assurance that County assets are safeguarded and appropriately managed.

An exit conference with the Justice of the Peace was held on Friday, November 13, 2015 to discuss this report.

The time and assistance provided by the Justice of the Peace and the staff during this engagement is greatly appreciated.

Observations and Recommendations

Observation	Recommendation	Management Response
FINDING NUMBER: 136		
<p><u>Condition:</u> Justice Peace 3-1 did not collect the correct amount on 131 reviewed traffic cases that were granted Drivers Safety Course requests. \$113 was collected on these cases, and \$115 should have been collected, therefore the 131 cases were underpaid by \$2.00. After the cases were adjusted, the fees were pro-rated, which caused the payment to the county to be distributed incorrectly.</p> <p><u>Effect:</u> The defendants were given inaccurate assessments which caused them to underpay for their offense. After the cases were adjusted, this caused the fees to be pro-rated. Therefore the county did not receive the correct distribution of fees.</p> <p><u>Cause:</u> After 1/1/14, the Defendant's request for Driver Safety Course Form should have been updated to state the defendant will pay \$115, not \$113. The incorrect payments collected caused state fees to be incorrectly pro-rated and not completely collected and disbursed.</p>	<p><u>A. Transaction Required:</u> Identify all traffic cases that were granted Drivers Safety Course requests to verify if the correct amount was collected and disbursed to the county. Any cases that were underpaid by \$2.00 should be adjusted to reflect the correct fee amounts or an additional \$2.00 should be collected from the defendants.</p> <p><u>B. Internal Control Change:</u> Internal controls should be implemented to ensure the fees charged and collected from the public are in line with the approved fee schedule and statutes.</p>	<p><u>A. Response:</u> This was an oversight on a fee increasing. However, the statute also says (f) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the court may: (1) require a defendant requesting a course under Subsection (b) to pay an administrative fee set by the court to cover the cost of administering this article at an amount of not more than \$10;' Once brought to the attention of the Court Administrator on October 8, 2015, adjustments were made on any and all cases where Drivers Safety Course was requested to pay the required \$2 fee from the '<i>not more than \$10 administrative fee</i>' that was collected. These adjustments were reported to the auditor's office for correct disbursement on October 15, 2015. The amount of \$115 has been collected from that day forward.</p> <p><u>B. Response:</u> See above</p> <p><u>Status of Recommendation:</u> See above – And also attached adjustments/receipt journals and email forwarding this information to the Auditor's office.</p>

<p>Criteria: Fees should be assessed and collected according to the legislative statutes based on the type of offenses and services provided. According to statute, "(b) A person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost \$2 in addition to other court costs." Therefore on the traffic cases that were granted Drivers Safety Course requests there should have been an additional \$2 collected and disbursed after 1/1/14.</p>		
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