

COUNTY of HIDALGO

COUNTY AUDITOR'S OFFICE
 Hidalgo County Administration Building
 2808 South Business Highway 281
 Edinburg, Texas 78539-6243
 PHONE: (956) 318-2511
 FAX: (956) 318-2577
 WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 21, 2019

The Honorable Richard F. Cortez, Hidalgo County Judge
 The Honorable David L. Fuentes, Commissioner Precinct No. 1
 The Honorable Eduardo Cantu, Commissioner Precinct No. 2
 The Honorable Jose M. Flores, Commissioner Precinct No. 3
 The Honorable Ellie Torres, Commissioner Precinct No. 4

Dear Judge and Commissioners:

Pursuant to Local Government Code Section 115.0035 (c), we are submitting for your review the following County Auditor reports:

Department	Description
The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector	Hidalgo County Tax Collected Reports for February 2019
The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector	Hidalgo County Tax Collected Reports for March 2019
The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk	Fee Monthly Report for March 2019
The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk	Criminal Fees Monthly Report for March 2019
The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk	Civil and Probate Court Cost Monthly Report for March 2019
Ms. Yvonne Ramon, Elections Administrator	Monthly Fees Report for March 2019
Mr. Homero Garza, Fire Marshal	Monthly Fees Report for the month of March 2019
Mr. Eduardo Olivarez, Chief Administrative Officer Hidalgo County Health and Human Services Department	Environmental Health Division Monthly Fees Report for March 2019
Ms. Angie Chapa, Law Librarian	Monthly Fee Report for March 2019
The Hon. David L. Fuentes, Commissioner Precinct No. 1	Sanitation Program Monthly Fee Report for January through March 2019
The Hon. Eduardo Cantu, Commissioner Precinct No. 2	Sanitation Program Monthly Fee Report for March 2019
The Hon. Jose M. Flores, Commissioner Precinct No. 3	Anzalduas Park Monthly Fee Report for March 2019
The Hon. Ellie Torres, Commissioner Precinct No. 4	Sanitation Program Monthly Fee Report for March 2019
The Hon. Celestino Avila Jr. Constable Precinct No. 1	Monthly Fees Report for March 2019
The Hon. Martin Cantu, Constable Precinct No. 2	Monthly Fees Report for March 2019
The Hon. Lazaro Gallardo, Constable Precinct No. 3	Monthly Fees Report for March 2019
The Hon. Atanacio Gaitan Jr., Constable Precinct No. 4	Monthly Fees Report for March 2019
The Hon. Daniel Marichalar, Constable Precinct No. 5	Monthly Fees Report for March 2019
Mr. T.J. Arredondo, Director Planning Department	Monthly Fees Report for January 2019 through March 2019
The Hon. J.E. "Eddie" Guerra, Hidalgo County Sheriff	Fee Account Monthly Fees Report for January 2019 through March 2019
The Hon. Laura Hinojosa, Hidalgo County District Clerk	Monthly Fees Report for March 2019
The Hon. Gilberto Saenz, Justice of the Peace Pct. 1 Pl. 1	Monthly Fines and Fees Report for March 2019
The Hon. Jesus Morales, Justice of the Peace Pct. 1 Pl. 2	Monthly Fines and Fees Report for March 2019
The Hon. Bobby Contreras, Justice of the Peace Pct. 2 Pl. 1	Monthly Fines and Fees Report for March 2019
The Hon. Jaime J. Munoz, Justice of the Peace Pct. 2 Pl. 2	Monthly Fines and Fees Report for March 2019
The Hon. Luis Garza, Justice of the Peace Pct. 3 Pl. 1	Monthly Fines and Fees Report for March 2019

HIDALGO COUNTY DISTRICT JUDGES

LUIS B. SINGLETERRY JUDGE, 92ND D.C.
 FERNANDO MANGIAS JUDGE, 81ST D.C.
 J. B. "BOBBY" FLORES JUDGE, 138TH D.C.
 ROSE GUERRA REYNA JUDGE, 206TH D.C.
 MARLA CUELLAR JUDGE, 273RD D.C.
 MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C.
 NOE GONZALEZ JUDGE, 379TH D.C.
 LETICIA LOPEZ JUDGE, 388TH D.C.
 L. KENO VASQUEZ JUDGE, 388TH D.C.
 ISRAEL RAMON, JR. JUDGE, 430TH D.C.
 RENEE B. BETANCOURT JUDGE, 449TH D.C.
 JAIME TIERINA JUDGE, 464TH D.C.

The Hon. Juan "J.J." Pena, Justice of the Peace Pct. 3 Pl. 2	Monthly Fines and Fees Report for March 2019
The Hon. Charlie Espinoza, Justice of the Peace Pct. 4 Pl. 1	Monthly Fines and Fees Report for March 2019
The Hon. Homero A. Jasso, Justice of the Peace Pct. 4 Pl. 2	Monthly Fines and Fees Report for March 2019
The Hon. Jason Pena, Justice of the Peace Pct. 5 Pl. 1	Monthly Fines and Fees Report for March 2019
The Hon. J.E. "Eddie" Guerra, Hidalgo County Sheriff	Regular Trust Financial Statements for July 2018 through December 2018
The Hon. J.E. "Eddie" Guerra, Hidalgo County Sheriff	Inmate Trust Financial Statements for July 2018 through December 2018
The Hon. J.E. "Eddie" Guerra, Hidalgo County Sheriff	2018 Chapter 59 Asset Forfeiture Audit Report No. 2019-04
The Hon. Ricardo Rodriguez, Jr., Criminal District Attorney	2018 Chapter 59 Asset Forfeiture Audit Report No. 2019-05
The Hon. Celestino Avila Jr. Constable Precinct No. 1	Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-06
The Hon. Martin Cantu, Constable Precinct No. 2	Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-07
The Hon. Lazaro Gallardo, Constable Precinct No. 3	Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-08
The Hon. Atanacio Gaitan Jr., Constable Precinct No. 4	Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-09
Mr. Rolando Garza, Hidalgo County Appraisal District	Hidalgo Wind Farm LLC-Phase I and Phase II 2019 Tax Abatement Report No. 2019-38 and 2019-39
Mr. Rolando Garza, Hidalgo County Appraisal District	South Texas Electric Cooperative, Inc. 2019 Tax Abatement Report No. 2019-40
The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector	March 2019 DTA Payment Request Report No. 2019-45
Mr. Rolando Garza, Hidalgo County Appraisal District	Santana Textiles, LLC 2019 Tax Abatement Request No. 2019-47

Respectfully,

Maria A. Duran

Maria Arcilia Duran, CPA
 Hidalgo County Auditor

Attachments

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETARY JUDGE, 82ND D.C. FERNANDO MANCIAS JUDGE, 89TH D.C. J. R. "BOBBY" FLORES JUDGE, 138TH D.C. ROSE GUERRA REYNA JUDGE, 208TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 370TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 388TH D.C. L. KENO VASQUEZ JUDGE, 388TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 469TH D.C. JAIME TIJERINA JUDGE, 464TH D.C.

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EDINBURG, TEXAS 78539

April 18, 2019

The Honorable Pablo "Paul" Villarreal, Jr., RTA
Hidalgo County Tax Assessor/Collector
2804 South Business Highway 281
Edinburg, Texas 78539

Re: Hidalgo County Tax Collected Reports for February 2019

Dear Mr. Villarreal:

We conducted a limited scope review of the *Hidalgo County Tax Collected Reports* and supporting documentation for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities for the month of February 2019 pursuant to Local Government Code §115.002 (a) and (b) and Local Government Code §115.901.

The objective of the review was to determine if taxes, penalties, interest, and fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Hidalgo County Deposit Status Report – All Locations* and the *Hidalgo County Tax Collected Reports* for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting the review, the following procedures were performed:

- Verified that the *Hidalgo County Tax Collected Reports* and supporting documentation were submitted to the County Auditor's Office within fifteen or twenty-five days, as applicable, after the last day of the month pursuant to Tax Code §31.10 (a).
- Verified that the *Hidalgo County Tax Collected Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Hidalgo County Tax Collected Reports* by footing and cross-footing the reports.
- Verified that taxes collected per the *Hidalgo County Tax Collected Reports* agreed to: 1.) total collections per *ACT's* Deposit Distribution Report (Report No. TC298-D); 2.) total deposits made with the County Treasurer; and 3.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Verified that modifications to the tax levy per the *Hidalgo County Tax Collected Reports* agreed to modifications made to the tax levy per *ACT's Tax Collector Monthly Report* (Report No. TC168) for each entity.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 27 th D.C.	FERNANDO MANCIAS JUDGE, 29 th D.C.	J. R. "BOBBY" FLORES JUDGE, 128 th D.C.	ROSE GUERRA REYNA JUDGE, 200 th D.C.	MARLA CUELLAR JUDGE, 275 th D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 nd D.C.	NOE GONZALEZ JUDGE, 376 th D.C. (VPRRFRFR)	LETICIA LOPEZ JUDGE, 383 rd D.C.	L. NENO VASQUEZ JUDGE, 388 th D.C.	ISRAEL RAMON, JR. JUDGE, 437 th D.C.	RENEE R. BETANCOURT JUDGE, 449 th D.C.	JAMIE TIJERINA JUDGE, 454 th D.C.
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- Compared the *Hamer Enterprise Online Credit Card Payment Report* to the *Hidalgo County Deposit Status Report – All Locations* to determine if online credit card transactions were timely received.
- Compared the *Electronic Check BMI 147 Report* to the *Hidalgo County Deposit Status Report – All Locations* to determine if all online e-check transactions were timely received.
- Reviewed the *Hidalgo County Tax Collected Reports* and County Treasurer receipts to determine if collections were properly accounted and deposited with the County Treasurer in a timely manner.
- Reviewed deposits that did not agree to the *Hidalgo County Deposit Status Report – All Locations* report to determine if the shortages were replenished and/if overages were deposited to the general fund as miscellaneous revenue.
- Reviewed selected validated deposit slips to determine if the deposit composition (cash, checks, credit card payments) agreed to the total of the applicable payment method listed on the *Hidalgo County Deposit Status Report – All Locations* report.

Conclusion:

Collections for the month of February 2019 as reported on the *Hidalgo County Tax Collected Reports* for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities totaled \$24,395,781.53. Based on the results of our review, we concluded that taxes, penalties, interest, and fees collected were not properly accounted and reported (see Observation No. 1). In addition, the system of internal controls for the accounting of collections requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations* report. Deposits were short \$688.61 and over \$591.17, as follows:

Shortages:

- One cashier was short \$100.00 at the Alamo Substation on February 4, 2019.
- One cashier was short \$388.62 at the Pharr Substation on February 22, 2019.
- One cashier was short \$100.00 at the Edinburg Substation on February 28, 2019.
- One cashier was short \$99.99 at the Edinburg Substation on February 28, 2019.

Shortages were replenished with funds in the Cashier Over/Short balance sheet account.

Overages:

- One cashier was over \$100.00 at the Alamo Substation on February 5, 2019.
- One cashier was over \$100.00 at the Mission Substation on February 08, 2019.
- One cashier was over \$251.02 at the Pharr Substation on February 14, 2019.
- One cashier was over \$20.00 at the Edinburg Substation on February 19, 2019.
- One cashier was over \$100.15 at the Pharr Substation on February 28, 2019.
- One cashier was over \$20.00 at the Alamo Substation on February 28, 2019.

In addition to the cashier overages noted above, on February 7, 2019 there was a single cash deposit of \$5.00 to the Tax General bank account. As per the note on the deposit slip, the money was found by a tax payer at the lobby.

Overages were placed in the Cashier Over/Short balance sheet account. According to staff, overages will not be remitted to the County Treasurer's Office as miscellaneous revenue for the time being. The funds are utilized to replenish collection shortages, if any.

The County Auditor's Office requires that cash receipts be deposited intact daily. In addition, overages should be remitted to the County Treasurer's Office as miscellaneous revenue. If a shortage occurs of \$100.00 or more, or criminal conduct is suspected, regardless of the amount, the shortage must be immediately reported to the County Auditor's Office and the Sheriff's Office. Shortages should be replenished or a request for indemnification should be

HIDALGO COUNTY DISTRICT JUDGES

made to Commissioners Court pursuant to Local Government Code §157.903. Local Government Code §157.903 authorizes Commissioners Court to indemnify an elected or appointed County officer against personal liability for the loss of County funds, if the loss was not the result of the officer's negligence or criminal action. Failure to implement internal controls may be considered negligence. Supervisors must monitor all overages and shortages to determine if there is a pattern meriting further investigation, modification of collection procedures, retraining of personnel, or disciplinary action.

Failure to ensure that overages and shortages are properly accounted and reported may result in the loss or misuse of funds.

Recommendation:

Management should retrain employees to ensure that cashiers verify that the receipt agrees to the amount collected, prior to issuing a receipt. In addition, management should develop and implement formal monitoring procedures to ensure that overages and shortages are properly accounted and reported. At a minimum, procedures should include the following:

- Transfer overages to the County Treasurer as miscellaneous revenue;
- Replenish shortages or request indemnification from Commissioners Court pursuant to Local Government Code §157.903;
- Monitor all overages and shortages to determine if there is a pattern meriting further investigation, modification of collection procedures, retraining of personnel, or disciplinary action; and
- Immediately report shortages to the County Auditor's Office and the Sheriff's Office, regardless of the amount, if criminal conduct is suspected.

Observation No. 2:

We noted that collections for 2 days were transferred to the County Treasurer's Office 6 to 7 business days after the day the money was received.

Pursuant to Local Government Code §113.022, "A county officer or other person who receives money shall deposit the money with the county treasurer on or before the next regular business day after the date on which the money is received. If this deadline cannot be met, the officer or person must deposit the money, without exception, on or before the fifth business day after the day on which the money is received."

Failure to transfer collections in accordance with Local Government Code §113.022 prevents the County Treasurer's Office from recording the receipts into the accounting system on a timely basis and may result in the inaccurate projection of County revenues.

Recommendation:

Management should ensure collections are transferred and remitted to the Treasurer's Office in accordance with Local Government Code §113.022.

Please provide a written management response to the observations noted above by Friday, April 26, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Abigail Guajardo, MSA, Internal Auditor II, at 318-2511 ext. 4652, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer
Ms. Eva Mireles, Tax Office Chief of Operations
Mr. Julió Espinosa, Property Tax Manager
Ms. Crystal Puente, Chief Accountant

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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EDINBURG, TEXAS 78539

May 6, 2019

The Honorable Pablo "Paul" Villarreal, Jr., RTA
Hidalgo County Tax Assessor/Collector
2804 South Business Highway 281
Edinburg, Texas 78539

Re: Hidalgo County Tax Collected Reports for March 2019

Dear Mr. Villarreal:

We conducted a limited scope review of the *Hidalgo County Tax Collected Reports* and supporting documentation for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Local Government Code §115.901.

The objective of the review was to determine if taxes, penalties, interest, and fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Hidalgo County Deposit Status Report – All Locations* and the *Hidalgo County Tax Collected Reports* for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting the review, the following procedures were performed:

- Verified that the *Hidalgo County Tax Collected Reports* and supporting documentation were submitted to the County Auditor's Office within fifteen or twenty-five days, as applicable, after the last day of the month pursuant to Tax Code §31.10 (a).
- Verified that the *Hidalgo County Tax Collected Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Hidalgo County Tax Collected Reports* by footing and cross-footing the reports.
- Verified that taxes collected per the *Hidalgo County Tax Collected Reports* agreed to: 1.) total collections per *ACT's* Deposit Distribution Report (Report No. TC298-D); 2.) total deposits made with the County Treasurer; and 3.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Verified that modifications to the tax levy per the *Hidalgo County Tax Collected Reports* agreed to modifications made to the tax levy per *ACT's* Tax Collector Monthly Report (Report No. TC168) for each entity.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCIAS JUDGE, 83 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 266 TH D.C.	MARLA CUELLAR JUDGE, 225 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 370 TH D.C. CIVIL PRAFFER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. XENO VASQUEZ JUDGE, 398 TH D.C.	ISRAEL RANON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANGOURT JUDGE, 448 TH D.C.	JAINIE TIERINA JUDGE, 464 TH D.C.
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- Compared the *Hamer Enterprise* Online Credit Card Payment Report to the *Hidalgo County Deposit Status Report – All Locations* to determine if online credit card transactions were timely received.
- Compared the *Electronic Check BMI 147 Report* to the *Hidalgo County Deposit Status Report – All Locations* to determine if all online e-check transactions were timely received.
- Reviewed the *Hidalgo County Tax Collected Reports* and County Treasurer receipts to determine if collections were properly accounted and deposited with the County Treasurer in a timely manner.
- Reviewed deposits that did not agree to the *Hidalgo County Deposit Status Report – All Locations* report to determine if the shortages were replenished and/if overages were deposited to the general fund as miscellaneous revenue.
- Reviewed selected validated deposit slips to determine if the deposit composition (cash, checks, credit card payments) agreed to the total of the applicable payment method listed on the *Hidalgo County Deposit Status Report – All Locations* report.

Conclusion:

Collections for the month of March 2019 as reported on the *Hidalgo County Tax Collected Reports* for the County of Hidalgo (GHD), Road District No. 2 (RD2), Road District No. 5 (RD5), Road District No. 15 (RD15), and State District (TEX) taxing entities totaled \$9,016,738.93. Based on our review, we concluded that taxes, penalties, interest, and fees collected were not properly accounted and reported (see Observation No. 1). In addition, the system of internal controls for the accounting of collections requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations* report. Deposits were short \$490.37 and over \$144.49, as follows:

Shortages:

- One cashier was short \$90.37 at the Edinburg Substation on March 1, 2019.
- One cashier was short \$400.00 at the Edinburg Substation on March 4, 2019.

Shortages were replenished with funds in the Cashier Over/Short balance sheet account.

Overages:

- One cashier was over \$44.49 at the Edinburg Substation on March 5, 2019.
- One cashier was over \$100.00 at the Elsa Substation on March 11, 2019.

In addition to the cashier overages noted above, on March 22, 2019 there was an online credit card deposit in the amount of \$728.72 for a payment made to tax account D0600-07-000-0104-01 that was not receipted. As of today, the transaction has not been receipted.

Overages were placed in the Cashier Over/Short balance sheet account. According to staff, overages will not be remitted to the County Treasurer's Office as miscellaneous revenue for the time being. The funds are utilized to replenish collection shortages, if any.

The County Auditor's Office requires that cash receipts be deposited intact daily. In addition, overages should be remitted to the County Treasurer's Office as miscellaneous revenue. If a shortage occurs of \$100.00 or more, or criminal conduct is suspected, regardless of the amount, the shortage must be immediately reported to the County Auditor's Office and the Sheriff's Office. Shortages should be replenished or a request for indemnification should be made to Commissioners Court pursuant to Local Government Code §157.903. Local Government Code §157.903 authorizes Commissioners Court to indemnify an elected or appointed County officer against personal liability for the loss of County funds, if the loss was not the result of the officer's negligence or criminal action. Failure to implement internal controls may be considered negligence. Supervisors must monitor all overages and shortages to determine if there is a pattern meriting further investigation, modification of collection procedures, retraining of personnel, or disciplinary action.

HIDALGO COUNTY DISTRICT JUDGES

Failure to ensure that overages and shortages are properly accounted and reported may result in the loss or misuse of funds.

Recommendation:

Management should retrain employees to ensure that cashiers verify that the receipt agrees to the amount collected, prior to issuing a receipt. In addition, management should develop and implement formal monitoring procedures to ensure that overages and shortages are properly accounted and reported. At a minimum, procedures should include the following:

- o Transfer overages to the County Treasurer as miscellaneous revenue;
- o Replenish shortages or request indemnification from Commissioners Court pursuant to Local Government Code §157.903;
- o Monitor all overages and shortages to determine if there is a pattern meriting further investigation, modification of collection procedures, retraining of personnel, or disciplinary action; and
- o Immediately report shortages to the County Auditor's Office and the Sheriff's Office, regardless of the amount, if criminal conduct is suspected.

Observation No. 2:

We noted that collections for 3 of 21 days were transferred to the County Treasurer's Office 6 to 7 business days after the day the money was received.

Pursuant to Local Government Code §113.022, "A county officer or other person who receives money shall deposit the money with the county treasurer on or before the next regular business day after the date on which the money is received. If this deadline cannot be met, the officer or person must deposit the money, without exception, on or before the fifth business day after the day on which the money is received."

Failure to transfer collections in accordance with Local Government Code §113.022 prevents the County Treasurer's Office from recording the receipts into the accounting system on a timely basis and may result in the inaccurate projection of County revenues.

Recommendation:

Management should ensure collections are transferred and remitted to the Treasurer's Office in accordance with Local Government Code §113.022.

Please provide a written management response to the observations noted above by May 17, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Abigail Guajardo, MSA, Internal Auditor II, at 318-2511 ext. 4652, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

- cc: Mr. Valde Guerra, County Executive Officer
Ms. Eva Mireles, Tax Office Chief of Operations
Mr. Julio Espinosa, Property Tax Manager
Ms. Crystal Puente, Chief Accountant

HIDALGO COUNTY DISTRICT JUDGES

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EDINBURG, TEXAS 78539

April 30, 2019

Honorable Arturo Guajardo Jr., County Clerk
100 N. Clossner, 1st Floor
Edinburg, Texas 78539

Re: *Fee Monthly Report* for March 2019

Dear Mr. Guajardo:

We conducted a limited scope review of the *Fee Monthly Report (Monthly Report)* for March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code § 114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued, 2.) total deposits made with the County Treasurer, and 3.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Verified the sequence of receipts per the *Monthly Report* agreed to receipts issued in *Kofile*. In addition, verified that receipts were issued in sequential order.
- Reviewed *Revenue Remittance Reports* and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, *Revenue Remittance Reports*, *Company Accounts Summary Report*, and a sample of bank deposit slips were properly completed.

Conclusion:

Collections for the month of March 2019 totaled \$456,040.50. Based on the results of our review, we concluded that fees were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvement as noted in the following observations.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 12th D.C. FERNANDO MANGAS JUDGE, 89th D.C. J. R. "BOBBY" FLORES JUDGE, 139th D.C. ROSE GUERRA REYNA JUDGE, 308th D.C. MARLA CUELLAR JUDGE, 275th D.C. MARIO E. RAMIREZ, JR. JUDGE, 112th D.C. NOE GONZALEZ JUDGE, 379th D.C. LETICIA LOPEZ JUDGE, 388th D.C. L. KENO VASQUEZ JUDGE, 398th D.C. ISRAEL RAMON, JR. JUDGE, 420th D.C. RENEE R. BETANCOURT JUDGE, 449th D.C. JAIME TIJERINA JUDGE, 464th D.C.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We were not able to verify the receipt sequence issued through *Kofile*. *Kofile* creates an order number for each type of activity (e.g., receipting, scanning, or searching); however, the *Kofile* "Order Summary Report" only provides information regarding the issuance of order numbers (receipt) in which a financial transaction occurred. An "Order Number Control Report" was provided for the month of March 2019 to account for the receipt sequence; however, we noticed that 74 of 8,437 receipts do not appear on the "Order Number Control Report" (see Exhibit A). According to the Internal Auditor, *Kofile* representatives are aware and are currently working to resolve the issue.

Having a report that includes all types of activity recorded on *Kofile* (e.g., receipting, scanning, or searching) will help ensure that all financial transactions are accounted and recorded properly.

Failure to ensure that a report can be generated from *Kofile* that includes all activity recorded on *Kofile* may result in financial transactions not accounted and recorded properly and the loss or misuse of County funds.

Recommendation:

Management should continue working with *Kofile* representatives to create a report that will include every type of activity recorded during the month and to resolve the issue with the receipts not appearing on the "Order Number Control Report."

Observation No. 2:

As of March 31, 2019, two company accounts (escrow accounts) reflect incorrect balances in the *Company Accounts Summary Report*. The balances were overstated as follows:

- Edward Abstract and Title Co., \$4.00; and
- Nain Engineering LLC Maps account, \$75.00.

The discrepancies are attributed to entering incorrect amounts into *Kofile* when the accounts were opened or glitches in the receipting system. According to staff, *Kofile* representatives were informed of the discrepancies; however, they have not been resolved.

The County Auditor's Office requires that all company accounts reflect the proper balances.

Failure to ensure that the company accounts reflect the proper balances will result in the companies receiving services that are not paid for.

Recommendation:

Management should continue working with *Kofile* representatives to correct the errors in the escrow accounts listed above.

Observation No. 3:

We noted that there was a \$5.00 shortage in the month of November 2018. As of today, the shortage has not been replenished. According to staff, they were not able to identify the receipt that caused the shortage.

A county officer is personally liable for the loss of funds (e.g., shortage, acceptance of counterfeit bill, hot check, credit card charge back, etc.) while in his/her possession in the performance of official duties. Local Government Code §157.903, authorizes a Commissioners Court to indemnify an elected or appointed county officer against personal liability for the loss of county funds, or loss of or damage to personal property, if the loss was not the result of the officer's negligence or criminal action. Shortages should be replenished or a request for indemnification should be made to Commissioners Court pursuant to Local Government Code §157.903.

Failure to replenish a shortage results in the loss of County funds.

HIDALGO COUNTY DISTRICT JUDGES

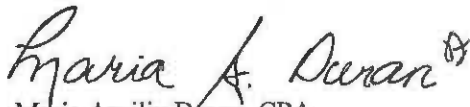
Recommendation:

Management should deposit \$5.00 with the County Treasurer or request indemnification from Commissioners Court.

Please provide written management responses to the observations noted above and action plans for observations 1 and 2 by May 10, 2019 using the attached Action Plan Forms.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Gricelda Quintero, Internal Auditor II, at 318-2511 ext. 4643, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer
Ms. Annette Muniz, Hidalgo County Clerk Chief Deputy
Ms. Berenize Alvarado, Hidalgo County Clerk Internal Auditor

HIDALGO COUNTY DISTRICT JUDGES

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 1	We were not able to verify the receipt sequence issued through Kofile. Kofile creates an order number for every type of activity recorded on Kofile (e.g., receipting, scanning, or searching); however, the Kofile "Order Summary Report" only provides information regarding the issuance of order numbers (receipt) in which a financial transaction occurred; therefore, a gap in the receipt sequence exists.
Recommendation No. 1	Management should continue working with Kofile representatives to create a report that will include every type of activity recorded during the month.
GOAL/ACTION ITEM:	Work with Kofile representatives to create a report that will include every type of activity recorded during the month.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 2	<p>As of March 31, 2019, two company accounts (escrow accounts) reflect incorrect balances in the Company Accounts Summary Report. The balances were overstated as follows:</p> <ul style="list-style-type: none"> ▪ Edward Abstract and Title Co., \$4.00; and ▪ Nain Engineering LLC Maps account, \$75.00.
Recommendation No. 2	Management should continue working with Kofile representatives to correct the errors in the escrow accounts listed above.
GOAL/ACTION ITEM:	Work with Kofile representatives to correct the errors.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2				
3.				
4				
5				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 3	We noted that there was a \$5.00 shortage in the month of November 2018. As of today, the shortage has not been replenished.
Recommendation No. 3	Management should deposit \$5.00 with the County Treasurer or request indemnification from Commissioners Court
GOAL/ACTION ITEM:	To replenish \$5.00 shortage with the County Treasurer
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 1, 2019

The Honorable Arturo Guajardo Jr., County Clerk
100 N. Closner, 1st Floor
Edinburg, Texas 78539

Re: *Criminal Fees Monthly Report* for March 2019

Dear Mr. Guajardo:

We conducted a limited scope review of the *Criminal Fees Monthly Report (Monthly Report)* for March 2019 pursuant to Local Government Code §115.002 (a), §115.002 (b), and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code § 114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued *per Odyssey's Receipt Journal Report*, 2.) total collections per *Odyssey's Fee Distribution Report*, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's Undistributed Receipts* general ledger account.
- Verified that jail time ordered to be served by the defendant as stated on the Judgment Order agreed to the jail time reported on the Sheriff's "D" Monthly Report.
- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's Receipt Journal Report*. In addition, verified that receipts were issued in sequential order.
- Reviewed randomly selected receipts to determine if fines, fees, and court costs were allocated and reported in the proper amounts.
- Verified that the *Cashier's Daily Fund Reports* and bank deposit slips were properly completed and accurate.
- Reviewed *Revenue Remittance Reports* and County Treasurer receipts to determine if collections were deposited with the County Treasurer in a timely manner.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 52ND D.C.

FERNANDO MANCOS
JUDGE, 89TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 372ND D.C.
EVERREER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 394TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAMES TIERRA
JUDGE, 464TH D.C.

- Verified that receipts, *Revenue Remittance Reports*, the *Monthly Report*, and mail logs were properly completed.
- Reviewed randomly selected validated deposit slips to determine if the deposit composition (cash, checks, credit card, etc.) agreed to the applicable payment method listed on the receipts.

Conclusion:

Collections for the month of March 2019 totaled \$258,708.36. Based on our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 25 of 219 randomly selected receipts contained errors in the allocation of fines, fees, and court costs. The County Clerk's Office was notified of the required adjustments (see Exhibit A); however, the adjustments were not completed. According to staff, errors found were due to incorrect fee schedules used at the time the judgment was rendered. The County Clerk's Office was advised by the District Attorney's Office not to change the fees assessed as the fees were not assessed with ill intent. Therefore, errors in the allocations of the fines, fees, and court costs will not be adjusted.

There are numerous statutes that require the County Clerk to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should request a written opinion from the District Attorney's Office regarding errors due to incorrect fee schedules used at the time the judgment was rendered. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and judgment date are entered when a case is setup in *Odyssey*.
- The bill of costs should be revised through a court order to reflect the correct fines, fees, and court costs.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

We noted that a \$100 counterfeit bill was accepted for payment in September 2018. Indemnification for the \$100.00 has not been requested from Commissioners Court. According to staff, they are not aware if indemnification will be requested.

A county officer is personally liable for the loss of funds (e.g., shortage, acceptance of counterfeit bill, hot check, credit card charge back, etc.) while in his/her possession in the performance of official duties. Local Government Code §157.903, authorizes a Commissioners Court to indemnify an elected or appointed county officer against personal liability for the loss of county funds, or loss of or damage to personal property, if the loss was not the result of the officer's negligence or criminal action. Shortages should be replenished or a request for indemnification should be made to Commissioners Court pursuant to Local Government Code §157.903.

HIDALGO COUNTY DISTRICT JUDGES

Failure to replenish a shortage results in the loss of County funds.

Recommendation:

Management should deposit \$100.00 with the County Treasurer or request indemnification from Commissioners Court.

Observation No. 3:

We noted that a cashier accepted an over-the-phone credit card payment. According to staff, over-the-phone credit card payments are done through the County Clerk's EZ Justice Portal. The cashiers are required to obtain the cardholder's name, address, and credit card security code to process the credit card payment. Once the credit card payment is processed and accepted, Hamer's credit card receipt is sent via email to the defendant or to the cashier/collector, if defendant does not have an e-mail address. Subsequently, the credit card payment is receipted into Odyssey and the system generated receipt is sent to the defendant through the mail. Staff has indicated that the credit card payment is processed as if the defendant would have made the payment from their home and the acceptance of over-the-phone credit card payments has increased their collections.

The County Auditor's Office requires that the cashier request identification from the payer when a debit or credit card is presented as payment. The identification is required to verify that the card belongs to the payer. After the card is swiped or processed and the transaction has been authorized, the cashier must obtain the payer's signature on the credit card receipt. Over-the-phone credit card payments should not be accepted due to the inability to verify the identity of the card user which is necessary to ensure proper credit card authorization.

Failure to ensure that cashiers request a valid form of identification to verify that the payer's name agrees to the card being presented for payment may result in credit card fraud. In addition, taking over-the-phone credit card payments increases the risk of credit card disputes which may result in the loss of County funds.

Recommendation:

Management should not allow the processing of over-the-phone credit card transactions. Individuals calling and requesting to pay fees and fines should be notified that payments can be made online and referred to the Hidalgo County Clerk Website.

Please provide written management responses to the observations noted above by May 17, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Gricelda Quintero, Internal Auditor II, at 318-2511 ext. 4643, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Exhibit A

cc: Mr. Valde Guerra, County Executive Officer
Ms. Annette Muniz, Hidalgo County Clerk Chief Deputy
Ms. Berenize Alvarado, Hidalgo County Clerk Internal Auditor

HIDALGO COUNTY DISTRICT JUDGES

Hidalgo County Clerk
 Schedule of Adjustments
 For the Month Ended March 31, 2019

ADDC and STF should not be assessed.

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-04592	3/6/2019	GUEVARA, JOSE ALBERTO	CR-15-01364-G	DRIVING WHILE INTOXICATED	1/30/2019	3.00	-	5.00	-	-	-	0.10	2.50	22.50	30.00	373.10
COL-2019-04874	3/6/2019	Perez, Daisy	CR-18-06938-F	DRIVING WHILE INTOXICATED	1/23/2019	3.00	-	5.00	-	-	-	0.10	2.50	22.50	30.00	373.10
COL-2019-05133	3/13/2019	MERCADO, MANUEL DELGADO, I	CR-18-00646-F	DRIVING WHILE INTOXICATED	2/8/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	545.10
COL-2019-05372	3/15/2019	Quintanilla, Juan Francisco	CR-17-11848-G	DRIVING WHILE INTOXICATED	1/30/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	578.10
COL-2019-06093	3/26/2019	SOLS, MIGUEL ANGEL	CR-18-12755-D	DRIVING WHILE INTOXICATED	12/13/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	650.00
COL-2019-05789	3/21/2019	LARA, ALBERTO JR	CR-18-07095-G	DRIVING WHILE INTOXICATED	10/18/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,042.10
COL-2019-05900	3/25/2019	REYES, SAMANTHA RAQUEL	CR-18-07016-D	DRIVING WHILE INTOXICATED	10/17/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,112.10
COL-2019-06062	3/26/2019	GARCIA, MANUEL JR.	CR-18-04769-G	DRIVING WHILE INTOXICATED	12/3/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,112.10
COL-2019-06328	3/29/2019	Ruiz, Enjolee Kassandra Ruiz	CR-16-12859-H	DRIVING WHILE INTOXICATED	10/4/2017	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,315.73
COL-2019-04632	3/6/2019	ANGUIJANO, ELIZABETH MARTINE	CR-16-12865-E	DRIVING WHILE INTOXICATED	9/27/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,347.10
COL-2019-04664	3/7/2019	Coito, Natalie Marie	CR-18-02184-F	DRIVING WHILE INTOXICATED 2ND	4/11/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,542.10
COL-2019-05138	3/12/2019	Fuentes, Jesus Rodolfo De la Cruz	CR-17-09941-F	DRIVING WHILE INTOXICATED BAC :	1/22/2019	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	500.00
COL-2019-04505	3/5/2019	MORALES JR, VICTOR MANUEL	CR-18-01494-A	DRIVING WHILE INTOXICATED BAC :	9/27/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	742.10
COL-2019-06106	3/27/2019	VELA CASTRO, VERONICA M	CR-18-15895-F	DRIVING WHILE INTOXICATED BAC :	1/30/2019	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,100.00
COL-2019-04049	3/1/2019	SALDANA, SAMUEL PAIS	CR-18-14545-B	DRIVING WHILE INTOXICATED	12/12/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	683.10
COL-2019-04659	3/7/2019	LERMA, BEATRIZ	CR-16-06140-B	DRIVING WHILE INTOXICATED	2/7/2017	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,185.73
COL-2019-04954	3/11/2019	Gonzalez, Pedro Luis	CR-18-06202-F	DRIVING WHILE INTOXICATED	8/27/2018	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,052.10
COL-2019-05857	3/22/2019	IRACHETA, PRISCILLA LIZETTE	CR-18-05283-E	DRIVING WHILE INTOXICATED	1/9/2019	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	996.10
COL-2019-05911	3/25/2019	LOPEZ, NATHANIEL SALINAS	CR-11-13553-G	DRIVING WHILE INTOXICATED	6/15/2016	3.00	60.00	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	1,661.93

DDCF (\$60.00) should be assessed.

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-06029	3/25/2019	LEAL, FRANCISCO JAVIER	CR-18-15101-D	POSS MARIJ <DOZ	3/21/2019	-	-	5.00	25.00	4.00	15.00	-	2.50	22.50	-	259.00
COL-2019-05386	3/15/2019	CANTU, KARLA	CR-18-05617-B	POSS GAMBLING DEVICE/EQUIPME	3/5/2019	-	-	5.00	25.00	4.00	15.00	-	2.50	22.50	-	259.00

EFCC \$5.00 should be assessed

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-05824	3/22/2019	PANTOJA, CRISTINA LYNN GUTIER	CR-12-6773-F	Charge Offense Description THEFT PROP->\$50-<\$500	11/6/2013	-	-	-	25.00	4.00	15.00	-	22.50	2.50	-	635.70

ADDC (\$3.00), EFCC (\$5.00), MVF (\$0.10), and STF (\$30.00) should have been assessed

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-04734	3/7/2019	CARRERA, JONATHAN	CR-13-02413-F	Charge Offense Description RACING ON HIGHWAY	10/3/2013	-	-	-	-	4.00	15.00	-	22.50	2.50	-	999.70

Based on the type of offense ADDC (\$3.00), MVF (\$0.10), and STF (\$30.00) should not be assessed

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-05839	3/22/2019	Roche, Fidel Hernandez	CR-16-09387-G	Charge Offense Description DISPLAY FICTITIOUS LICENSE PLATE	7/25/2017	3.00	-	5.00	25.00	4.00	15.00	0.10	2.50	22.50	30.00	866.10

RMP fees were reversed, RMP should be 2.50 and RMP should be 22.50

Receipt	Date	Party Name	Cause #	Charge Offense Description	Disp/Judgment D	ADDC	DDCF	EFCC	FSP	JSF	JUD	MVF	RMP	RMP	STF	TOTAL
COL-2019-05874	3/22/2019	QUINTERO, JOSUE FLORENCIO	CR-15-09547-D	Charge Offense Description POSS CS PG 2-A <= 20Z	12/17/2015	-	60.00	5.00	25.00	4.00	15.00	-	22.50	2.50	-	745.8

1. During the month of March 2019 there were 100 payments for PreTrial Diversion Program. However, Local Transaction Fee was not assessed. Please provide status indicating the waiver of the fee for PreTrial Diversion Program payments.

2. Pursuant to the Texas Judicial Branch fee schedules, Additional Court Cost (ADD.C, \$3.00) and State Traffic Fine (STF, \$30.00) should not be assessed to Driving While Intoxicated offenses. The fees are assessed to offenses under the Transportation Code. Please refer to <http://www.courts.state.tx.us/publications-training/publications/filing-fees-courts-costs/> for reference.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 30, 2019

The Honorable Arturo Guajardo Jr., County Clerk
100 N. Closner, 1st Floor
Edinburg, Texas 78539

Re: *Civil and Probate Court Cost Monthly Report* for March 2019

Dear Mr. Guajardo:

We conducted a limited scope review of the *Civil and Probate Court Cost Monthly Report (Monthly Report)* for March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code § 114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued *per Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Reviewed randomly selected receipts to determine if fees and court costs were properly allocated and reported.
- Verified that the *Cashier's Daily Fund Reports* and bank deposit slips were properly completed and accurate.
- Reviewed *Revenue Remittance Reports* and County Treasurer receipts to determine if collections were deposited with the County Treasurer in a timely manner.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 82ND D.C. FERNANDO MANGIAS JUDGE, 83RD D.C. J. R. "BOBBY" FLORES JUDGE, 198TH D.C. ROSE OJERRA REYNA JUDGE, 266TH D.C. MARLA CUELLAR JUDGE, 276TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. RICE GONZALEZ JUDGE, 311TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 388TH D.C. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RANCHO, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 448TH D.C. JAIME TIERINA JUDGE, 464TH D.C.

- Verified that receipts, *Revenue Remittance Reports*, the *Monthly Report*, and mail logs were properly completed.
- Reviewed randomly selected validated deposit slips to determine if the deposit composition (cash, checks, credit card, etc.) agreed to the applicable payment method listed on the receipts.
- Verified that the number of civil cases and motions were correctly reported on the *Monthly Report*.

Conclusion:

Collections for the month of March 2019 totaled \$179,787.50. Based on our review, we concluded that fees and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees and court costs requires improvement as noted in the following observation.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that the adjustments for the months of July 2016 (19); August 2016 (26); September 2016 (19); October 2016 (24); November 2016 (14); December 2016 (14); January 2017 (19); February 2017 (20); March 2017 (26); April 2017 (23); May 2017 (24); June 2017 (21); July 2017 (18); August 2017 (3); September 2017 (2); October 2017 (4); November 2017 (2); December 2017 (1); January 2018 (3); February 2018 (1); April 2018 (2); May 2018 (13); June 2018 (10); and July 2018 (8) are still pending to be completed.

There are numerous statutes that require the County Clerk to charge various fees and court costs for certain services and offenses. Fees and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval.

The County may be held liable to the State for failure to properly allocate and report fees and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed.

Please provide a written management response and an action plan for the observation above using the attached Management Response and Action Plan Form by May 17, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Gricelda Quintero, Internal Auditor II, at 318-2511 ext. 4643, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Management Response and Action Plan Form

cc: Mr. Valde Guerra, County Executive Officer
Mr. Annette Muniz, Hidalgo County Clerk Chief Deputy
Ms. Berenize Alvarado, Hidalgo County Clerk Internal Auditor

HIDALGO COUNTY DISTRICT JUDGES

ACTION PLAN (AP)

Audit Project	Civil and Probate Court Cost Monthly Report for March 2019
Observation No. 1	October 2016 (24); November 2016 (14); December 2016 (14); January 2017 (19); February 2017 (20); March 2017 (26); April 2017 (23); May 2017 (24); June 2017 (21); July 2017 (18); August 2017 (3); September 2017 (2); October 2017 (4); November 2017 (2); December 2017 (1); January 2018 (3); February 2018 (1); April 2018 (2); May 2018 (13); June 2018 (10); and July 2018 (8) are still pending to be completed.
Recommendation No. 1	Management should ensure that all pending adjustments are completed.
GOAL/ACTION ITEM:	Complete the pending adjustments.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

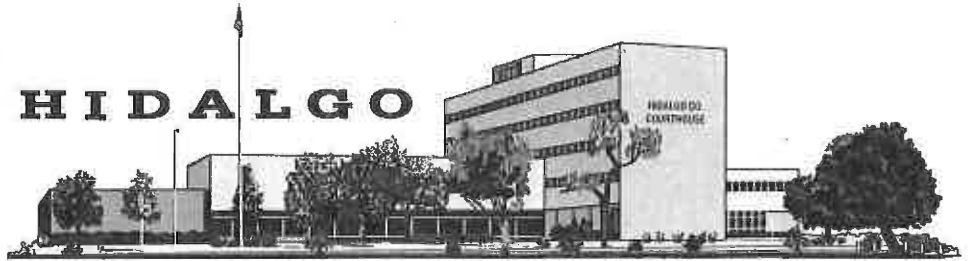
	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2				
3				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 1, 2019

Ms. Yvonne Ramon, Elections Administrator
Hidalgo County Elections Department
101 S. 10th Street
Edinburg, Texas 78539

Re: *Monthly Fees Report* for March 2019

Dear Ms. Ramon:

We conducted a limited scope review of the *Monthly Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if fees were allocated and reported in the proper amounts.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total deposits made with the County Treasurer and 2.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Reports (Close-out Reports)* and County Treasurer receipts to determine if collections were properly accounted and deposited with the County Treasurer on a timely basis.
- Verified that receipts were properly completed and issued in sequential order.
- Verified that *Close-out Reports* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 31st D.C.

FERNANDO MANGIAS
JUDGE, 62nd D.C.

J. R. "BOBBY" FLORES
JUDGE, 133rd D.C.

ROSE GUERRA REYNA
JUDGE, 288th D.C.

MARLA CUELLAR
JUDGE, 276th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322nd D.C.

NOE GONZALEZ
JUDGE, 370th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388th D.C.

L. KEND VASQUEZ
JUDGE, 398th D.C.

ISRAEL RAMON, JR.
JUDGE, 420th D.C.

RENEE R. BETANCOURT
JUDGE, 448th D.C.

JAIRE TIJERINA
JUDGE, 464th D.C.

Conclusion:

Collections for the month of March 2019 totaled \$56,279.41. Based on our review, we concluded that fees were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvements as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management’s authorization and recorded properly.

Observation No. 1

We noted that 1 of 13 receipts was missing type and quantity of service being requested. The Accounting Clerk informed us that the receipt was not properly completed due to an oversight.

The County Auditor’s Office requires receipts issued to contain the following information: the receipt date, the name of the person from which the funds were received, amount received, method of payment (i.e. cash, check, or money order), type and number of services requested (quantity), and the receipt preparer’s signature.

Failure to ensure that receipts are properly completed may result in the improper recording of County funds.

Recommendation:

Management should ensure that receipts are properly completed at the time of issuance.

Observation No. 2:

We noted that one receipt contained errors in the amount assessed for a public information request. The cost of a 42x42 map was over assessed by \$0.50. Consequently, the overpayment was erroneously recognized as revenue. According to the Accounting Clerk, she was not aware of the overpayment. A refund request will be submitted to the County Auditor’s Office.

Texas Administrative Code Title 1, Part 3, Chapter 70, Rule §70.3 dictates the fees that the Elections Department is to assess on all public information requests.

Failure to ensure that collections are properly assessed may result in the improper collection and recording of County funds.

Recommendation:

Management should ensure that fees are properly assessed. At a minimum, the following procedures should be implemented:

- Staff should review the assessment of fees before the official County receipt is issued. Staff should inform their immediate Supervisor, if the actual cost is less than the estimated amount on the *Public Information Cost Estimate Model Letter*, so that corrective action can be taken prior to the collection of fees.
- Staff should be provided with training regarding the assessment of fees.

Observation No. 3:

We noted that 1 of 11 Close-out Reports was not properly completed. The Close-out Report contained the incorrect date of collections. Consequently, the County Treasurer’s Office receipted the collections for the incorrect date. According to the Accounting Clerk, the Close-out Report had the incorrect date due to an oversight.

The County Auditor’s Office requires that the Close-out Report be properly completed. The date on the Close-out Report should be the day of collections.

Failure to ensure that the correct date is noted on the Close-out Report can result in the improper accounting of County funds.

HIDALGO COUNTY DISTRICT JUDGES

Recommendation:

Management should ensure that the Close-Out Reports are properly completed.

Observation No. 4:

We noted that collections for 1 of 11 days was not deposited at the County Treasurer's Office on a timely basis. The deposit was made two days after the collections were receipted. According to the Accounting Clerk, the deposit was not made timely since the County vehicle was not available.

Pursuant to the "Cash Handling Guidelines and Procedures", cash receipts must be remitted intact on a daily basis, unless the amount collected is less than \$100.00.

Failure to ensure that collections are deposited on a timely basis prevents the County Treasurer's Office from recording the receipts into the accounting system on a timely basis and increases the risk that loss or theft can occur.

Recommendation:

Management should ensure that deposits are remitted to the County Treasurer's Office on a daily basis.

Please provide written management responses to the observations noted above by May 17, 2019.

If you have any questions, please contact Araceli A. Guillen, Internal Auditor I, at (956) 318-2511 ext. 4649, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 3, 2019

Mr. Homero Garza, Fire Marshal
Hidalgo County Fire Marshal's Office
1903 N. Knights Drive
Pharr, Texas 78577

Re: *Monthly Fees Report* for the month of March 2019

Dear Mr. Garza:

We conducted a limited scope review of the *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Daily Remittance* forms to determine if fees collected were properly accounted and deposited with the County Treasurer on or before the fifth day after the day on which the funds were received.
- Verified that the collections per the *Monthly Fees Report* agreed to total receipts issued and the deposits made with the County Treasurer.
- Verified that receipts, *Daily Remittance* forms, and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 81ST D.C.

J. R. "BOBBY" FLORES
JUDGE, 136TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 352ND D.C.

NOE GONZALEZ
JUDGE, 379TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 410TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAME TIJERINA
JUDGE, 464TH D.C.

Mr. Homero Garza
May 3, 2019
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$8,520.00. Based on our review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 62 ND D.C.	FERNANDO MANCIAS JUDGE, 63 RD D.C.	J.R. "BOBBY" FLORES JUDGE, 139 TH D.C.	ROSE GUERRA REYNA JUDGE, 205 TH D.C.	MARLA CUELLAR JUDGE, 275 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE DONAZALEZ JUDGE, 370 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 386 TH D.C.	L. KENO VASQUEZ JUDGE, 398 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 448 TH D.C.	JAIMÉ TLERUJA JUDGE, 464 TH D.C.
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COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 3, 2019

Mr. Eduardo Olivarez, Director
Hidalgo County Department of Health & Human Services
1304 S. 25th Street
Edinburg, Texas 78539

Re: *Environmental Health Division Monthly Fees Report* for March 2019

Dear Mr. Olivarez:

We conducted a limited scope review of the *Environmental Health Division Monthly Fees Report (Monthly Fees Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001(b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Daily Remittance/Close-out Reports (Close-out Reports)* to determine if fees collected were properly accounted and deposited with the financial institution on a daily basis.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Environmental Health Division; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts issued, Close-out Reports, and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 101ST D.C.

ROSE GUERRA REYNA
JUDGE, 204TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 373RD D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 387TH D.C.

L. KENO VASQUEZ
JUDGE, 389TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAI ME TIJERNA
JUDGE, 484TH D.C.

Mr. Eduardo Olivarez
May 3, 2019
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$49,135.00. Based on our review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. RINOLETERRY
JUDGE, 62ND D.C.

FERNANDO MANCIAS
JUDGE, 67TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 137TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 312ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 381ST D.C.

L. KENO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 410TH D.C.

RENÉE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME TIERINA
JUDGE, 484TH D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
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Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

Ms. Angie Chapa, Law Librarian
Hidalgo County Law Library
100 N. Closner
Edinburg, Texas 78539

Re: *Monthly Fee Report* for March 2019

Dear Ms. Chapa:

We conducted a limited scope review of the *Monthly Fee Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fee Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fee Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fee Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fee Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Daily Remittances/Close-out Forms* to determine whether fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that the collections per the *Monthly Fee Report* agreed to total receipts issued and the deposits made with the County Treasurer.
- Verified that receipts, *Daily Remittance/Close-out Forms*, and the *Monthly Fee Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANOJAR
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 209TH D.C.

MARLA CUELLAR
JUDGE, 279TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. KENO VASQUEZ
JUDGE, 288TH D.C.

ISRAEL RAMON, JR.
JUDGE, 450TH D.C.

RENEE R. BETANCOURT
JUDGE, 446TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.

Ms. Angie Chapa
May 3, 2019
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$1,156.00. Based on our review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

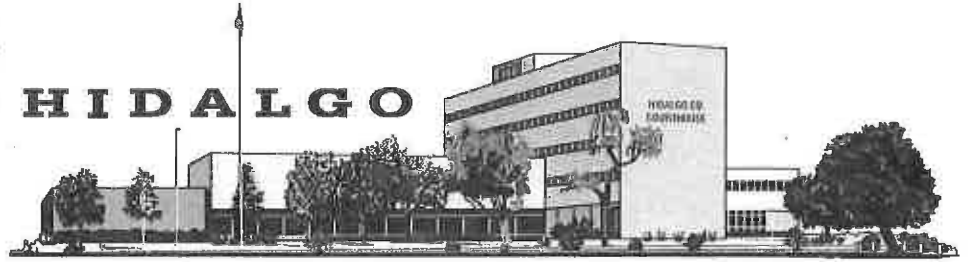
cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92 ND D.C.	FERNANDO MANCIAS JUDGE, 93 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 139 TH D.C.	ROSE GUERRA REYNA JUDGE, 268 TH D.C.	MARLA CUELLAR JUDGE, 316 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 322 ND D.C.	NOE GONZALEZ JUDGE, 370 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 316 TH D.C.	L. KENO VASQUEZ JUDGE, 488 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 449 TH D.C.	JAI ME THERNA JUDGE, 464 TH D.C.
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COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable David L. Fuentes, Commissioner
Hidalgo County Precinct No. 1
1902 Joe Stephens Suite 101
Weslaco, Texas 78596

Re: Sanitation Program *Monthly Fee Report* for January 2019 through March 2019

Dear Commissioner Fuentes:

We conducted a limited scope review of the Sanitation Program *Monthly Fee Report* and supporting documentation for the months of January 2019 through March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fee Report* for the months of January 2019 through March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fee Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fee Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fee Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts and permits issued followed a sequential order.
- Verified that procedures for voiding receipts and permits were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution on a daily basis.
- Verified that the collections per the *Monthly Fee Report* agreed to: 1.) total receipts issued by the Precinct; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO NANCIAS
JUDGE, 69TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 150TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUJELLAR
JUDGE, 376TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KEVIN VAZQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 470TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIMETHERINA
JUDGE, 464TH D.C.

- Verified that receipts, Close-out Reports, and the *Monthly Fee Report* were properly completed.

Conclusion:

Collections for the months of January 2019, February 2019, and March 2019 totaled \$30,250.00, \$24,300.00, and \$32,375.00, respectively. Based on our review, we concluded that fees collected were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvement as noted in the observation below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that permit 62913 issued to user 35 during the month of January 2019 was out of sequence and unaccounted for. After further research, we noted that the permit was issued on April 24, 2019. According to Precinct 1 staff, the permit was under the cashier's box. The permit was sold when noticed.

In addition, a \$25.00 shortage in the month of May 2017 and 5 missing permits (41601, 41644, 41646, 48210, and 61946) issued between April 2017 and December 2018 totaling \$150.00 have not been replenished and deposited with the County Treasurer. In addition, the unaccounted permits have not been voided in the Solid Waste Disposal Application Program as previously requested by the County Auditor's Office.

Persons who accept accountable forms (i.e., permits, receipts, etc.) become responsible, upon receipt, for the accountability and safeguarding of such forms. Loss or theft of accountable forms must be promptly reported to the County Auditor's Office. The written notification should include a statement of the circumstances concerning the loss. Accountable forms reported lost or stolen must be marked "Void" in the electronic application system. Management must also monitor all missing accountable forms to determine if there is a pattern meriting further investigation, modification of procedures, retraining of personnel, or disciplinary action. Furthermore, the supervisor should verify that the permits previously issued to the cashier have been sold prior to issuing additional permits. Moreover, prior to replacing a permit, the cashiers should verify that the permit is in the Solid Waste Disposal System and not reported missing and unaccounted for. A missing and unaccounted permit should not be replaced until the constituent provides proof of payment. Furthermore, the County Auditor's Office requires that all copies of the void receipt contain on the face of the receipt the word "VOID", an explanation for the void, the date receipt was voided, the cashier's signature, and the supervisor's signature of approval. In addition, all permits must be issued in sequential order.

A county officer is personally liable for the loss of funds (e.g., shortage, acceptance of counterfeit bill, hot check, credit card charge back, etc.) in the performance of official duties. Shortages should be replenished or a request for indemnification should be made to Commissioners Court pursuant to Local Government Code §157.903. Local Government Code §157.903 authorizes a Commissioners Court to indemnify an elected or appointed county officer against personal liability for the loss of county funds, or loss of or damage to personal property, if the loss was not the result of the officer's negligence or criminal action.

Failure to ensure that permits are properly accounted and safeguarded may result in the loss of County revenue.

Recommendation:

Management should ensure that permits are properly accounted, safeguarded, and issued in sequential order. At a minimum, the procedures noted above should be implemented. The unaccounted permits should also be voided in the Solid Waste Disposal Application Program and the \$150.00 for the shortage and missing permits should be immediately replenished and deposited with the County Treasurer.

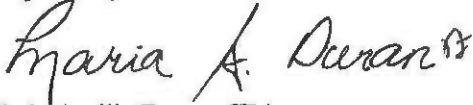
Please provide a management response to the observation noted above by May 17, 2019.

HIDALGO COUNTY DISTRICT JUDGES

Honorable David L. Fuentes
May 3, 2019
Page 3 of 3

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511, ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 85TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 159TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
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L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAI ME TIJERNA
JUDGE, 464TH D.C.



HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM

AUDITEE: Precinct 1 Sanitation AUDIT NO.: _____
 Sanitation Program
 Monthly Fees Report for
AUDIT: January 2019 through MANAGEMENT
 March 2019 RESPONSE DUE: May 17, 2019

FINDING No.: 1 RECOMMENDATION: 1

Management should ensure that permits are properly accounted, safeguarded, and issued in sequential order. At a minimum, the procedures noted above should be implemented. The unaccounted permits should also be voided in the Solid Waste Disposal Application Program and the \$150.00 for the shortage and missing permits should be immediately replenished and deposited with the County Treasurer.

Management Response (Choose One):

- _____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

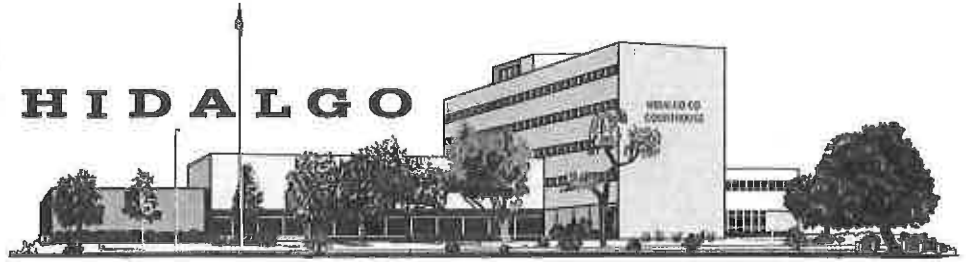
Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable Eduardo Cantu, Commissioner
Hidalgo County Precinct No. 2
300 W. Hall Acres Suite G
Pharr, Texas 78577

Re: Sanitation Program *Monthly Fee Report* for March 2019

Dear Commissioner Cantu:

We conducted a limited scope review of the Sanitation Program *Monthly Fee Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fee Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fee Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fee Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fee Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts and permits were issued in sequential order.
- Verified that procedures for voiding receipts and permits were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution on a daily basis.
- Verified that the collections per the *Monthly Fee Report* agreed to: 1.) total receipts issued by the Precinct; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fee Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANCIAS
JUDGE, 99TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 392ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. KENO VASQUEZ
JUDGE, 358TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME TIJERNA
JUDGE, 464TH D.C.

- Verified that the users responsible for receipting did not have "Supervisor" user access in the Solid Waste Disposal Program that would allow them to void transactions.

Conclusion:

Collections for the month of March 2019 totaled \$9,875.00. Based on our review, we concluded that fees collected were generally properly accounted and reported; however, the system of internal controls for the collection and safeguarding of cash requires improvement as noted in the observation below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 6 of 8 users of the Solid Waste Disposal Program had "Supervisor" access (see Exhibit A). 5 of the 6 users receipted collections in the month of March 2019. According to staff, the IT department was contacted to assign the proper access for each user; however, we noted that several users who receipted collections in March 2019 continue to have "Supervisor" access.

"Supervisor" access to the Solid Waste Disposal Program allows users to void transactions. Users responsible for receipting collections should not have access to void transactions. Computer access controls to void transactions should be limited to supervisors.

Inadequate access controls may increase the risk that transactions are voided without proper approval and the risk of loss or misuse of County funds.

Recommendation:

We recommend that "Supervisor" access be immediately removed from users responsible for receipting collections. The Information Technology Department should be contacted for assistance.

Please provide a written management response to the observation noted above by May 17, 2019.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Exhibit A

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

EXHIBIT A

Solid Waste Disposal Program User List

DepartmentId	username	Description
122	erika.zamora	Clerk
122	belinda.martinez	Supervisor
122	esther.perez	Supervisor
122	rosa.garcia	Supervisor
122	guadalupe.garza	Supervisor
122	nora.morales	Supervisor
122	elizabeth.montes	Supervisor
122	dalila.alvarado	Clerk

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 3, 2019

The Honorable Jose M. Flores, Commissioner
Hidalgo County Precinct No. 3
724 North Breyfogle Rd.
Mission, Texas 78572

Re: Anzalduas Park *Monthly Fee Report* for March 2019

Dear Commissioner Flores:

We conducted a limited scope review of the Anzalduas Park *Monthly Fee Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fee Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fee Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fee Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fee Report* by footing and cross-footing the report.
- Reviewed tickets issued to determine if proper fee amounts were collected and reported.
- Verified tickets were issued in sequential order.
- Verified that procedures for voiding tickets were properly followed.
- Reviewed *Cashier's Daily Close-Out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution on or before the fifth business day after the day on which the funds were received pursuant to Local Government Code §113.022.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92 ND D.C.	FERNANDO MANCIBO JUDGE, 85 TH D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 70 TH D.C.	MARLA CUELLAR JUDGE, 376 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 352 ND D.C.	NOE GONZALEZ JUDGE, 375 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 388 TH D.C.	L. KEND VASQUEZ JUDGE, 398 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 448 TH D.C.	JAIMÉ TUENNA JUDGE, 484 TH D.C.
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- Verified that the collections per the *Monthly Fee Report* agreed to: 1.) total receipts issued by the Precinct; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fee Report* were properly completed.

Conclusion:

Collections for the month of March 2019 totaled \$1,508.00. Based on our review, we concluded that fees collected were properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvement as noted in the observation below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

A \$4.00 park entrance fee is collected from vehicles entering the Anzalduas Park on Saturdays and Sundays. Commissioners Court approved to increase the park entrance fee from \$2.00 to \$4.00 on March 23, 1993. A review of the County's financial records indicated that a park entrance fee has been collected since at least 1992. Commissioners Court may set and approve park entrance fees if approved by a majority of qualified voters through a referendum election; however, evidence that a referendum election was conducted was not provided. According to the Anzalduas Park staff, they were not aware if and when a referendum election was held to approve the collection of the park entrance fee.

In addition, according to staff, the park entrance fee is waived under certain circumstances. For example, the park entrance fee is only collected on weekends and waived on weekdays. The park entrance fee is also waived from vehicles entering the park after the *Daily Close-Out Report* and deposit cut-off time of 4:30 p.m. In addition, the park entrance fee is waived from County employees and law enforcement personnel upon presentment of a County or law enforcement identification card. Although Commissioners Court may waive the collection of the park entrance fee under certain circumstances, evidence of a Commissioners Court waiver policy was not provided. According to the Anzalduas Park staff, a waiver policy will be presented to Commissioners Court.

Local Government Code §316.001(4) states that "the commissioners court of a county may set and collect fees for admission to a county park, if approved by a majority of the qualified voters of the county voting on the issue at a referendum election, which the commissioners court may order and hold for that purpose." Local Government Code §316.004 further states that "the commissioners court may set and collect the fees in different amounts or may waive the fees in consideration of the following factors: (1) the time of the day at which or the day of the week on which a facility or service is used; (2) the size of a group wishing to use a facility or service; (3) the special circumstances of certain classes of persons, including elderly persons and indigent persons; or (4) other factors that the court considers to justify a different fee or the waiver of a fee."

The County Auditor's Office requires that all departments continue to collect and receipt after the established cut-off time. Any collections receipted after the cut-off time can be safeguarded overnight until they are deposited the next business day with the next business day's collections.

Formal procedures have not been developed and implemented to ensure that park entrance fees are properly collected. Failure to properly collect the park entrance fees may result in the loss of County funds.

Recommendation:

Management should develop and implement formal procedures to ensure that park entrance fees are properly collected. Evidence that a referendum election was conducted and evidence authorizing the collection and waiver of the fee should be obtained. In addition, the park entrance fee should continue to be collected after the cut-off time as required by the *Cash Handling Guidelines and Procedures*.

HIDALGO COUNTY DISTRICT JUDGES

The Honorable Jose M. Flores
May 3, 2019
Page 3 of 3

Please provide a written management response to the observation noted above by May 17, 2019.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Form

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 89th D.C.

FERNANDO MANCIAS
JUDGE, 89th D.C.

J. R. "BOBBY" FLORES
JUDGE, 198th D.C.

ROSE CUERRA REYNA
JUDGE, 206th D.C.

MARLA CUELLAR
JUDGE, 226th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 352th D.C.

NOE GONZALEZ
JUDGE, 370th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388th D.C.

L. KENO VASQUEZ
JUDGE, 388th D.C.

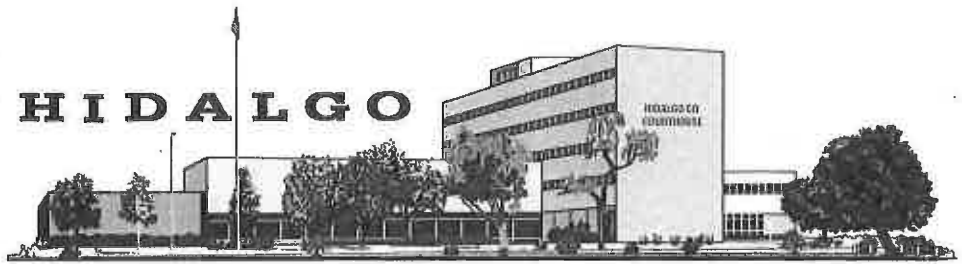
ISRAEL RAMON, JR.
JUDGE, 429th D.C.

RENEE R. BETANCOURT
JUDGE, 449th D.C.

JAIWE TIJERINA
JUDGE, 464th D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019.

The Honorable Ellie Torres, Commissioner
Hidalgo County Precinct No. 4
1051 N. Doolittle Rd.
Edinburg, Texas 78542

Re: Sanitation Program *Monthly Fee Report* for March 2019

Dear Commissioner Torres:

We conducted a limited scope review of the Sanitation Program *Monthly Fee Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fee Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that *Monthly Fee Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fee Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fee Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts and permits were issued in sequential order.
- Verified that procedures for voided receipts and voided permits were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms (Close-out Reports)* to determine if fees collected were properly accounted and deposited with the financial institution on a daily basis.
- Verified that the collections per the *Monthly Fee Report* agreed to: 1.) total receipts issued by the Precinct; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, *Close-out Reports*, and the *Monthly Fee Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MARIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 266TH D.C.

MARLA CUELLAR
JUDGE, 375TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 377TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 361TH D.C.

L. KENO VASQUEZ
JUDGE, 393RD D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAI ME THERIA
JUDGE, 464TH D.C.

Conclusion:

Collections for the month of March 2019 totaled \$51,150.00. Based on our review, we concluded that fees collected were properly accounted and reported; however, the system of internal controls for the collection and safeguarding of cash requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that permit numbers were not properly entered in the Solid Waste Disposal Program, as follows:

1. Permit number 24098 replaced by 65060 was listed on the Voids and Reissued Reports generated from the Solid Waste Disposal Program; however, the permit was not listed on the Void Permit Log.
2. Permit number 53848 was replaced by 65126 according to the Void Permit Log; however, according to the Solid Waste Disposal Program, permit number 44195 was replaced by 65126.

Precinct 4 staff did not provide an explanation for not properly entering permit numbers in the Solid Waste Disposal Program.

The Solid Waste Disposal Program must contain an accurate listing of permit numbers. When a new permit is issued, the new permit information must be entered in the Solid Waste Disposal Program. Precinct staff must scan permits prior to allowing a constituent to enter the disposal site in order to determine if the permit is active in the Solid Waste Disposal Program. If the permit is not active, the constituent cannot be allowed to dispose trash.

Failure to ensure that employees are properly entering permit numbers in the Solid Waste Disposal Program may result in the constituent not being allowed to enter the collection station.

Recommendation:

Management should ensure that employees are properly entering permit numbers and replacement permit numbers in the Solid Waste Disposal Program. In addition, permit numbers entered in the Solid Waste Disposal Program incorrectly should be corrected.

Observation No. 2:

We noted that the shortage of \$100.00 on July 23, 2018 and unaccounted permit numbers 60385 and 62502 for \$25.00 each have not been replenished and deposited with the County Treasurer, as previously requested by the County Auditor's Office.

Shortages should be replenished, or a request for indemnification should be made to Commissioners Court pursuant to Local Government Code §157.903. Local Government Code §157.903 authorizes a Commissioners Court to indemnify an elected or appointed county officer against personal liability for the loss of county funds, or loss of or damage to personal property, if the loss was not the result of the officer's negligence or criminal action. Failure to implement internal controls may be considered negligence.

Failure to ensure that the shortages are replenished results in the loss of revenue.

Recommendation:

Management should request indemnification from Commissioners Court for the \$150.00.

Please provide a written management response to the observations noted above by May 17, 2019.

HIDALGO COUNTY DISTRICT JUDGES

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511, ext 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 52ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 135TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 226TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

HOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. XENO VASQUEZ
JUDGE, 389TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIWE TIJERINA
JUDGE, 484TH D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable Celestino Avila, Constable
Hidalgo County Precinct No. 1
1902 Joe Stephens Blvd. Suite 303
Weslaco, TX 78596

Re: *Monthly Fees Report* for March 2019

Dear Constable Avila:

We conducted a limited scope review of the Constable Precinct No. 1 *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution in a timely manner.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Constable; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCIAS JUDGE, 89 TH D.C.	J. R. "BOBBY" FLORES JUDGE, 139 TH D.C.	ROSE GUERRA REYNA JUDGE, 268 TH D.C.	MARLA CUELLAR JUDGE, 275 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 312 ND D.C.	NOE GONZALEZ JUDGE, 372 ND D.C. OVERSEER	LETICIA LOPEZ JUDGE, 368 TH D.C.	L. XERO VASQUEZ JUDGE, 365 TH D.C.	ISRAEL RAMON, JR. JUDGE, 415 TH D.C.	RENEE R. BETANCOURT JUDGE, 446 TH D.C.	JAINIE TIJERINA JUDGE, 494 TH D.C.
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The Honorable Celestino Avila

May 3, 2019

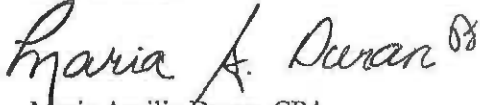
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$1,300.00. Based on our review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 97 TH D.C.	FERNANDO MANCIAS JUDGE, 81 TH D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 266 TH D.C.	MARLA CUELLAR JUDGE, 278 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 TH D.C.	NOE GONZALEZ JUDGE, 375 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. KENO VASQUEZ JUDGE, 389 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 448 TH D.C.	JAIME TUERINA JUDGE, 454 TH D.C.
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COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable Martin Cantu, Constable
Hidalgo County Precinct No. 2
300 W. Hall Acres, Ste. E
Pharr, TX 78577

Re: *Monthly Fees Report* for March 2019

Dear Constable Cantu:

We conducted a limited scope review of the Constable Precinct No. 2 *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Cashier's Daily Close-out Report/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution in a timely manner.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Constable; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 93RD D.C. J. R. "BOBBY" FLORES JUDGE, 139TH D.C. ROSE GUERRA REYNA JUDGE, 209TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 370TH D.C. LETICIA LOPEZ JUDGE, 389TH D.C. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 439TH D.C. RENEE R. BETANCOURT JUDGE, 449TH D.C. JAIME TIERNA JUDGE, 467TH D.C. OVERSEER

The Honorable Martin Cantu
May 3, 2019
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$11,684.00. Based on our review, we concluded that fees were generally properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 81st D.C.

FERNANDO MANCIAS
JUDGE, 83rd D.C.

J. R. "BOBBY" FLORES
JUDGE, 138th D.C.

ROSE GUERRA REYNA
JUDGE, 203rd D.C.

MARLA CUELLAR
JUDGE, 274th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332nd D.C.

NOE GONZALEZ
JUDGE, 370th D.C.

LETICIA LOPEZ
JUDGE, 388th D.C.

L. KERO VASQUEZ
JUDGE, 388th D.C.

ISRAEL RAMON, JR.
JUDGE, 430th D.C.

RENEE R. BETANCOURT
JUDGE, 448th D.C.

JAIME TIJERINA
JUDGE, 484th D.C.

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
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Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
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WEBSITE: www.co.hidalgo.tx.us/auditor

May 3, 2019

The Honorable Lazaro Gallardo, Constable
Hidalgo County Precinct No. 3
730 N. Breyfogle Ste. B
Mission, TX 78573

Re: *Monthly Fees Report* for March 2019

Dear Constable Gallardo:

We conducted a limited scope review of the Constable Precinct No. 3 *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conduction our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution in a timely manner.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANCIAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 128TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. XENO VASQUEZ
JUDGE, 399TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME TIJERINA
JUDGE, 484TH D.C.

Honorable Lazaro Gallardo
May 3, 2019
Page 2 of 2

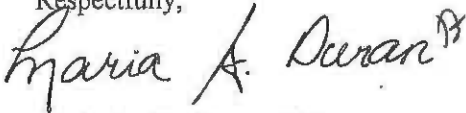
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Constable; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fees Report* were properly completed.

Conclusion:

Collections for the month of March 2019 totaled \$28,729.00. Based on our review, we concluded that fees collected were generally properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 12th D.C.

FERNANDO MANGIAS
JUDGE, 15th D.C.

J. R. "BOBBY" FLORES
JUDGE, 13th D.C.

ROSE GUERRA REYNA
JUDGE, 20th D.C.

MARLA CUELLAR
JUDGE, 27th D.C.

MARCO E. RAMIREZ, JR.
JUDGE, 32nd D.C.

NOE GONZALEZ
JUDGE, 37th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 38th D.C.

L. KENO VASQUEZ
JUDGE, 38th D.C.

ISRAEL RAMON, JR.
JUDGE, 43rd D.C.

RENEE R. BETANCOURT
JUDGE, 44th D.C.

JAIME TIJERINA
JUDGE, 48th D.C.

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 3, 2019

The Honorable Atanacio Gaitan Jr, Constable
Hidalgo County Precinct No. 4
2814 S. Business Highway 281
Edinburg, TX 78539

Re: *Monthly Fees Report* for March 2019

Dear Constable Gaitan:

We conducted a limited scope review of the Constable Precinct No. 4 *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution in a timely manner.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Constable; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 22ND D.C. FERNANDO MANCIAS JUDGE, 13TH D.C. J. R. "BOBBY" FLORES JUDGE, 15TH D.C. ROSE GUERRA REYNA JUDGE, 24TH D.C. MARLA GUELLAR JUDGE, 27TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 32ND D.C. NOE GONZALEZ JUDGE, 37TH D.C. LETICIA LOPEZ JUDGE, 38TH D.C. L. KENO VASQUEZ JUDGE, 39TH D.C. ISRAEL RAMON, JR. JUDGE, 43RD D.C. RENEE R. BETANCOURT JUDGE, 44TH D.C. JAMIE TIJERINA JUDGE, 46TH D.C. OVESEER

Honorable Atanacio Gaitan, Jr.
May 3, 2019
Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$8,159.50. Based on our review, we concluded that fees collected were generally properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. BRIGLEYTERRY
JUDGE, 67th D.C.

FERNANDO MANCIAS
JUDGE, 83rd D.C.

J. R. "BOBBY" FLORES
JUDGE, 139th D.C.

ROSE GUERRA REYNA
JUDGE, 204th D.C.

MARLA CUELLAR
JUDGE, 276th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332nd D.C.

NOE GONZALEZ
JUDGE, 370th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388th D.C.

L. KENO VASQUEZ
JUDGE, 398th D.C.

ISRAEL RAMON, JR.
JUDGE, 430th D.C.

RENEE N. BETANDOURT
JUDGE, 448th D.C.

JAMIE TIJERINA
JUDGE, 494th D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable Daniel Marichalar, Constable
Hidalgo County Precinct No. 5
P.O. Box 1279
Elsa, TX 78543

Re: *Monthly Fees Report* for March 2019

Dear Constable Marichalar:

We conducted a limited scope review of the Constable Precinct No. 5 *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified receipts were issued in sequential order.
- Verified that procedures for voided receipts were properly followed.
- Reviewed *Cashier's Daily Close-out Reports/Daily Remittance Forms* (Close-out Reports) to determine if fees collected were properly accounted and deposited with the financial institution in a timely manner.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the Constable; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts, Close-out Reports, and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 82 ND D.C.	BERNARDO MARIAS JUDGE, 62 ND D.C.	J. R. "BOBBY" FLORES JUDGE, 158 TH D.C.	ROSIE GUERRA REYNA JUDGE, 300 TH D.C.	MARLA CUELLAR JUDGE, 275 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 275 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 388 TH D.C.	L. RENO VASQUEZ JUDGE, 388 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 441 TH D.C.	JAI ME THERNA JUDGE, 444 TH D.C.
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Honorable Daniel Marichalar

May 3, 2019

Page 2 of 2

Conclusion:

Collections for the month of March 2019 totaled \$3,126.00. Based on our review, we concluded that fees collected were generally properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 61st D.C.

FERNANDO NANCIAS
JUDGE, 63rd D.C.

J. R. "BOBBY" FLORES
JUDGE, 198th D.C.

ROSE GUERRA REYNA
JUDGE, 204th D.C.

MARLA CUELLAR
JUDGE, 276th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332nd D.C.

NOE GONZALEZ
JUDGE, 370th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389th D.C.

L. MENO VASQUEZ
JUDGE, 398th D.C.

ISRAEL RAMON, JR.
JUDGE, 409th D.C.

RENÉE R. BETANCOURT
JUDGE, 448th D.C.

JAI ME TUJERINA
JUDGE, 454th D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 14, 2019

Mr. T.J. Arredondo, Director
Hidalgo County Planning Department
1304 S. 25th St.
Edinburg, Texas 78539

Re: *Monthly Fees Report* for January 2019 through March 2019

Dear Mr. Arredondo:

We conducted a limited scope review of the Planning Department *Monthly Fees Report* and supporting documentation for the months of January 2019 through March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if collections were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of January 2019 through March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation was submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported.
- Verified that receipts were issued in sequential order.
- Verified that procedures for voiding receipts were properly followed.
- Reviewed the *Revenue Detail Report by Account* generated from *Alio* to determine if fees collected were properly accounted and deposited with the financial institution on or before the fifth business day after the day on which the funds were received.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued by the department; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that the receipts issued and the *Monthly Fees Report* were properly completed.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERKY JUDGE, 91st D.C. FERNANDO MANCIAS JUDGE, 82nd D.C. J. R. "BOBBY" FLORES JUDGE, 136th D.C. ROSE GUERRA REYNA JUDGE, 266th D.C. MARLA CUELLAR JUDGE, 275th D.C. MARIO E. RAMIREZ, JR. JUDGE, 532nd D.C. NOE GONZALEZ JUDGE, 370th D.C. OVERSEER LETICIA LOPEZ JUDGE, 366th D.C. I. KENO VASQUEZ JUDGE, 365th D.C. ISRAEL RAMON, JR. JUDGE, 430th D.C. RENEE R. BETANCOURT JUDGE, 440th D.C. JAIME TIVERINA JUDGE, 484th D.C.

Mr. T.J. Arredondo
May 14, 2019
Page 2 of 2

Conclusion:

Collections for the months of January 2019, February 2019, and March 2019 were \$18,686.85, \$31,184.22, and \$42,421.00, respectively. Based on our review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511, ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCINAS JUDGE, 81 ST D.C.	J. R. "BOBBY" FLORES JUDGE, 137 TH D.C.	ROSE GUERRA REYNA JUDGE, 265 TH D.C.	MARLA CUELLAR JUDGE, 275 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 379 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. KENO VASQUEZ JUDGE, 393 RD D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 449 TH D.C.	JAIME TLERINA JUDGE, 484 TH D.C.
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COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 3, 2019

The Honorable J.E. "Eddie" Guerra, Sheriff
Hidalgo County Sheriff's Office
711 El Cibolo Rd.
Edinburg, Texas 78540

Re: Fee Account *Monthly Fees Report* for January 2019 through March 2019

Dear Sheriff Guerra:

We conducted a limited scope review of the Fee Account *Monthly Fees Reports* for January 2019 through March 2019 pursuant to Local Government Code §115.002 (a) and (b). The objective of the review was to determine if fees collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Reports* for January 2019 through March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001(b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Reviewed receipts issued to determine if proper fee amounts were collected and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued; 2.) total deposits made with the financial institution; and 3.) total receipts issued by the County Treasurer.
- Verified that receipts were issued in sequential order.
- Verified that the receipts and the *Monthly Fees Report* were properly completed.

Conclusion:

Collections for the months of January 2019 through March 2019 totaled \$30,627.10, \$27,798.03, and \$27,215.90, respectively. Based on our review, we concluded that fees were generally properly accounted and

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO NANCAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 198TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 215TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 372ND D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 395TH D.C.

ISRAEL RAMON, JR.
JUDGE, 420TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAMIE TJERINA
JUDGE, 464TH D.C.

reported. However, we noted that the system of internal controls for the collection and safeguarding of cash requires improvement as noted in the observation below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1

The January 2019 *Monthly Fees Report* was submitted to the County Auditor's Office 37 days late. According to the Sheriff's Office, the *Monthly Fees Report* was not timely submitted due to receipt being incorrectly posted in *Odyssey* (the County's law enforcement system). The IT Department assisted in correcting the receipt.

Local Government Code § 114.001(b) states, "A monthly report must be filed within five days after the last day of each month." Timely submittal of the *Monthly Fees Report* helps ensure the proper accounting and accurate projection of county revenues.

Failure to ensure that the *Monthly Fees Report* is submitted to the County Auditor's Office within five days after the last day of the each month may result in the improper accounting and inaccurate projection of County revenues.

Recommendation:

Management should ensure the *Monthly Fees Report* is submitted to the County Auditor's Office within five days after the last day of each month.

Please provide a management response to the observation noted above by May 24, 2019.

If you have any questions, please contact Rocio Quiroga, Internal Auditor I, at 318-2511 ext. 4604, Reynaldo Cantu III, Compliance Audit Supervisor, at ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES



HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM

AUDITEE: Sheriff's Office **AUDIT NO.:** _____
Fee Account Monthly Fees
Report for January 2019 **MANAGEMENT**
AUDIT: through March 2019 **RESPONSE DUE:** May 24, 2019
FINDING No.: 1 **RECOMMENDATION:** 1

Management should ensure the Monthly Fees Report is submitted to the County Auditor's Office within five days after the last day of each month.

Management Response (Choose One):

_____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____

COUNTY of HIDALGO

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EDINBURG, TEXAS 78539

April 30, 2019

The Honorable Laura Hinojosa
Hidalgo County District Clerk
100 N. Closner, 1st Floor
Edinburg, Texas 78540

Re: *Monthly Fees Report* for March 2019

Dear Ms. Hinojosa:

We conducted a limited scope review of the *Monthly Fees Report* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b), and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Fees Report* for the month of March 2019. Our review was not intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Fees Report* and supporting documentation were submitted to the County Auditor's Office within five days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Fees Report* by footing and cross-footing the report.
- Verified that collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Reports, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Verified that the jail time ordered to be served by the defendant as stated on the Judgment Order agreed to the jail time reported on the Sheriff's "D" Monthly Report.
- Verified the sequence of receipts per the *Monthly Fees Report* agreed to *Odyssey's* Receipt Journal Report for civil and criminal collections. In addition, verified that receipts were issued in sequential order.
- Reviewed randomly selected receipts to determine if fines, fees, and court costs were allocated and reported in the proper amounts.
- Verified that the *Cashier's Daily Fund Report* and bank deposit slips were properly completed and accurate.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 158TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 325TH D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. RENO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 437TH D.C.

RENEE K. BETANCOURT
JUDGE, 418TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.

- Reviewed *Revenue Remittance Reports* and County Treasurer receipts to determine if fees collected were deposited with the County Treasurer in a timely manner.
- Verified that receipts, *Revenue Remittance Reports*, *Monthly Fees Report*, and mail logs were properly completed.
- Reviewed randomly selected receipts per method of payment for 5 days to determine if money orders, checks, credit cards, E-files, and cash were properly receipted and deposited.
- Verified that the number of cases and motions for civil filing fees were correctly reported on the *Monthly Fees Report*.

Conclusion:

Collections for the month of March 2019 totaled \$579,013.66. Based on our review, we concluded that fines, fees, and court costs collected were generally properly accounted and reported.

If you have any questions, please contact Marissa Castillo, Internal Auditor II, at 318-2511 ext. 4650, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, Linda Fong, First Assistant Auditor, at ext. 4668 or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO NANCAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
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JUDGE, 275TH D.C.

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JUDGE, 322ND D.C.

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JUDGE, 370TH D.C.
OVERSEER

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JUDGE, 389TH D.C.

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JUDGE, 399TH D.C.

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JUDGE, 439TH D.C.

RENEE R. BETANCOURT
JUDGE, 440TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
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Edinburg, Texas 78539-6243
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April 30, 2019

The Honorable Gilberto Saenz
Hidalgo County Justice of the Peace Pct. 1, Pl. 1
1902 Joe Stephens, Suite 301
Weslaco, Texas 78596

Re: *Monthly Fines and Fees Report for March 2019*

Dear Judge Saenz:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 22ND D.C. FERNANDO MANCIAS JUDGE, 63RD D.C. J. R. "BOBBY" FLORES JUDGE, 135TH D.C. ROPE QUERRA REYNA JUDGE, 208TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NDE GONZALEZ JUDGE, 370TH D.C. OVESEER LETICIA LOPEZ JUDGE, 389TH D.C. L. KEND VASQUEZ JUDGE, 391ST D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BEYAN COURT JUDGE, 448TH D.C. JAIME TIERNA JUDGE, 464TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts followed sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$109,785.20. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 69 of 782 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in *Odyssey*. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of January 2015 (1), February 2015 (4), March 2015 (114), April 2015 (51), May 2015 (1), July 2015 (47), August 2015 (14), September 2015 (18), October 2015 (4), November 2015 (4), December 2015 (1), February 2016 (2), May 2016 (2), June 2016 (2), July 2016 (1), September 2016 (4), October 2016 (3), December 2016 (3), March 2017 (1), April 2017 (9), May 2017 (2), June 2017 (9), July 2017 (8), August 2017 (8), September 2017 (13), December 2017 (1), February 2018 (33), April 2018 (9), December 2018 (25), January 2019 (31), and February 2019 (72) are pending to be completed. According to the Court Coordinator, staff will work on the adjustments on Fridays.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. The Justice of the Peace is required to enter the disposition date (judgment date) in *Odyssey* to facilitate the collection of statutory fees and denial of registration by the Tax Assessor-Collector. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.

HIDALGO COUNTY DISTRICT JUDGES

- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the May 2013 and August 2013 through March 2019 Office of Court Administration’s “Official Justice of the Peace Monthly Reports” (OCA Reports) have not been submitted to the County Auditor’s Office. According to the Justice of the Peace staff, copies of the OCA Reports cannot be generated from *Odyssey* due to data entry errors. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that “the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds.” Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor’s Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that 2 cash bonds (see Exhibit B) posted on May 24, 2016 (1) and June 27, 2016 (1) by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail. To date, the bond received on June 27, 2016 has not been forfeited. In addition, according to staff, the bond received on May 24, 2016 cannot be forfeited due to technical complications with *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Pursuant to Code of Criminal Procedure Article 45.044 (a)(2), “A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant’s fine and cost if the defendant fails to appear according to the terms of the defendant’s release.” Pursuant to the terms of the cash bond, the defendant must appear before the Justice of the Peace by the 10th workday following the date of their release from jail. If the defendant fails to appear, the Justice of the Peace may declare the cash bond forfeited, enter a judgment of guilty, assess a fine, and apply the cash bond to the payment of the imposed judgment.

Failure to ensure that bonds are liquidated in a timely manner may result in the defendant being assessed additional court costs and fees, in error.

Recommendation:

Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 4:

We noted that 3 of 101 online credit card transactions were receipted 2 to 4 days after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transactions were not processed timely since they were moving back into their office.

The County Auditor’s Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

HIDALGO COUNTY DISTRICT JUDGES

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that the Court Coordinator verifies that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Please provide written management responses to the observations noted above and action plans for observations 1 through 3 by May 17, 2019 using the attached Action Plan Forms.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Araceli A. Guillen, Internal Auditor I, at (956) 318-2511 at ext. 4649, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibit A, Exhibit B, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

Justice of the Peace Gilberto Saenz
 Schedule of Adjustments
 For the Month of March 31, 2019

What happened to birth certificate number 49787?

Both receipts JP11-2019-01813 and JP11-2019-01814 have BC 4979, which is the correct receipt and what BC number was assigned to the remaining receipt

What happened to death certificate numbers 6758 and 6759?

Receipt	Case #	Date	Offense	ARREST	CC	CHS	CHSIP	CM1	CO	CSFZ	CVCA	DPS	DPSF	FA	IDRF	JCD	JCTF	JSF	LIT	MVF	SCOF	SDF	SJFC	SIFS	SDr	STF	SV50	TP	TPDC	TPDS	TPWF	TPWR	UTFC	WARr	WFCONSTL	TOTAL	
JP11-2019-01519	TR	3/15/19	6/17/99 DISREGARD STOP SIGN	5	17.00	3.00	-	-	30.75	-	-	15	-	-	5	-	0.25	1	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.00
Based on offense type, SV50 \$25 should not have been assessed, should be CO \$50.																																					
JP11-2019-01285	TR	3/5/19	6/1/03 NO SAFETY BELT	-	17.00	3.00	-	-	0.5	25.00	-	15	-	5	-	0.50	2	4.00	-	2	20.00	-	-	-	-	25.0	-	-	-	-	-	-	-	-	-	-	127.00
JP11-2019-01595	TR	3/18/19	7/6/03 NO SAFETY BELT	-	17.00	3.00	-	-	0.5	25.00	-	15	-	5	-	0.50	2	4.00	-	2	20.00	-	-	-	-	25.0	-	-	-	-	-	-	-	-	-	-	177.00
WARr \$40 was assessed incorrectly, should be WARr \$50. Pursuant to Attorney General Opinion 6A-0147, 2004, payments must be allocated to court costs and fees first (both state and local) and then to fines.																																					
If the monies do not cover all costs, then the monies must be allocated to court costs and fees on a pro rata basis. Please ensure that all fees are properly prorated																																					
JP11-2019-01507	TR	3/14/19	9/6/03 CHECK	-	17.00	3.00	-	-	0.5	-	-	15	-	-	5	-	0.50	2	4.00	-	2	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	109.00
Based on disposition date of 06/14/2007, TP \$25 should have been assessed.																																					
JP11-2019-01303	TR	3/6/19	7/6/04 LICENSE PLATES	-	40.00	3.00	-	-	61.00	-	-	-	-	-	-	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	185.00
Based on disposition date of 09/06/2019, TP \$25 should not have been assessed.																																					
JP11-2019-01315	TR	3/6/19	7/5/05 MPH/55 MPH	-	40.00	3.00	-	-	30.00	-	-	-	-	-	-	-	-	-	-	-	20.00	-	-	-	30.00	-	25	-	-	-	-	-	-	-	-	-	212.00
Based on offense date, TPDC \$1 and TPDS \$1 should not have been assessed.																																					
JP11-2019-01201	TR	3/4/19	4/29/09 FAILURE TO APPEAR	-	40.00	3.00	1.00	-	91.00	-	-	-	-	-	-	2.00	-	-	-	4.00	4.00	-	-	0.60	5.40	-	1.00	1.00	-	-	-	-	-	-	-	-	355.00
Based on appear by date, SCOF \$20 should have been assessed.																																					
JP11-2019-01232	TR	3/4/19	12/6/11 FAILURE TO APPEAR	-	40.00	3.00	1.00	-	25.00	-	-	-	-	-	2.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	-	1.00	1.00	-	-	-	-	-	-	-	-	89.00
Based on offense date, TPDC \$1 and TPDS \$1 should not have been assessed.																																					
JP11-2019-01596	TR	3/18/19	4/15/12 MPH/30 MPH	-	40.00	3.00	1.00	-	22.00	-	-	-	5.0	-	2.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	30.00	-	-	-	-	-	-	-	-	-	-	122.10
JP11-2019-01361	TR	3/8/19	1/8/18 Disregard Stop Sign(6)	-	40.00	3.00	1.00	-	22.90	-	-	-	5.00	-	2.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	30.00	-	1.00	1.00	-	-	-	-	-	-	-	175.00
JP11-2019-01488	TR	3/13/19	3/23/20 INTERSECTION	-	40.00	3.00	1.00	-	122.9	-	-	-	-	-	5.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	30.00	-	1.00	1.00	-	-	-	-	-	-	-	225.00
JP11-2019-01483	TR	3/4/19	2/12/18 When Unlicensed not	-	40.00	3.00	1.00	-	140.9	-	-	-	-	-	2.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	5	-	-	-	-	-	-	-	-	-	-	260.00
JP11-2019-01280	TR	3/5/19	11/9/18 When Unlicensed not	-	40.00	3.00	1.00	-	65.90	-	-	-	-	-	5.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	1.00	-	1.00	1.00	-	-	-	-	-	-	-	135.00
JP11-2019-01425	TR	3/13/19	8/6/18 speed limit	-	40.00	3.00	1.00	-	42.90	-	-	-	-	-	5.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	30.00	-	1.00	1.00	-	-	-	-	-	-	-	145.00
Based on disposition date of 06/17/2010, TP \$25 should have been assessed.																																					
JP11-2019-01538	TR	3/15/19	6/21/09 MPH/55 MPH	-	40.00	3.00	1.00	-	117.0	-	-	-	-	-	2.00	-	-	-	-	4.00	4.00	-	-	0.60	5.40	30.00	-	-	-	-	-	-	-	-	-	-	287.00

Justice of the Peace Gilberto Saenz
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt	Case #	Date	Offense	ARREST	CCC	CHS	CHSIP	CMIT	CO	CONST1	CSS	DISP	CVCA	DFS	DPSr	FA	IDRF	JCD	JCPT	JCTF	JSF	LTF	MVF	SCOF	SDF	SJFC	SIFS	SOR	STF	SV50	TP	TPDC	TPDS	TPWFr	TPWFr	UTFC	WARr	WFCONST1	TOTAL
Based on appear by date, SCOF 520 should have been assessed. Pursuant to Attorney General Opinion SA-0147, 2004, payments must be allocated to court costs and fees first, (both state and local) and then to fines. If the monies do not cover all costs, then the number must be allocated to court costs and fees on a pro rata basis. Please ensure that all fees are properly prorated.																																							
11- NO DRIVER'S LICENSE																																							
JP11-2019-01727	103056-	3/22/19	3/31/11 (WHEN UNLICENSED)	-	40.00	3.00	1.00	-	2.00	-	-	5.0	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	-	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	69.00
TRU7- NO DRIVER LICENSE																																							
JP11-2019-01340	3113-11	3/7/19	5/15/17 WHEN UNLICENSED- RIDE, NOT SECURED BY SAFETY BELT-DRIVER (12)	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	-	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	69.10
TRU8- SAFETY BELT-DRIVER (12)																																							
JP11-2019-01602	0370-111	3/18/19	12/19/15 1-85) (6)	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	-	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.00
09-98671-																																							
JP11-2019-01603	TR	3/18/19	12/19/09 NO SAFETY BELT	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	-	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.00
TRU7- Speeding 10 percent or more above posted																																							
JP11-2019-01857	4401-111	3/28/19	7/4/17 speed limit	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.10
TRU8- SPEEDING-10% OR MORE ABOVE POSTED																																							
JP11-2019-01852	4094-111	3/28/19	10/5/16 MORE ABOVE POSTED	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.10
TRU8- No Drivers License - SAFETY SEAT SYS.CHILD																																							
JP11-2019-01649	6376-111	3/20/19	10/16/18 When Unlicensed not SAFETY SEAT SYS.CHILD	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	69.10
TRU8- PASS.CHILD&4:8 UNLESS TALLER THAN																																							
JP11-2019-01662	6657-111	3/20/19	10/11/18 4:9 NOT SECURED BY SAFETY SEAT SYS.CHILD	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.10
TRU8- more above posted																																							
JP11-2019-01321	7146-111	3/16/19	10/30/18 speed limit	-	40.00	3.00	1.00	-	2.00	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.10
Based on offense date, CSS \$0.15 should not have been assessed.																																							
JP11-2019-01242	10696-	3/4/19	6/1/13 RESTRAINED IN SEAT CHILD-0:8 NOT	-	40.00	3.00	1.00	-	12.50	-	0.15	-	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	145.25
Based on offense date, MVF \$0.10 should have been assessed.																																							
TRU2- DRIVING WHILE LICENSE INVALID																																							
JP11-2019-01795	38656S	3/25/19	6/4/12 LICENSE INVALID DRIVING WHILE	-	40.00	3.00	1.00	-	433.00	-	-	5.0	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	-	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	570.00
TRU2- DRIVING WHILE LICENSE SUSPENDED																																							
JP11-2019-01540	5796S	3/15/19	3/30/12 LICENSE SUSPENDED	-	40.00	3.00	1.00	-	-	-	-	5.0	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	-	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	137.00
Based on the first payment date, TP \$2.5 should have been assessed. In addition, based on the number of payments, LTF was under assessed by \$2.																																							
JP11-2019-01333	47536S	3/7/19	3/4/13 ROAD DRV/WRG.SIDE OF	-	20.01	1.50	0.51	-	177.9	-	-	2.5	-	2.5	-	1.01	-	1.01	-	2.00	2.00	1	0.06	20.00	-	0.30	2.70	-	-	-	-	-	-	-	-	-	-	-	298.00
Based on offense type, MVF \$0.10 should not have been assessed.																																							
TRU2- EXPIRED MOTOR VEHICLE INSPECTION																																							
JP11-2019-01255	70446S	3/4/19	12/2/11 VEHICLE INSPECTION	-	40.00	3.00	1.00	-	79.90	-	-	5.0	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	250.00
TRU3- PASSENGER NOT SECURED BY SAFETY USE OF PORTABLE																																							
JP11-2019-01768	20596S	3/25/19	5/6/13 NO SAFETY BELT PASSENGER NOT SECURED BY SAFETY USE OF PORTABLE	-	40.00	3.00	1.00	-	14.90	-	-	5.0	-	5.0	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	185.00
TRU2- USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR																																							
JP11-2019-01343	6545-111	3/7/19	10/18/18 ELECTRONIC USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR	-	40.00	3.00	1.00	-	-	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	122.10
TRU3- ELECTRONIC USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR																																							
JP11-2019-01582	7140-111	3/18/19	11/6/18 ELECTRONIC USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR	-	40.00	3.00	1.00	-	-	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	122.10
TRU3- ELECTRONIC USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR																																							
JP11-2019-01214	0909-111	3/4/19	3/20/19 ELECTRONIC USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR	-	40.00	3.00	1.00	-	-	-	-	5.00	-	5.00	-	2.00	-	2.00	-	4.00	4.00	2	0.10	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	102.10

**Justice of the Peace Gilberto Saenz
Precinct 1, Place 1
Schedule of Bonds on Deposit
As of March 31, 2019**

Year	Receipt Date	Docket No.	Receipt No.	Bond Amount
2016				
	5/24/2016		JP11-2016-03170	245.00
	6/27/2016	CRNT16-0245-J11		167.00
		Total		<u>412.00</u>

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: **GILBERTO SAENZ**
Precinct No. **1** Place No. **1**

City: **WESLACO, TX**
Hidalgo County, Texas

PBC

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipts #s) <u>JP11-2019-01129</u> THRU <u>JP11-2019-01901</u>	\$ <u>109,785.20</u> [✓] <i>X10-A</i>
LESS: COST ON DEPOSIT		<u> </u> <i>x7</i>
ADD: COST ON DEPOSIT LIQUIDATED		<u> </u> <i>x7</i>
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)		\$ <u>109,785.20</u> <i>x3</i>
Less: Total amount of remittances to County Treasurer (From Part II)		<u>110,197.20</u> [Ⓐ]
		<u>109,785.20</u>
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)		\$ <u>(412.00)</u> <i>x4-L</i>
		<u> </u> <i>x1</i>

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

Description	AMOUNT	Comment
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ <u>109,785.20</u>	<i>B1</i> ✓
Add: Previous Month's Bond Overtransfer <i>May 2016 + June 2016</i>	<u>412.00</u>	<i>Ex B</i> ✓
Add: HCSO Monthly "D" Collections Report		
Total Remittances Made to County Treasurer	\$ <u>109,785.20</u>	

PREPARED BY: *Ruina Santata* DATE: *4/5/19*

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME & I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

HIDALGO COUNTY AUDITOR'S OFFICE
APPROVED BY: *[Signature]* DATE: *4/5/19*
DATE: *04/18/19* *4/23/19* *4/21/19* JUSTICE OF THE PEACE DATE

RECEIVED

THIS REPORT IS DUE IN THE OFFICE OF THE COUNTY AUDITOR BEFORE THE FIFTH (5TH) DAY OF THE FOLLOWING MONTH (LGC § 114.001).

COUNTY AUDITOR'S FORM: RE-JP-004

REVISED 03/2016

APR - 9 2019

HIDALGO COUNTY
AUDITOR'S OFFICE

v2

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: GILBERTO SAENZ
Precinct No. 1 Place No. 1

City: WESLACO, TEXAS
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Invoiced/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-061-000-0-000	\$ 35,034.65
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	93.30
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (j)		1100-207-20-000-028-0-000	231.95
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Educ. Code § 25.093 (d) 1 (A)		1100-207-30-000-004-0-000	213.55
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee(\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	1,862.78
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-061-000-0-000	594.00
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	2,455.97
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	20.00
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	5.00
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	1,261.00
Motor Vehicle Adm. Fee (\$10-\$20) (Disinfectant Fee for Exp. DMV Exp. Insp. Cert. Exp. Mv Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	80.00
Teen Court Program Adm. Fee (Up to \$10.00)		C.C.P. Art. 45.032 (e)		1100-341-10-060-005-0-000	-
Special Fees				1100-341-10-061-000-0-000	731.70
Deferred Disposition		C.C.P. Art. 45.051	731.70		
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.051(f)			
Support of Judiciary Fund (\$ 60)		LGC 133.105		1100-341-10-060-009-0-000	356.39
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-061-000-0-000	994.82
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (c)		1100-341-10-060-011-0-000	304.58
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	-
Scofflaw Fee (\$20)		TRC 502.010(g)		1100-341-10-140-049-0-000	5,296.65
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	527.49
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	5.00
Breath Alcohol Testing Fund (\$30)		C.C.P. Art. 102.016		1100-207-20-000-006-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	2.50
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	3.50
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	25.00
Juvenile Crime and Delinquency Fund (\$2.5, \$5)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	7.25
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	5.00
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (w) 2		1100-207-20-000-009-0-000	90.00
Consolidated Court Costs Fund (\$40)		CCP 102.075 (a) 3/ LGC 133.102		1100-207-20-000-015-0-000	24,425.74
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.35 (2) & (3)		1100-207-20-000-017-0-000	285.00
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	33.00
Correctional Management Institute of Texas Fund (\$ 50)		CCP Art. 102.075		1100-207-20-000-029-0-000	5.50
Indigent Legal Services Fee-JP (\$6)		Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	558.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	9,558.23
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	2,379.97
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	3,185.57
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	48.60
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.0511 (e-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund (\$2)		LGC 133.107/GC 102.023		1100-207-20-000-059-0-000	1,166.00
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/GC		1100-207-20-000-061-0-000	43.69
Safety Seat Violation Fee (\$0.15) (on or before September 28, 2011)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	0.15
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	-
Electronic Filing Fee - Civil (\$10)		GC 101.141/GC 51.851		1100-207-20-000-070-0-000	930.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	529.49
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (e)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)		GC 51.971 (b)		1100-207-20-000-076-0-000	465.00
ARREST/WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)				1100-207-20-000-019-0-000	2,174.93
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	15.00
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	10.00
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:		LGC 118.131		1100-342-10-060-001-0-000	80.00
Constable Fees:				1100-342-10-291-000-0-000	9,983.10
HIDALGO COUNTY AUDITOR'S OFFICE					
Precinct #1 APPROVED BY: [Signature]				1100-342-10-292-000-0-000	-
Precinct #2 DATE: 04/18/2019				1100-342-10-293-000-0-000	-
Precinct #3 DATE: 4/23/19				1100-342-10-294-000-0-000	-
Precinct #4				1100-342-10-295-000-0-000	10.00
Precinct #5				1100-341-10-060-007-0-000	-
District Attorney Fees				1100-342-10-060-002-0-000	-
Tax Assessor Fraud Investigators Fees				1100-342-10-060-003-0-000	-
School District Arrest Fee				1100-342-10-060-003-0-000	-
Fire Marshal Fee				1100-342-20-060-001-0-000	-
Due to Others					
Warrant Fees/Out of County Service Fees DTO: Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-202-00-000-007-0-000	50.00 (43.90)
Due to Others				1100-202-00-000-007-0-000	-
Restitution				1100-202-00-000-007-0-000	-
Failure to Appear- OmniBase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-202-00-061-019-0-000	-
Delinquent Attorney Fee				1100-202-00-000-004-0-000	-
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	2,368.75
State Claims Court Filing Fee (\$25)		LGC 118.121/118.122			
State Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	2,325.00		
Landlord & Tenant Eviction Filing Fee (Forensic Entry & Detainer Court) (\$25)		LGC 118.121/118.122			
Transcript Fees (\$10)		LGC 118.121/118.123 (b)			
Abstract Fees (\$5)		LGC 118.121/118.123 (e)	20.00		
Agency Fees					
Wire Filing Fee (\$5 per page)		LGC 118.121/118.123 (d)	20.00		
Filing other Document (\$1 1st pg., .25 for each add'l pg)		LGC 118.121/118.123 (e)	3.75		
Qualified Copies of Court Papers (\$2 1st pg., .25 for each add'l pg)		LGC 118.121			
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141 (w)			
Birth Certificates (\$22 each)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	545.40
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	100.00
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045(h)		1100-341-10-060-008-0-000	32.00
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 504.1(d)/ CCP 102.004		1100-341-10-060-006-0-000	-

TOTAL AMOUNT DUE TO THE COUNTY TREASURER: \$ 109,785.20

THIS REPORT IS DUE IN THE OFFICE OF THE COUNTY AUDITOR BEFORE THE FIFTH (5TH) DAY OF THE FOLLOWING MONTH (LGC § 114.001).

RECEIVED

APR - 9 2019

HIDALGO COUNTY AUDITOR'S OFFICE

X1
 X2
 X3-AV
 X1; X2; B1; X3

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 1	<p>We noted that 69 of 782 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in Odyssey. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, adjustments for the months of January 2015 (1), February 2015 (4), March 2015 (114), April 2015 (51), May 2015 (1), July 2015 (47), August 2015 (14), September 2015 (18), October 2015 (4), November 2015 (4), December 2015 (1), February 2016 (2), May 2016 (2), June 2016 (2), July 2016 (1), September 2016 (4), October 2016 (3), December 2016 (3), March 2017 (1), April 2017 (9), May 2017 (2), June 2017 (9), July 2017 (8), August 2017 (8), September 2017 (13), December 2017 (1), February 2018 (33), April 2018 (9), December 2018 (25), January 2019 (31), and February 2019 (72) are pending to be completed.</p> <p>Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in Odyssey. • Staff should ensure that adjustments are entered in Odyssey within three days of notification.
Recommendation No. 1	
GOAL/ACTION ITEM:	Complete the adjustments for the months listed in the observation above.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 2	Properly completed copies of the May 2013 and August 2013 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office.
Recommendation No. 2	Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 3	We noted that 2 cash bonds (see Exhibit B) posted on May 24, 2016 (1) and June 27, 2016 (1) by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail.
Recommendation No. 3	Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance from the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The 2 cash bonds are liquidated as soon as possible.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 24, 2019

The Honorable Jesus E. Morales
Hidalgo County Justice of the Peace Pct. 1, Pl. 2
1902 Joe Stephens, Suite 302
Weslaco, Texas 78596

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Morales:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.
- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82ND D.C. FERNANDO MANCAS JUDGE, 83RD D.C. J. R. "BOBBY" FLORES JUDGE, 138TH D.C. ROSE GUERRA REYNA JUDGE, 208TH D.C. MARLA CUELLAR JUDGE, 278TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 373RD D.C. LETICIA LOPEZ JUDGE, 388TH D.C. L. KERO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE H. BETANCOURT JUDGE, 449TH D.C. JAIME TIJERINA JUDGE, 464TH D.C.

- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if all credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "Official Justice of the Peace Monthly Report" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$66,368.25. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 18 of 567 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for February 2015 (167), March 2015 (1), June 2015 (1), July 2015 (20), August 2015 (19), September 2015 (39), October 2015 (37), November 2015 (21), December 2015 (19), January 2016 (25), February 2016 (45), March 2016 (30), April 2016 (1), and July 2016 (1) are still pending to be completed. According to staff, due to a high volume of customers, sufficient time is not available to verify that fees, fines, and court costs are applied correctly prior to receipting a payment.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the April 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect

HIDALGO COUNTY DISTRICT JUDGES

copies of OCA Reports for the months of February 2014 and March 2014 were submitted to the County Auditor's Office. According to Justice of the Peace staff, copies of the OCA Reports cannot be generated due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that 1 of 1 kiosk credit card transaction was receipted 33 days after the date of transaction. Consequently, the applicable case disposition was not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transaction was not receipted timely due to an oversight.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Please provide written management responses to the observations noted above and action plans for observations 1 and 2 using the attached Action Plan Forms by May 3, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA,
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibit A, and Action Plan Forms.

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED: March-19

PBC

Judge: JESUS E. MORALES
Precinct No. 1 Place No. 2

City: WESLACO, TX
Hidalgo County, Texas

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipt #s) <u>JP12-2019-00899</u> through <u>JP12-2019-01442</u>		\$ 66,368.25 ✓
LESS: COST ON DEPOSIT		0.00 -	x3 ✓
ADD: COST ON DEPOSIT LIQUIDATED		0.00 -	x3 ✓
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)			\$ 66,368.25 x3 ✓
Less: Total amount of remittances to County Treasurer (From Part II)			\$ 66,368.25 (A)
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)			\$ 0.00 x4-a7

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

DESCRIPTION	AMOUNT	COMMENT
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ 66,368.25 B, ✓	
Add: Previous Month's Bond Overtransfer	0.00	
Add: HCSO Monthly "D" Collections Report	\$ -	
Total Remittances Made to County Treasurer	\$ 66,368.25 (A)	

PREPARED BY:

Janet Cardenas

DATE:

4-3-19

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME & I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE

DATE:

4.12.19

4/16/19

[Signature]
4/22/19

[Signature]
JUSTICE OF THE PEACE

DATE

4-3-19

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED March-19**

Judge: JESUS E. MORALES
Precinct No. 1 Place No. 2

City: WESLACO, TEXAS
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-062-000-0-000	\$ 15,678.90
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	-
No Safety Belt 50% Fine (State Fine)		TRC 543.412, 543.413 (f)		1100-207-20-000-028-0-000	75.00
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Educ. Code § 25.093 (d) 1 (A)		1100-207-30-000-005-0-000	-
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee(\$3)		C.C.P. Art. 102.017 (c)		1241-341-10-060-001-0-000	1,142.99
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-062-000-0-000	369.33
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	1,512.11
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	339.86
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (c)		1100-341-10-060-002-0-000	84.96
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	816.04
Motor Vehicle Adm. Fee (\$10-\$20) (Dismissal Fee for Exp. DL, Exp Insp. Cert, Exp MV Reg.)		TRC Sec 548.503, 521.026,502.407		1100-341-10-060-004-0-000	10.00
Special Fees				1100-341-10-062-000-0-000	538.60
Deferred Disposition		C.C.P. Art. 45.051	418.60		
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.0511(f)	120.00		
Support of Judiciary Fund (\$60)		LGC 133.105		1100-341-10-060-009-0-000	-
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-062-000-0-000	711.83
Child Safety (\$20-\$25)		C.C.P. Art. 102.014		1100-341-10-060-011-0-000	13.09
Failure to Appear (\$4)		TC 706.006/TC 706.007(g)(2)		1100-341-10-060-012-0-000	157.93
Scowlaw Fee (\$20)		TRC 502.010(a)		1100-341-10-140-049-0-000	3,983.05
Tuancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	314.63
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	424.82
Juvenile Crime and Delinquency Fund (\$25, \$50)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	2.32
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a)2		1100-207-20-000-009-0-000	30.65
Consolidated Court Costs Fund (\$17)		CCP 102.075 (a) 3/LGC 133.102		1100-207-20-000-015-0-000	15,099.70
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	91.93
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	12.26
Correctional Management Institute of Texas Fund (\$50)		CCP Art. 102.075		1100-207-20-000-029-0-000	1.57
Indigent Legal Services Fee-JP (\$6)	100	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	600.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	6,998.33
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	1,477.37
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	1,966.32
Birth Certificate Fee (\$1.80)		HSC 191.022(g)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.0511 (e-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund (\$2)		LGC 133.107/GC 102.023		1100-207-20-000-059-0-000	716.63
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/GC		1100-207-20-000-061-0-000	28.09
Safety Seat Violation Fee (\$0.15)		TRC 543.412 (b-1)		1100-207-20-000-062-0-000	-
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(g)(2)		1100-207-20-000-065-0-000	789.68
Electronic Filing Fee - Civil (\$10)		GC 101.141/GC 51.851		1100-207-20-000-079-0-000	1,000.00
Tuancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	314.63
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (e)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)	100	GC 51.971 (e)		1100-207-20-000-076-0-000	500.00
ARREST/WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	1837.66
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	-
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	-
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:		LGC 118.131		1100-342-10-060-001-0-000	43.27
Constable Fees:				1100-342-10-291-000-0-000	5507.12
Precinct #1				1100-342-10-292-000-0-000	-
Precinct #2				1100-342-10-293-000-0-000	-
Precinct #3				1100-342-10-294-000-0-000	-
Precinct #4				1100-342-10-295-000-0-000	-
Precinct #5				1100-341-10-060-007-0-000	5.00
District Attorney Fees				1100-342-10-060-002-0-000	-
Tax Assessor Fraud Investigators				1100-342-10-060-003-0-000	-
School District Arrest Fee				1100-342-20-060-001-0-000	-
Fire Marshal Fee					-
Due to Others					
Warrant Fees/Out of County Service Fees DTO: Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-202-00-000-008-0-000	155.10
Due to Others				1100-202-00-000-008-0-000	-
Restitution				1100-202-00-000-008-0-000	-
Failure to Appear- OmniBase (\$6)		TRC 706.006/TRC 706.007(g)(2)		1100-202-00-062-019-0-000	236.91
Delinquent Attorney Fee		C.C.P. Art. 102.0031(b)		1100-202-00-000-004-0-000	-
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	2,565.00
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122			-
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	2,500.00		-
Landlord & Tenant Eviction Filing Fee (Forfeible Entry and Detainer Court) (\$25)		LGC 118.121/118.122			-
Transcript Fees (\$10)		LGC 118.121/118.123 (b)			-
Abstract Fees (\$5)		LGC 118.121/118.123 (c)	30.00		-
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	35.00		-
Issuing other Document (\$1 1st pg., .25 for each add'l pg)		LGC 118.121/118.123 (e)			-
Certified Copies of Court Papers (\$2 1st pg., .25 for each add'l pg)		LGC 118.121			-
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141 (a)4			-
Birth Certificates (\$22 each)		HSC 191.0045 (3)(2)		1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(4)		1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (b)		1100-341-10-060-008-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 304.1(b)/ CCP 102.004		1100-341-10-060-005-0-000	-
TOTAL AMOUNT DUE TO THE COUNTY TREASURER:					\$ 66,368.25

**AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE
DATE: 4/12/19**

47 X1; X2

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- J.P. Pct. 1, PL. 2
Observation No. 1	<p>We noted that 18 of 567 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for February 2015 (167), March 2015 (1), June 2015 (1), July 2015 (20), August 2015 (19), September 2015 (39), October 2015 (37), November 2015 (21), December 2015 (19), January 2016 (25), February 2016 (45), March 2016 (30), April 2016 (1), and July 2016 (1) are still pending to be completed.</p>
Recommendation #	<p>Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in Odyssey. • Staff should ensure that adjustments are entered into Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the adjustments for the months listed in the observation above.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature _____

Date _____

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- J.P. Pct. 1, PL. 2
Observation No. 2	Copies of the April 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of OCA Reports for the months of February 2014 and March 2014 were submitted to the County Auditor's Office.
Recommendation #	Management should ensure that a properly completed OCA Report is filed with the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 24, 2019

The Honorable Bobby Contreras
Hidalgo County Justice of the Peace Pct. 2, Pl. 1
300 W. Hall Acres, Ste F
Pharr, Texas 78577

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Contreras:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J.R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 372ND D.C.

NOE GONZALEZ
JUDGE, 375TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. HENRIVASQUEZ
JUDGE, 386TH D.C.

ISRAEL RAMON, JR.
JUDGE, 419TH D.C.

RENEE N. BETANCOURT
JUDGE, 448TH D.C.

JAMIE TIJERINA
JUDGE, 454TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$153,047.72. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 13 of 1003 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for April 2015 (43), May 2015 (65), July 2015 (23), August 2015 (31), September 2015 (43), October 2015 (34), November 2015 (10), December 2015 (5), January 2016 (13), February 2016 (21), March 2016 (28), April 2016 (31), May 2016 (2), June 2016 (2), August 2016 (5), September 2016 (8), October 2016 (6), November 2016 (6), December 2016 (5), January 2017 (3), February 2017 (6), March 2017 (9), April 2017 (5), May 2017 (7), June 2017 (5), July 2017 (9), August 2017 (2), September 2017 (6), October 2017 (4), November 2017 (6), December 2017 (24), January 2018 (3), February 2018 (9), March 2018 (10), April 2018 (6), May 2018 (8), June 2018 (8), July 2018 (7), August 2018 (7), September 2018 (5), November 2018 (8), December 2018 (6), January 2019 (8), and February 2019 (14) are still pending to be completed. According to staff, attempts to check the fines, fees, and court costs prior to receipting are being made. In addition, due to a heavy workload and a limited number of staff, the adjustments could not be completed in a timely manner.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINOLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 10TH D.C.

ROSE GUERRA REYNA
JUDGE, 20TH D.C.

MARLA CUELLAR
JUDGE, 27TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 31ST D.C.

HOE GONZALEZ
JUDGE, 37TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 39TH D.C.

I. KENO VASQUEZ
JUDGE, 39TH D.C.

ISRAEL RAMON, JR.
JUDGE, 43RD D.C.

RENEE R. BETANCOURT
JUDGE, 46TH D.C.

JAIME TIJERINA
JUDGE, 46TH D.C.

- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the June 2014 through August 2014 and April 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of OCA Reports for the months of March 2012, November 2012, January 2013 through May 2014, October 2014, November 2014, and January 2015 through March 2015 were submitted to the County Auditor's Office. According to the Justice of the Peace staff, copies of the OCA Reports cannot be generated due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

A mail log was not utilized to record payments received through the mail. According to the Court Coordinator, a mail log is not prepared due to limited staff and time.

The County Auditor's Office requires that mail-in payments be listed on a daily mail log. The mail log should include the following information for each mail-in payment received: date received, the name of the payer, the amount of the remittance, the form of the remittance (e.g., cash or check), and, if applicable, the check number.

Failure to ensure that mail-in payments are recorded on a daily mail log increases the risk that payments could be lost or misappropriated without detection.

Recommendation:

Management should ensure that a daily mail log is maintained to record payments received through the mail. Please refer to the mail log section of the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office for the minimum procedures to be implemented for processing payments received through the mail.

Observation No. 4:

We noted that 1 of 1 kiosk credit card transaction was receipted 17 days after the date of transaction. Consequently, the applicable case disposition was not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transaction was not receipted timely due to an oversight.

HIDALGO COUNTY DISTRICT JUDGES

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Please provide written management responses to the observations noted above and action plans for observations 1 and 2 using the attached Action Plan Forms by May 3, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibit A, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: **BOBBY CONTRERAS**
Precinct No. **2** Place No. **1**

City: **PHARR, TEXAS**
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-063-000-0-000	\$ 53,112.50
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	-
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (f)		1100-207-20-000-028-0-000	512.50
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Educ. Code § 25.093 (d) 1 (A)		1100-207-30-000-006-0-000	-
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee (\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	2,263.73
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-063-000-0-000	746.69
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	3,010.31
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	20.00
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	5.00
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	1,516.00
Motor Vehicle Adm. Fee (\$10-\$20) (Optional Fee for Exp. Dr., Exp. Imp. Cert, Exp. MV Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	80.00
Tean Court Program Adm. Fee (Up to \$10.00)		C.C.P. Art. 45.052 (e)		1100-341-10-060-005-0-000	-
Special Fees				1100-341-10-063-000-0-000	437.15
Deferred Disposition		C.C.P. Art. 45.051	\$ 229.00		
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.051(f)	\$ 208.15		
Support of Judiciary Fund (\$60)		LGC 133.105		1100-341-10-060-009-0-000	448.00
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-063-000-0-000	1,154.44
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (e)		1100-341-10-060-011-0-000	170.37
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	84.00
Scafflaw Fee (\$20)		TRC 502.010(a)		1100-341-10-140-049-0-000	6,200.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	709.66
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
Breath Alcohol Testing Fund (\$30)		C.C.P. Art. 102.016		1100-207-20-000-006-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	25.00
Juvenile Crime and Delinquency Fund (\$2.50, \$5.00)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	1.96
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	24.57
Consolidated Court Costs Fund (\$40)		CCP 102.075 (a) 3/LGC 133.102		1100-207-20-000-015-0-000	30,070.04
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	73.72
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	7.83
Correctional Management Institute of Texas Fund (\$50)		CCP Art. 102.075		1100-207-20-000-029-0-000	1.46
Indigent Legal Services Fee- JP (\$6)	206	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	1,236.00
State Traffic Fee-Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	11,484.45
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	2,986.65
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	4,017.98
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.051 (e-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fee (\$2)		LGC 133.107/GC 102.023		1100-207-20-000-059-0-000	1,479.33
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/GC		1100-207-20-000-061-0-000	56.68
Safety Seat Violation Fee (\$0.15) (on or before September 28, 2011)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	-
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	420.00
Electronic Filing Fee - Civil (\$10)		GC 101.1411/GC 51.851		1100-207-20-000-070-0-000	2,060.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	709.66
Texas Home Visiting Program Contribution (\$5)		HSC 191.0248/GC 118.018 (c)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)	206	GC 51.971 (c)		1100-207-20-000-076-0-000	1,030.00
ARREST/WARRANT FEES: STATE		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	3629.07
D.P.S. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	3,539.07
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	-
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-060-0-000	-
Texas Comptrollers Criminal Investigators				1100-207-20-000-060-0-000	-
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:		LGC 118.131		1100-342-10-060-001-0-000	80.00
Constable Fees:				1100-342-10-291-000-0-000	-
Precinct #1				1100-342-10-292-000-0-000	3840.00
Precinct #2				1100-342-10-293-000-0-000	75.00
Precinct #3				1100-342-10-294-000-0-000	225.00
Precinct #4				1100-342-10-295-000-0-000	-
Precinct #5				1100-341-10-060-007-0-000	100.00
District Attorney Fees				1100-342-10-060-002-0-000	-
Tax Assessor Fraud Investigators				1100-342-10-060-003-0-000	5.00
School District Arrest Fee				1100-342-20-060-001-0-000	-
Fire Marshal Fee				1100-342-10-060-004-0-000	-
Code Enforcement Precinct #2				1100-207-30-000-003-0-000	-
Due to Others				1100-202-00-000-009-0-000	52.51
Warrant Fees/Out of County Service Fees DTD: Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-202-00-000-009-0-000	-
Refund - Overpayments				1100-202-00-000-009-0-000	-
Due to Others				1100-202-00-000-009-0-000	-
Restitution				1100-202-00-000-009-0-000	-
Failure to Appear- OmulBase (\$6)		TC 706.006/TC 706.007(d)(2)		1100-202-00-063-019-0-000	126.00
Delinquent Attorney Fee		C.C.P. Art. 103.0031(b)		1100-202-00-000-004-0-000	13,526.46
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	5,211.00
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122	\$ -		
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	\$ 1,150.00		
Landlord & Tenant Eviction Filing Fee (Forcible Entry & Detainer Court) (\$25)		LGC 118.121/118.122	-		
Transcript Fees/Appelal Fee (\$10)		LGC 118.121/118.123 (b)	-		
Abstract Fees (\$3)		LGC 118.121/118.123 (c)	10.00		
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	50.00		
Issuing other Document (\$1 1st pg, .25 for each add'l pg)		LGC 118.121/118.123 (e)	1.00		
Certified Copies of Court Papers (\$2 1st pg, .25 for each add'l pg)		LGC 118.121	-		
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141(G)	-		
Birth Certificates (\$22 each)		HSC 191.0045 (3)(d)	-	1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(d)	-	1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (3)	-	1100-341-10-060-008-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 504.1(b) CCP 102.004	-	1100-341-10-060-006-0-000	22.00
TOTAL AMOUNT DUE TO THE COUNTY TREASURER:					\$ 153,047.72

**AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE
DATE: 4-15-19 JLC
4/17/19 JLC
4/22/19 JLC**

153047.72
A# Xi X2

X2

**Justice of the Peace Bobby Contreras
Schedule of Adjustments
For the Month Ended March 31, 2019**

Receipt Cause # Date Offense Date Charge Offense Descr] CCC CHS CHSJP CO DEL DPS DPSr IDRf JCTF JSF LTF MAF OMNIC OMNIS OMNIV SCOF SJFC SJFS STF TPDC TPDS UTF WFCNSTZ
Based on offense, MVF should be assessed.

Receipt	Cause #	Date	Offense Date	Charge Offense Descr]	CCC	CHS	CHSJP	CO	DEL	DPS	DPSr	IDRf	JCTF	JSF	LTF	MAF	OMNIC	OMNIS	OMNIV	SCOF	SJFC	SJFS	STF	TPDC	TPDS	UTF	WFCNSTZ	Received Amount
JP21-2019-01934	CR-1398-10-21	3/4/2019	3/12/2010	NO DRIVER'S LICENSE (WHEN UNLICENSED)	40	3	1	116	75.9	5	-	2	4	4	2	-	-	-	-	20	0.6	5.4	-	-	-	50	328.9	
JP21-2019-01933	CR-1397-10-21	3/4/2019	3/12/2010	SPEEDING (EXCEED PRIMA FACIE LIMIT) - 66 MPH/55 MPH	40	3	1	83	75.9	5	-	2	4	4	2	-	-	-	-	20	0.6	5.4	30	-	3	50	328.9	
JP21-2019-02142	CR-4857-10-21	3/8/2019	8/26/2010	NO DRIVER'S LICENSE (WHEN UNLICENSED)	40	3	1	116	75.9	5	-	2	4	4	2	-	-	-	-	20	0.6	5.4	-	-	-	50	328.9	
JP21-2019-01967	CR-5404-10-21	3/5/2019	9/17/2010	NO DRIVER'S LICENSE (WHEN UNLICENSED)	40	3	1	116	75.9	5	-	2	4	4	2	-	-	-	-	20	0.6	5.4	-	-	-	50	328.9	
JP21-2019-02431	CR-4719-11-21	3/20/2019	7/27/2011	NO DRIVER'S LICENSE (WHEN UNLICENSED)	40	3	1	116	84.9	5	-	2	4	4	2	-	4	20	6	20	0.6	5.4	-	-	-	50	367.9	
JP21-2019-02681	CR-4022-12-21	3/27/2019	10/3/2012	NO DRIVER'S LICENSE (WHEN UNLICENSED)	40	3	1	66	-	5	-	2	4	4	2	-	-	-	-	20	0.6	5.4	-	-	-	-	153	
<u>Based on offense, MVF should NOT be assessed.</u>																												
JP21-2019-02458	CR-1354-11-21	3/20/2019	2/14/2011	NO SAFETY BELT	40	3	1	50	75.03	5	-	2	4	4	2	0.1	4	20	6	20	0.6	5.4	30	-	3	50	325.13	
JP21-2019-02432	CR-4720-11-21	3/20/2019	7/27/2011	NO SAFETY BELT	40	3	1	50	75.03	5	-	2	4	4	2	0.1	4	20	6	20	0.6	5.4	30	-	3	50	325.13	
JP21-2019-02682	CR-4023-12-21	3/27/2019	10/3/2012	NO SAFETY BELT	40	3	1	50	-	5	-	2	4	4	2	0.1	-	-	-	20	0.6	5.4	30	-	3	-	170.1	
<u>UTF should be assessed.</u>																												
JP21-2019-02451	TR18-7393-J21	3/8/2019	10/13/2018	Speeding 10 percent or more above posted speed limit	-	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	
<u>Based on offense, STF and UTF should NOT be assessed.</u>																												
JP21-2019-02674	TR19-1998-J21	3/27/2019	1/26/2019	Operate Unregistered Motor Vehicle	40	3	1	69	-	-	5	2	4	4	2	-	-	-	-	-	0.6	5.4	30	1	1	3	171	
JP21-2019-02699	TR19-2732-J21	3/28/2019	3/25/2019	Operate Unregistered Motor Vehicle	40	3	1	67	-	-	5	2	4	4	2	-	-	-	-	-	0.6	5.4	30	1	1	3	169	
<u>Delinquent was over assessed \$11.54.</u>																												
JP21-2019-02588	TR18-3311-J21	3/25/2019	4/30/2018	Ride, Not Secured by Safety Belt - Driver	40	3	1	-	51.6	-	5	2	4	4	2	-	-	-	-	20	0.6	5.4	30	1	1	3	173.6	

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ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- J.P. Pct. 2, PL. 1
Observation No. 1	<p>We noted that 13 of 1003 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for April 2015 (43), May 2015 (65), July 2015 (23), August 2015 (31), September 2015 (43), October 2015 (34), November 2015 (10), December 2015 (5), January 2016 (13), February 2016 (21), March 2016 (28), April 2016 (31), May 2016 (2), June 2016 (2), August 2016 (5), September 2016 (8), October 2016 (6), November 2016 (6), December 2016 (5), January 2017 (3), February 2017 (6), March 2017 (9), April 2017 (5), May 2017 (7), June 2017 (5), July 2017 (9), August 2017 (2), September 2017 (6), October 2017 (4), November 2017 (6), December 2017 (24), January 2018 (3), February 2018 (9), March 2018 (10), April 2018 (6), May 2018 (8), June 2018 (8), July 2018 (7), August 2018 (7), September 2018 (5), November 2018 (8), December 2018 (6), January 2019 (8), and February 2019 (14) are still pending to be completed.</p>
Recommendation #	<p>Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in Odyssey. • Staff should ensure that adjustments are entered into Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the adjustments for the months listed in the observation above.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- J.P. Pct. 2, PL. 1
Observation No. 2	Copies of the June 2014 through August 2014 and April 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of OCA Reports for the months of March 2012, November 2012, January 2013 through May 2014, October 2014, November 2014, and January 2015 through March 2015 were submitted to the County Auditor's Office.
Recommendation #	Management should ensure that a properly completed OCA Report is filed with the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 30, 2019

The Honorable Jaime J. Muñoz
Hidalgo County Justice of the Peace Pct. 2, Pl. 2
300 W. Hall Acres, St. B
Pharr, Texas 78577

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Muñoz:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alia's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.
- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIA
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 159TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. RENO VASQUEZ
JUDGE, 396TH D.C.

ISRAEL RAMON, JR.
JUDGE, 432ND D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME THERINA
JUDGE, 484TH D.C.

- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$216,057.63. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 26 of 1297 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of August 2015 (3), May 2016 (17), July 2016 (16), August 2016 (1), September 2016 (2), October 2016 (10), August 2018 (11), September 2018 (1), October 2018 (12), November 2018 (9), December 2018 (6), January 2019 (13), and February 2019 (11) are pending to be completed. According to the Court Coordinator, staff does not consistently verify that fines, fees, and court costs have been properly assessed prior to issuing receipts. In addition, due to a heavy workload, limited number of staff, and technical difficulties with *Odyssey*, the adjustments cannot be completed in a timely manner.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 2:

Copies of the January 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. According to Justice of the Peace staff, copies of the OCA Reports cannot be generated due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that 1 cash bond (Exhibit B) posted on October 4, 2016 by a defendant who failed to appear before the Justice of the Peace was not forfeited (liquidated) by the 10th workday following the date of their release from jail. According to the Court Coordinator, the bond has not been forfeited due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Pursuant to Code of Criminal Procedure §45.044 (a)(2), "A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant fails to appear according to the terms of the defendant's release." Pursuant to the terms of the cash bond, the defendant must appear before the Justice of the Peace by the 10th workday following the date of their release from jail. If the defendant fails to appear, the Justice of the Peace may declare the cash bond forfeited, enter a judgment of guilty, assess a fine, and apply the cash bond to the payment of the imposed judgment.

Failure to ensure that bonds are liquidated in a timely manner may result in the defendant being assessed additional court cost and fees, in error.

Recommendation:

Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 4:

We noted that collections for 20 of 21 days were deposited at the bank 2 to 5 days after collections were receipted. According to the Court Coordinator, deposits are not made daily due to limited staff and a heavy workload.

Pursuant to the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office, cash receipts must be deposited intact on a daily basis, unless the amount collected is less than \$100.00.

Failure to deposit collections at the bank on a daily basis increases the risk that loss or theft can occur.

Recommendation:

Management should ensure that collections are deposited at the bank on a daily basis.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 5:

We noted that 2 of 241 online credit card transactions were receipted 2 days after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transactions were not receipted timely due to an oversight.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Please provide written management responses to the observations noted above and action plans for observations 1 through 3 by May 17, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copies of *Monthly Report*, Exhibit A, Exhibit B, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 62ND D.C.

FERNANDO MANCIAS
JUDGE, 63RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 13TH D.C.

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JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 440TH D.C.

JAIWE TIJERINA
JUDGE, 444TH D.C.

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

JBC

Judge: **JAIME J. MUNOZ**
Precinct No. **2** Place No. **2**

City: **PHARR, TX**
Hidalgo County, Texas

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipts #s) <u>JP2-2 2019-02095</u> THRU <u>JP2-2 2019-03351</u>		\$ <u>216,057.63</u> ✓ <i>x9-a</i>
LESS: COST ON DEPOSIT		<u>0.00</u> -	<i>x7</i> ✓
ADD: COST ON DEPOSIT LIQUIDATED		<u>0.00</u> -	<i>x7</i> ✓
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)			\$ <u>216,057.63</u> <i>x3</i> ✓
Less: Total amount of remittances to County Treasurer (From Part II)			\$ <u>216,407.63</u> (A)
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)			<u>(350.00)</u> (663.16) - <i>x4-a15</i>

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

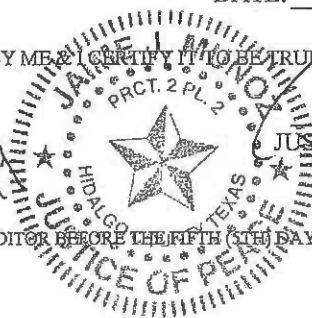
DESCRIPTION	AMOUNT	COMMENT
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ 216,720.79 <u>216,057.63</u> ✓	<i>B</i>
Add: Previous Month's Bond Overtransfer <u>Oct 2016</u>	50.00	<i>Ex. B</i>
Add: HCSO Monthly "D" Collections Report <u>July 2016</u>	300.00 <u>\$0.00</u>	<i>x7-b</i> ✓
Total Remittances Made to the County Treasurer		
	\$ 216,720.79 <u>216,407.63</u> (A)	

PREPARED BY: *[Signature]*

DATE: 4-27-19

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME AND I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE
DATE: ca 4.22.19
47 4/18/19



JUSTICE OF THE PEACE

4-27-19
DATE

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: JAIME J. MUNOZ
Precinct No. 2 Place No. 2

City: PHARR, TEXAS
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt. Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-064-000-0-000	\$ 72,299.38
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	91.80
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (j)		1100-207-20-000-028-0-000	1,250.00
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Educ. Code § 25.093 (c) 1 (A)		1100-207-30-000-007-0-000	307.00
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee(\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	2,867.44
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-064-000-0-000	947.84
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	3,819.26
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	-
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	-
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	1,914.00
Motor Vehicle Adm. Fee (\$10-\$20) (Minimum Fee for Exp. DL; Exp. Imp. Cert; Exp. Mtr Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	-
Special Fees				1100-341-10-064-000-0-000	2,840.25
Deferred Disposition		C.C.P. Art. 45.051	2,822.10		
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.0511(f)	18.15		
Support of Judiciary Fund (\$60)		LGC 133.105		1100-341-10-060-009-0-000	568.69
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-064-000-0-000	1,589.44
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (c)		1100-341-10-060-011-0-000	475.37
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	104.00
Scofflaw Fee (\$20)		TRC 502.010(a)		1100-341-10-140-049-0-000	7,140.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	907.81
Truancy Court Cost (\$50)		Fam. Code 65.107 (a), (b)		1100-341-10-060-014-0-000	-
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	-
Juvenile Crime and Delinquency Fund (\$25, \$50)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	3.25
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	35.00
Consolidated Court Costs Fund (\$17)		CCP 102.075 (a) 1/LGC 133.102		1100-207-20-000-015-0-000	38,071.60
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	105.00
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	14.00
Correctional Management Institute of Texas Fund (\$50)		CCP Art. 102.075		1100-207-20-000-029-0-000	3.00
Indigent legal Services Fee-JP (\$6)	251	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	1,506.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	15,834.45
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	3,795.26
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	5,100.20
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.0511 (c-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund (\$2)		LGC 133.107/GC 102.023		1100-207-20-000-059-0-000	1,877.63
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/GC		1100-207-20-000-061-0-000	70.38
Safety Seat Violation Fee (\$0.15)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	-
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	520.00
Electronic Filing Fee - Civil (\$10)		GC 101.141/GC 51.851		1100-207-20-000-070-0-000	2,510.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	913.81
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (c)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)	251	GC 51.971 (a)		1100-207-20-000-076-0-000	1,255.00
ARREST /WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	4,434.07
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	5.00
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	5.00
U.T.P.A. (\$3, \$5, \$35, \$50)				1100-207-20-000-022-0-000	-
ARREST /WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:					
Constable Fees:		LGC 118.131		1100-342-10-060-001-0-000	70.00
Precinct #1				1100-342-10-291-000-0-000	2,030.00
Precinct #2				1100-342-10-292-000-0-000	14,685.00
Precinct #3				1100-342-10-293-000-0-000	3,450.00
Precinct #4				1100-342-10-294-000-0-000	-
Precinct #5				1100-342-10-295-000-0-000	75.00
District Attorney Fees					
Tax Assessor Fraud Investigators				1100-342-10-060-002-0-000	-
School District Arrest Fee				1100-342-10-060-003-0-000	110.00
Fire Marshal Fee				1100-342-20-060-001-0-000	-
Due to Others					
Warrant Fees Due to Other Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-202-00-000-010-0-000	8.37
Due to Others				1100-202-00-000-010-0-000	-
Restitution				1100-202-00-000-010-0-000	-
Failure to Appear- Omnibase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-202-00-064-019-0-000	156.00
Delinquent Fee		C.C.P. Art. 103.0031(b)		1100-202-00-000-004-0-000	15,855.33
Justice Fees (Local Fees)					
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122	6,275.00		
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	-		
Landlord & Tenant Eviction Filing Fee (Forcible Entry & Detainer Court) (\$25)		LGC 118.121/118.122	-		
Transcript Fees (\$10)		LGC 118.121/118.123 (b)	-		
Abstract Fees (\$5)		LGC 118.121/118.123 (c)	80.00		
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	35.00		
Issuing other Document (\$1 1st pg., .25 for each add'l pg)		LGC 118.121/118.123 (e)	3.00		
Certified Copies of Court Papers (\$2 1st pg., .25 for each add'l pg)		LGC 118.121	-		
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141 (a)(4)	-		
Birth Certificates (\$22 each \$9.20 local)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045(1)		1100-341-10-060-008-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 304.1(b) CCP 102.004		1100-341-10-060-005-0-000	44.00
TOTAL AMOUNT DUE TO THE COUNTY TREASURER:					\$ 216,057.63

AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE
DATE: See 4/22/2019
4/7/2019

2 1/2 x 1/2

Justice of the Peace Jaime J. Muñoz
Precinct 2, Place 2
Schedule of Bonds on Deposit

Year	Receipt Date	Docket No.	Bond Amount
2016			
	10/4/2016	CRNT16-0241-J22	50.00
		Total	<u>50.00</u>

Justice of the Peace Jaime Muñoz
 Schedule of Adjustments
 For the Month Ended March 31, 2019

Receipt #	Cause #	Date	Offense Description	Charge Offense Description	COC	CHS	CHSIP	CMIT	CD	CONST2	CRF	CVCA	DD	DEL	DVS	DPSF	FA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMNIC	OMNIS	OMNIV	SCOP	SIFC	SIFS	STF	TPDC	TPDS	UTFC	WARR	WFPREC22	Amount	
P22-2019-02500	02-2	3/8/2019	10/10/2002 DRIVER'S LICENSE FAIL TO DISPLAY		17	3	-	0.5	66	-	-	15	-	57	5	-	5	-	0.5	2	4	-	2	-	-	-	20	-	-	-	-	-	-	-	50	247	
P22-2019-022715	06-2	3/15/2019	8/3/2006 INSURANCE NO LIABILITY		40	3	1	-	200	-	-	-	-	99.9	5	-	-	-	-	-	4	4	2	-	-	-	20	0.6	3.4	-	-	-	-	50	432.9		
P22-2019-022708	07-2	3/15/2019	1/12/2007 NO SAFETY BELT		40	3	1	-	50	-	-	-	-	64.8	5	-	-	-	-	-	4	4	2	-	-	-	20	0.6	3.4	30	-	-	3	-	50	280.8	
P22-2019-023206	07-2	3/27/2019	2/24/2007 INSURANCE NO LIABILITY		40	3	1	-	275	-	-	-	-	122.4	5	-	-	-	-	-	4	4	2	-	-	-	20	0.6	3.4	-	-	-	-	50	530.4		
P22-2019-023209	07-2	3/27/2019	2/24/2007 MPH/60 MPH LIMIT - 70		40	3	1	-	130	-	-	-	-	88.8	5	-	-	-	-	-	4	4	2	-	-	-	20	0.5	3.4	30	-	-	3	-	50	384.8	
P22-2019-022898	07-2	3/20/2019	3/20/2007 MPH/60 MPH LIMIT - 70		40	3	1	-	130	-	-	-	-	88.8	5	-	-	-	-	-	4	4	2	-	-	-	20	0.6	3.4	30	-	-	3	-	50	384.8	
P22-2019-023221	07-2	3/20/2019	8/12/2007 ROADWAY ON PUBLIC		40	3	1	-	186	-	-	-	-	95.7	5	-	-	-	-	-	4	4	2	-	-	-	20	0.5	3.4	-	-	-	-	50	414.7		
Based on offense, MVF should be assessed.																																					
P22-2019-020957	10-2	3/25/2019	10/3/2010 SUSPENDED LICENSE		40	3	1	-	166	-	-	-	-	90.9	5	-	-	2	-	-	4	4	2	-	-	-	20	0.6	5.4	-	-	-	-	50	393.9		
P22-2019-023022	12-2	3/22/2019	2/19/2012 UNLICENSED NO DRIVER'S LICENSE (WHEN UNLICENSED)		40	3	1	-	80.69	-	-	-	-	65.31	5	-	-	2	-	-	4	4	2	-	-	-	20	0.6	5.4	-	-	-	-	50	283		
P22-2019-022281	12-2	3/5/2019	3/3/2012 UNLICENSED NO DRIVER'S LICENSE (WHEN UNLICENSED)		40	3	1	-	86	-	-	-	-	45.9	5	-	-	2	-	-	4	4	2	-	-	-	20	0.5	5.4	-	-	-	-	-	498.9		
P22-2019-022687	12-2	3/14/2019	3/15/2012 LICENSE INVALID NO DRIVER'S LICENSE (WHEN UNLICENSED)		40	3	1	-	166	-	-	-	-	99.9	5	-	-	2	-	-	4	4	2	-	4	20	6	20	0.6	5.4	-	-	-	50	432.9		
P22-2019-022554	12-2	3/6/2019	4/30/2012 UNLICENSED NO DRIVER'S LICENSE (WHEN UNLICENSED)		40	3	1	-	166	-	-	-	-	99.9	5	-	-	2	-	-	4	4	2	-	4	20	6	20	0.6	5.4	-	-	-	50	432.9		
Based on offense, MVF should NOT be assessed.																																					
P22-2019-020280	12-2	3/5/2019	3/3/2012 NO SAFETY BELT PASSENGER NOT SECURED BY A SAFETY BELT		40	3	1	-	50	-	-	-	-	51.03	5	-	-	2	-	-	4	4	2	0.1	-	-	20	0.6	5.4	30	-	-	3	-	221.13		
P22-2019-022505	12-2	3/20/2019	12/5/2012 SAFETY BELT		40	3	1	-	50	-	-	-	-	75.03	5	-	-	2	-	-	4	4	2	0.1	4	20	6	20	0.6	5.4	30	-	-	3	-	325.13	
P22-2019-022413	13-2	3/7/2019	4/12/2013 NO SAFETY BELT		40	3	1	-	50	-	-	-	-	51.03	5	-	-	2	-	-	4	4	2	0.1	-	-	20	0.6	5.4	30	-	-	3	-	221.13		
TPDC and TPDS should be split \$1.00 each.																																					
P22-2019-022755	14-2	3/18/2019	1/27/2014 DRIVER'S LICENSE FAIL TO DISPLAY		40	3	1	-	66	5.00	-	-	-	46.53	-	-	-	2	-	-	4	4	2	0.1	-	-	20	0.6	5.4	-	-	2	-	-	201.63		
P22-2019-022575	14-2	3/12/2019	1/30/2014 INSURANCE NO LIABILITY		40	3	1	-	175	5.00	-	-	-	79.2	-	-	-	2	-	-	4	4	2	-	-	-	20	0.6	5.4	-	-	2	-	-	343.2		
P22-2019-022558	14-2	3/11/2019	2/15/2014 NO SAFETY BELT		40	3	1	-	50	-	-	-	-	80.6	5	-	-	2	-	-	4	4	2	-	4	20	6	20	0.5	5.4	30	-	2	3	-	262.6	

Justice of the Peace Jaime Muñoz
 Schedule of Adjustments
 For the Month Ended March 31, 2019

Receipt Cause # Date Offense Date Description Charge Offense Amount
 Delinquent was under assessed \$0.23.

Receipt Cause #	Date	Offense Date	Description	Charge Offense Amount	CCC	CHS	CHSP	CMIT	CO	CONST2	CRF	CVCA	DD	DEL	DPS	DPSr	FA	IDRF	JCD	JCTP	JCTF	JSF	LTF	MVF	OMNIC	OMNIS	OMNIV	SCOF	SJFC	SJFS	STF	TPDC	TPDS	UTFC	WARr	WFFREC22	Amount		
JP22-2019-TR16-02521	0682-J22	3/11/2019	2/4/2016 RESPONSIBILITY (#)	176	40	3	1	-	176	-	-	-	-	79.2	-	5	-	2	-	4	4	4	2	-	-	-	-	20	0.6	5.4	-	1	1	-	-	344.2			
<u>LTF should be assessed.</u>																																							
JP22-2019-IBCL17-02604	0100-J22	3/13/2019	4/23/2016 Check Issuance of a Bad Speeding 10 percent or more above posted speed limit	50	-	-	-	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50			
JP22-2019-TR18-02816	10077-J22	3/18/2019	11/26/2018 speed limit	75	-	-	-	-	75	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75			
JP22-2019-TR18-02366	11286-J22	3/16/2019	12/19/2018 speed limit	66	-	-	-	-	66	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	66			
JP22-2019-TR19-08100	0165-J22	3/25/2019	12/31/2018 speed limit	96	-	-	-	-	96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	96			
<u>Delinquent was under assessed \$56.91.</u>																																							
JP22-2019-TR18-02298	1023-J22	3/5/2019	2/8/2018 Responsibility (#)	175	40	3	1	-	175	-	-	-	-	6	-	5	-	2	-	4	4	4	2	-	-	-	20	0.6	5.4	-	1	1	-	-	270				
<u>Based on offense, MVF, STF, and UTFC should NOT be assessed.</u>																																							
JP22-2019-TR18-02240	2628-J22	3/4/2019	4/4/2018 CONDITIONS	36.65	40	3	1	-	36.65	-	-	-	-	36.65	-	5	-	2	-	4	4	4	2	0.1	-	-	20	0.6	5.4	30	1	1	3	-	158.73				
<u>Based on deferred disposition, CRF should NOT be assessed.</u>																																							
JP22-2019-TR19-02398	1060-J22	3/7/2019	1/15/2019 SECURED BY"	12.5	40	3	1	-	12.5	-	-	-	-	12.5	-	5	-	2	-	4	4	4	2	0.1	-	-	0.6	5.4	30	1	1	3	-	-	127.1				

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019 JP Pct. 2, PL. 2
Observation No. 1	We noted that 26 of 1297 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of August 2015 (3), May 2016 (17), July 2016 (16), August 2016 (1), September 2016 (2), October 2016 (10), August 2018 (11), September 2018 (1), October 2018 (12), November 2018 (9), December 2018 (6), January 2019 (13), and February 2019 (11) are pending to be completed.
Recommendation No. 1	<p>Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered when a case is setup in Odyssey. • Staff should ensure that adjustments are entered in Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the pending adjustments for the receipts that contained errors in the allocation of fines, fees, and court costs. In addition, staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019 JP Pct. 2, PL. 2
Observation No. 2	Copies of the January 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office.
Recommendation No. 2	Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019 JP Pct. 2, PL. 2
Observation No. 3	We noted that 1 cash bond (CRNT16-0241-J2) posted on October 4, 2016 by a defendant who failed to appear before the Justice of the Peace was not forfeited (liquidated) by the 10th workday following the date of their release from jail.
Recommendation No. 3	Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The cash bond should be liquidated.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 24, 2019

The Honorable Luis Garza
Hidalgo County Justice of the Peace Pct. 3, Pl. 1
730 N. Breyfogle, Suite C
Mission, Texas 78572

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Garza:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.
- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued sequential order.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANGAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 132ND D.C.

ROSE GUERRA REYNA
JUDGE, 205TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO B. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. KEND VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAMIE TIERINA
JUDGE, 464TH D.C.

- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "Official Justice of the Peace Monthly Report" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$235,784.94. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 20 of 1565 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. According to the Court Coordinator, staff does not consistently verify that fines, fees, and court costs have been properly assessed prior to issuing receipts.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the January 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of OCA Reports for the months of September 2012, December 2012, September 2013, October 2013, and January 2014 through December 2014 were submitted to the County Auditor's Office. According to Justice of the Peace staff, properly completed OCA Reports cannot be generated from *Odyssey* due to data entry errors. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

HIDALGO COUNTY DISTRICT JUDGES

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Please provide written management responses and action plans for the observations noted above using the attached Action Plan Forms by May 3, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibit A, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19

Judge: LUIS GARZA
Precinct No. 3 Place No. 1

City: MISSION, TX
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-065-000-0-000	\$ 72104.43
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	72,212.25
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (f)		1100-207-20-000-028-0-000	537.20
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	750.69
School District 50% Fines		Educa. Code § 25.093 (b) 1 (A)		1100-207-30-000-008-0-000	950.24
					30.00
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee (\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	3144.89
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-065-000-0-000	3,141.89
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	1049.30
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-000-0-000	4,182.19
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	610.00
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	152.50
Motor Vehicle Adm. Fee (\$10-\$20) (Minimum Fee for Exp. DL, Exp. Insp. Cert, Exp. Mvr Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	212.00
Special Fees				1100-341-10-065-000-0-000	150.00
Deferred Disposition		C.C.P. Art. 45.051	1965.70		2175.70
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.051(f)	1,922.60		2,132.60
Support of Judiciary Fund (\$3.60)		LGC 133.105	210.00		
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-060-009-0-000	628.37
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (c)		1100-341-10-065-000-0-000	1635.00
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-011-0-000	275.00
Scofflaw Fee (\$20)		TRC 302.010(a)		1100-341-10-060-012-0-000	
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-140-049-0-000	12,727.81
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-063-0-000	
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	762.50
Juvenile Crime and Delinquency Fund (\$2.50, \$5.00)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	
Consolidated Court Costs Fund (\$17)		CCP 102.075 (a) 3/LGC 133.102		1100-207-20-000-015-0-000	4193.88
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	41,891.88
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 36.001 (b)		1100-207-20-000-027-0-000	
Correctional Management Institute of Texas Fund (\$50)		CCP Art. 102.075		1100-207-20-000-029-0-000	
Indigent legal Services Fee-JP (\$6)	397	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	2,382.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	16,350.00
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	4189.19
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	5651.40
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.051 (c-1)		1100-207-20-000-057-0-000	
Indigent Defense Representation Fund (\$2)		LGC 133.107/CC 102.023		1100-207-20-000-059-0-000	2,088.59
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/CC		1100-207-20-000-061-0-000	77.30
Safety Seat Violation Fee (\$0.15)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	
Electronic Filing Fee - Civil (\$10)		GC 101.141/CC 51.851		1100-207-20-000-070-0-000	3,970.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	1014.39
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (e)		1100-207-20-000-074-0-000	
Judicial & Court Personnel Training Fund-Civil (\$5)	397	GC 51.971 (a)		1100-207-20-000-076-0-000	1,985.00
ARREST/WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	4785.00
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	35.00
Texas Comptrollers Criminal Investigators				1100-207-20-000-060-0-000	
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:		LGC 118.131		1100-342-10-060-001-0-000	310.00
Constable Fees:				1100-342-10-291-000-0-000	
Precinct #1				1100-342-10-292-000-0-000	450.00
Precinct #2				1100-342-10-293-000-0-000	5,456.95
Precinct #3				1100-342-10-294-000-0-000	150.00
Precinct #4				1100-342-10-295-000-0-000	
Precinct #5				1100-341-10-060-007-0-000	450.00
District Attorney Fees				1100-342-10-060-002-0-000	
Tax Assessor Fraud Investigators				1100-342-10-060-003-0-000	10.00
School District Arrest Fee				1100-342-20-060-001-0-000	
Fire Marshal Fee					
Due to Others					
Warrant Fees Due to Other Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	
Refund - Overpayments				1100-202-00-000-011-0-000	1.00
Due to Others				1100-202-00-000-011-0-000	
Restitution				1100-202-00-000-011-0-000	
Failure to Appear- OmniBase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-202-00-065-019-0-000	
Delinquent Attorney Fee		C.C.P. Art. 103.0031(b)		1100-202-00-000-004-0-000	30,174.73
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	10,024.50
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122			
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	9,925.00		
Landlord & Tenant Eviction Filing Fee (Forfeible Entry & Detainer Court) (\$25)		LGC 118.121/118.122			
Transcript Fees (\$10)		LGC 118.121/118.123 (b)			
Abstract Fees (\$5)		LGC 118.121/118.123 (a)			
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	90.00		
Issuing other Document (\$1 1st pg, .25 for each add'l pg)		LGC 118.121/118.123 (e)	9.50		
Certified Copies of Court Papers (\$2 1st pg, .25 for each add'l pg)		LGC 118.121			
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141 (c) 4			
Birth Certificates (\$22 each \$9.20 local)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	72.00
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (h)		1100-341-10-060-008-0-000	7.00
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 504.1 (e) CCP 102.004		1100-341-10-060-006-0-000	44.00

AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE

DATE: 04.16.19
4/17/19

TOTAL AMOUNT DUE TO THE COUNTY TREASURER: \$ 235,784.94

17 X1 X2

Justice of the Peace Luis Garza Schedule of Adjustments For the Month Ended March 31, 2019

Receipt #	Cause #	Date	Offense Date	Desc	CCC	CHS	CHSIP	CO	CONSTS	CPI	CPFCONST3	CRF	DEL	DPS	DPSR	IDRF	JCTF	JSF	LTF	MVFL	SCOF	SJFC	SIFS	STF	SV60	TP	TPCO	TPDC	TPDS	TPST	UTFC	WARF	WFCONST3	WFPRECS1	Amount		
Based on offense date, MVF should NOT be assessed.																																					
02174	00295-131	3/1/2019	12/27/2009	CHILD UNRESTRAINED	40	3	1	12.5	-	-	-	-	58.53	5	-	2	4	4	2	0.1	20	0.6	5.4	30	12.5	-	-	-	-	-	-	3	-	50	-	253.63	
Based on offense, MVF should NOT be assessed.																																					
03561	03185-131	3/29/2019	4/24/2010	NO SAFETY BELT PASSENGER NOT SECURED BY A	40	3	1	50	-	-	-	-	66.03	5	-	2	4	4	2	0.1	20	0.6	5.4	30	-	-	-	-	-	-	3	-	-	50	-	286.13	
02397	01383-131	3/5/2019	3/2/2011	SAFETY BELT	40	3	1	50	-	-	-	-	66.03	5	-	2	4	4	2	0.1	20	0.6	5.4	30	-	-	-	-	-	-	3	-	-	50	-	286.13	
02646	01769-131	3/8/2019	3/25/2011	NO SAFETY BELT	40	3	1	50	-	-	-	-	66.03	5	-	2	4	4	2	0.1	20	0.6	5.4	30	-	-	-	-	-	-	3	-	-	50	-	286.13	
Based on offense, MVF should be assessed.																																					
02978	2676-131	3/28/2019	7/11/2013	SIGN DISREGARD STOP NO DRIVERS LICENSE (WHEN UNLICENSED)	40	3	1	53	-	-	50	-	74.4	5	-	2	4	4	2	-	20	0.6	5.4	30	-	25	-	-	-	3	-	-	-	-	322.4		
02452	00883-131	3/1/2019	2/1/2010	UNLICENSED/NO DRIVERS LICENSE (WHEN UNLICENSED)	40	3	1	66	-	-	-	-	60.9	5	-	2	4	4	2	-	20	0.6	5.4	-	-	-	-	-	-	-	-	-	50	-	-	263.9	
03548	03182-131	3/29/2019	4/24/2010	UNLICENSED/NO DRIVERS LICENSE (WHEN UNLICENSED)	40	3	1	66	-	-	-	-	60.9	5	-	2	4	4	2	-	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	50	-	269.9	
Delinquent was under assessed \$5.77.																																					
02425	1564-131	3/5/2019	3/1/2012	UNLICENSED/NO DRIVERS LICENSE (WHEN UNLICENSED)	40	3	1	66	-	-	-	-	60.93	5	-	2	4	4	2	0.1	20	0.6	5.4	-	-	2.5	10	-	-	12.5	-	-	-	50	-	289.03	
02430	1568-131	3/5/2019	3/12/2012	57 MPH/30 MPH PRIMA FACIE LIMIT - SPEEDING (EXCEED)	40	3	1	81	-	-	-	-	75.93	5	-	2	4	4	2	0.1	20	0.6	5.4	30	-	2.5	10	-	-	12.5	3	-	-	50	-	351.43	
Delinquent was under assessed \$10.00.																																					
02769	0438-131	3/12/2019	12/21/2016	NOT CDI - NO DRIVER LICENSE WHEN UNLICENSED-	40	3	1	10	-	-	-	-	16.73	-	5	2	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	1	1	-	-	-	-	-	115.83	
02768	9364-131	3/12/2019	6/27/2018	not CDI (#) - No Drivers License - When Unlicensed	40	3	1	10	-	-	-	-	16.73	-	5	2	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	1	1	-	-	-	-	-	115.83	
Based on the disposition date, time payment should be assessed.																																					
02321	00472-131	3/4/2019	11/21/2010	(NONSPECIFIC) CONDUCT DISORDERLY	40	3	1	100	5	-	-	-	-	-	-	2	4	4	2	-	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	-	187	
Based on the disposition date, time payment should be assessed.																																					
03288	4862-131	3/25/2019	3/5/1/2017	RESPONSIBILITY (#) FINANCIAL DISPLAY EXPIRED	40	3	1	175	-	-	-	-	79.2	-	5	2	4	4	2	-	20	0.6	5.4	-	-	-	-	-	1	1	-	-	-	-	-	343.2	
03022	10657-131	3/19/2019	5/20/2017	ON INSIGNIA (#) PLATES/REGISTRATT LICENSE	40	3	1	52.9	-	-	-	-	42.57	-	5	2	4	4	2	-	20	0.6	5.4	-	-	-	-	-	1	1	-	-	-	-	-	184.47	
03021	10656-131	3/19/2019	5/20/2017	License Invalid - DL	40	3	1	65.9	-	-	-	-	46.5	-	5	2	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	1	1	-	-	-	-	-	201.5	

Justice of the Peace Luis Garza
 Schedule of Adjustments
 For the Month Ended March 31, 2019

Receipt Cause #	Date	Offense Date	Charge	Offense Desc	CCC	CHS	CHSIP	CO	CONST3	CPF	CPFCONST3	CRF	DEL	DPS	DPS*	IDRF	JCTF	ISF	LTF	MVF	SCOF	SJFC	SJFS	STF	SV50	TP	TPCO	TPDC	TPDS	TPST	UTFC	WAR*	WPCONST3	WPPREC31	Amount	
JP31-2019-TR17-03242	12846-J31	3/22/2019	6/23/2017	NOT CDL	40	3	1	65.9	-	-	-	-	46.5	-	5	2	4	4	2	0.1	20	0.6	5.4	-	-	-	-	1	-	-	-	-	-	-	-	201.5
NO DRIVER LICENSE WHEN UNLICENSED-																																				
JP31-2019-TR17-02884	15059-J31	3/11/2019	9/30/2017	posted speed limit or more above	40	3	1	48	-	-	-	-	-	-	5	2	4	4	2	0.1	20	0.6	5.4	30	-	-	-	1	-	3	50	-	-	-	-	220.1
Speeding 10 percent or more above posted speed limit																																				
JP31-2019-TR17-02883	15601-J31	3/11/2019	10/14/2017	posted speed limit or more above	40	3	1	39	-	-	-	-	-	-	5	2	4	4	2	0.1	20	0.6	5.4	30	-	-	-	1	-	3	50	-	-	-	-	211.1
Speeding 10 percent or more above posted speed limit																																				
UNLESS TALLER THAN 4'9" NOT SECURED BY" SAFETY SEAT SYS,CHILD PASS,CHILD&MS																																				
JP31-2019-TR17-02249	24118-J31	3/4/2019	11/25/2017	SECURED BY"	40	3	1	12.5	-	-	-	-	12.5	44.13	-	5	2	4	4	2	0.1	20	0.6	5.4	30	-	-	1	-	3	-	-	-	-	-	191.23
Speeding 10 percent or more above posted speed limit																																				
JP31-2019-TR18-03061	3333-J31	3/19/2019	2/22/2018	posted speed limit	40	3	1	72	-	50	-	-	-	-	5	2	4	4	2	0.1	20	0.6	5.4	30	-	-	1	-	3	50	-	-	-	-	-	294.1
Speeding 10 percent or more above posted speed limit																																				

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP Pct. 3, Pl. 1
Observation No. 1	We noted that 20 of 1565 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed.
Recommendation No. 1	<p>Management should ensure that the pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and judgment date are entered when a case is setup in Odyssey. • Staff should ensure that adjustments are entered into Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the adjustments for the 6 receipts that contained errors in the allocation of fines, fees, and court costs. In addition, staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP Pct. 3, Pl. 1
Observation No. 2	Copies of the January 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of OCA Reports for the months of September 2012, December 2012, September 2013, October 2013, and January 2014 through December 2014 were submitted to the County Auditor's Office.
Recommendation #	Management should ensure that a properly completed OCA Report is filed with the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 30, 2019

The Honorable Juan "J.J." Peña
Hidalgo County Justice of the Peace Pct. 3, Pl. 2
730 Breyfogle, Suite A
Mission, Texas 78572

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Peña:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and reviewed randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCOSA
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 399TH D.C.

L. KENO VASQUEZ
JUDGE, 399TH D.C.

ISRAEL RAMON, JR.
JUDGE, 439TH D.C.

RENEE R. BETANCOURT
JUDGE, 446TH D.C.

JAIME TLIERINA
JUDGE, 484TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if all credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$219,018.94. Based on our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 78 of 1,157 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in *Odyssey*. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of March 2015 (11), April 2015 (59), May 2015 (13), June 2015 (70), August 2015 (81), September 2015 (69), October 2015 (126), November 2015 (40), December 2015 (26), January 2016 (10), February 2016 (9), March 2016 (30), April 2016 (31), May 2016 (23), June 2016 (16), July 2016 (23), August 2016 (33), September 2016 (17), October 2016 (21), November 2016 (12), December 2016 (6), January 2017 (1), February 2017 (2), March 2017 (5), April 2017 (4), May 2017 (3), June 2017 (6), July 2017 (7), August 2017 (8), September 2017 (7), October 2017 (6), November 2017 (7), December 2017 (16), January 2018 (6), February 2018 (12), March 2018 (5), April 2018 (7), May 2018 (7), June 2018 (1), July 2018 (7), August 2018 (38), September 2018 (26), October 2018 (25), November 2018 (46), December 2018 (29), January 2019 (41), and February 2019 (58) are pending to be completed. The Court Coordinator and other staff are actively working on the adjustments.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. The Justice of the Peace is required to enter the disposition date (judgment date) in *Odyssey* to facilitate the collection of statutory fees and denial of registration by the Tax Assessor-Collector. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should

HIDALGO COUNTY DISTRICT JUDGES

LUIS N. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANCIAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA QUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 312ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 381TH D.C.

L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME TIJERINA
JUDGE, 484TH D.C.

develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the January 2014 through June 2014 and September 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of the April 2012, July 2012, October 2012, May 2013 through December 2013, July 2014, and August 2014 OCA reports were submitted to the County Auditor's Office. According to Justice of the Peace staff, copies of the OCA Reports cannot be generated due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report, Schedule of Receipts and Deposits* form, copy of the OCA Report, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that 7 cash bonds (see Exhibit B) posted in September 2015 and October 2016 by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail. According to the Court Coordinator, the bonds have not been forfeited due to issues encountered with *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Pursuant to Code of Criminal Procedure Article 45.044 (a)(2), "A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant fails to appear according to the terms of the defendant's release." Pursuant to the terms of the cash bond, the defendant must appear before the Justice of the Peace by the 10th workday following the date of their release from jail. If the defendant fails to appear, the Justice of the Peace may declare the cash bond forfeited, enter a judgment of guilty, assess a fine, and apply the cash bond to the payment of the imposed judgment.

Failure to ensure that bonds are liquidated in a timely manner may result in the defendant being assessed additional court costs and fees, in error.

HIDALGO COUNTY DISTRICT JUDGES

Recommendation:

Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 4:

We noted that collections for 2 of 21 days were deposited at the bank 2 days after collections were receipted. According to the Court Coordinator, the funds were deposited late due being understaffed and her attending training out of the county.

Pursuant to the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office, cash receipts must be deposited intact daily, unless the amount collected is less than \$100.00.

Failure to deposit collections daily increases the risk that loss or theft can occur.

Recommendation:

Management should develop and implement formal procedures to ensure that collections are deposited at the bank daily.

Observation No. 5:

We noted that 5 of 19 Close-out Reports were submitted to the County Treasurer's Office 2 to 5 days after the bank deposit was made. According to the Court Coordinator, they were not submitted timely due being understaffed and attending training out of the county.

The County Auditor's Office requires that cashiers reconcile cash on hand to receipts issued and the approved change fund, if any, on a daily basis by utilizing the Close-out Report. On a daily basis, after the reconciliation is completed and the collections are deposited to the County's General Fund bank account, the Close-out Report along with the bank validated deposit slip must be submitted to the County Treasurer's Office. The County Treasurer's Office utilizes the Close-out Report, along with the bank validated deposit slip to timely receipt and account for the collections deposited to the County's General Fund bank account.

Failure to submit the daily Close-out Report along with the bank validated deposit slip prevents the County Treasurer's Office from recording the receipts into the accounting system on a timely basis and may increase the risk that an employee could misappropriate funds.

Recommendation:

Management should ensure that the Close-out Report is submitted to the County Treasurer's Office on a daily basis after the daily deposit has been made.

Observation No. 6:

We noted that 1 of 184 in-house credit card transactions was receipted 16 days after the date of transaction. Consequently, the applicable case disposition was not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transaction was receipted in the wrong case, in error. The error was corrected.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that the Court Coordinator verifies that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

HIDALGO COUNTY DISTRICT JUDGES

Please provide written management responses to the observations noted above and action plans for observations 1 through 3 by May 17, 2019 using the attached Action Plan Forms.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Araceli A. Guillen, Internal Auditor I, at 318-2511 ext. 4649, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibit A, Exhibit B, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCIAR JUDGE, 81 ST D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 208 TH D.C.	MARLA CUELLAR JUDGE, 276 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 372 ND D.C.	NOE GONZALEZ JUDGE, 376 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 385 TH D.C.	L. KENO VASQUEZ JUDGE, 385 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 448 TH D.C.	JAIME TIJERINA JUDGE, 464 TH D.C.
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Justice of the Peace Juan "J. J." Peña
 Schedule of Adjustments
 For the Month Ended March 31, 2019

WFCONSTS WFPREC22 TOTAL

Receipt Cause Date	Off Date	Description	CCC	CHS	CHSACHSIP	CMIT	CO	CRF	CSF	CSFSZ	CVCJ	DEL	DISE2	DISP	DPS	DPSR	DSCR	FA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMN	COM	MIN	SO	STF	SV50	TP	TPDC	TPDS	UTFC	WAAR	WFDPS	WFSO	TOTAL
JP32- 100- 2019- 02658	2MO	3/28/19	12/4/00 N CERT	17.0	3.00	-	-	60.00	-	-	15	54.68	-	5.00	-	-	-	-	-	0.25	2	-	2.0	-	-	-	-	-	-	-	-	-	-	3.00	-	50	-	236.93
Charge Off Based on disposition date, TP \$25 should have been assessed. NO VALID INSPECTO FAIL TO YIELD RIGHT OF WAY																																						
JP32- 102- 2019- 02385	MO	3/21/19	4/10/02 VEHICLE	17.0	3.00	-	-	150.00	-	-	15	83.10	-	5.00	-	-	-	-	-	0.50	2	4.00	2.0	-	-	-	-	-	-	-	-	-	-	3.00	-	50	360.10	
PATROL NO DRIVERS LICENSE (W/REN UNLICENSE ATTEND PARENT																																						
JP32- 106- 2019- 02047	MO	3/11/19	12/30/06 D)	40.0	3.00	-	-	134.00	-	-	-	79.80	-	5.00	-	-	-	-	-	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	50	-	345.80		
FAIL TO ATTEND SCHOOL TINGTO TRUANCY FAIL TO ATTEND SCHOOL FAIL TO ATTEND SCHOOL																																						
JP32- 109- 2019- 02254	MO	3/18/19	10/21/09 SCHOOL	40.0	3.00	20	1	100.00	-	-	-	-	-	-	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	202.00		
CONTRIBUTU TINGTO ATTEND SCHOOL TRUANCY FAIL TO ATTEND SCHOOL FAIL TO ATTEND SCHOOL																																						
JP32- 109- 2019- 02254	MO	3/18/19	10/21/09 SCHOOL	40.0	3.00	20	1	100.00	-	-	-	92.10	-	-	-	-	-	-	2.00	-	-	4.00	4.00	-	-	-	-	-	-	-	-	-	-	-	-	388.10		
CONTRIBUTU TINGTO ATTEND SCHOOL TRUANCY FAIL TO ATTEND SCHOOL FAIL TO ATTEND SCHOOL																																						
JP32- 109- 2019- 02254	MO	3/13/19	11/18/11 SCHOOL	40.0	3.00	20	1	100.00	-	-	-	60.60	-	-	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	262.60		
FTA1 FAIL TO ATTEND SCHOOL FAIL TO ATTEND SCHOOL																																						
JP32- 109- 2019- 02254	MO	3/15/19	2/16/12 SCHOOL	40.0	3.00	20	1	-	-	-	-	195.60	-	-	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	500.00		
FAIL TO ATTEND SCHOOL FAIL TO ATTEND SCHOOL																																						
JP32- 109- 2019- 02254	MO	3/17/19	2/22/15 INVALID	40.0	3.00	-	-	65.90	-	-	-	55.90	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	4.00	20.0	6.00	-	-	-	-	-	-	-	240.50		
INVALID DRIVING WHILE LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/20/19	1/19/01 PRIMA	17.0	3.00	-	-	126.00	-	-	15	96.88	-	5.00	-	-	-	-	-	0.25	2	-	2.0	-	-	-	-	-	-	-	-	-	-	25	-	3.00	100	420.23
EXCEED PRIMA DRIVING WHILE LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/17/19	2/26/07 SPEED	40.0	3.00	-	-	206.00	-	-	-	111.60	-	5.00	-	-	-	-	-	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	-	486.10	
SPEED PRIMA DRIVING WHILE LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/9/19	3/2/11 D	40.0	3.00	-	-	132.00	-	-	-	89.70	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	-	388.70	
SUSPENSE PRIMA DRIVERS LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/22/19	6/11/10 LICENSE	40.0	3.00	-	-	132.00	-	-	-	80.70	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	-	349.70	
LICENSE PRIMA DRIVERS LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/15/19	7/19/10 LICENSE	40.0	3.00	-	-	132.00	-	-	-	80.70	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	-	349.70	
LICENSE PRIMA DRIVERS LICENSE INVALID																																						
Based on disposition date, TP \$25 should have been assessed.																																						
JP32- 109- 2019- 02371	MO	3/9/19	10/19/10 LICENSE	40.0	3.00	-	-	132.00	-	-	-	80.70	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	-	-	-	-	-	-	-	-	-	-	-	-	349.70	
LICENSE PRIMA DRIVERS LICENSE INVALID																																						

Justice of the Peace Juan "J. J." Peña
 Schedule of Adjustments
 For the Month Ended March 31, 2019

WFOCON15 WFPREC32 TOTAL

Receipt Cause Date	Off Date	Description	CCC	CHS	CHSA	CHSP	CMIT	CO	CRF	CSF	CSFSZ	CVU	DEL	DISZ	DISZP	DPS	DPS-DSCR	FA	IDRF	JCD	JCTF	JBF	LTF	MAVF	OMINCON	MIN	SAF	SCHD	SCOF	SDF	SIFC	SIFS	SO	STF	SV50	TP	TPDC	TPDS	UTFC	WAIR	WFDPS	WISO
JP92- TR14- 2019- 1397	02/17 MO	DRIVERS LICENSE	40.0	3.00	1	55.00	-	-	46.53	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	2	-	-	-	-	-	201.63
JP92- TR14- 2019- 1762	02/30 MO	DRIVERS LICENSE	40.0	3.00	1	66.00	-	-	46.53	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	2	-	-	-	-	-	201.63
JP92- TR14- 2019- 0461	01/08 MO	SEAT CHILD PASS, SPEEDING (EXCEED PRIMA)	40.0	3.00	1	12.50	-	-	53.13	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	4.00	20.0	6.00	-	0.60	5.40	-	30.0	12.5	-	2	3.00	-	-	-	230.23	
JP92- TR14- 2019- 0460	01/07 MO	SEAT CHILD PASS, SPEEDING (EXCEED PRIMA)	40.0	3.00	1	30.00	-	-	54.69	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	4.00	20.0	6.00	-	0.60	5.40	-	30.0	-	-	2	3.00	-	-	-	256.73	
JP92- TR14- 2019- 1469	02/09 MO	SEAT CHILD PASS, SPEEDING (EXCEED PRIMA)	40.0	3.00	1	39.00	-	-	48.33	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	30.0	-	-	2	3.00	-	-	-	209.43	
JP92- TR17- 2019- 0717	01/20 MO	NO DRIVERS LICENSE	40.0	3.00	1	20.00	-	-	39.63	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	4.00	20.0	6.00	-	0.60	5.40	-	30.0	-	-	1	1	3.00	-	-	-	171.73
JP92- TR17- 2019- 0717	01/20 MO	NO DRIVERS LICENSE	40.0	3.00	1	20.00	-	-	36.57	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	1	1	-	-	-	-	158.47
JP92- TR17- 2019- 0717	01/20 MO	NO DRIVERS LICENSE	40.0	3.00	1	20.00	-	-	26.73	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	1	1	-	-	-	-	115.83
JP92- TR17- 2019- 0717	01/20 MO	NO DRIVERS LICENSE	40.0	3.00	1	65.80	-	-	40.50	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	1	1	-	-	-	-	175.50
JP92- TR17- 2019- 0717	01/20 MO	NO DRIVERS LICENSE	40.0	3.00	1	65.80	-	-	40.50	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	-	-	-	1	1	-	-	-	-	175.50
JP92- TR17- 2019- 2506	02/19 MO	SPEEDING 10 percent	40.0	3.00	1	45.00	-	-	44.13	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	30.0	-	-	1	1	3.00	-	-	-	151.23
JP92- TR17- 2019- 0717	02/19 MO	SPEEDING 10 percent	40.0	3.00	1	60.00	-	-	56.13	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	30.0	-	-	1	1	3.00	-	-	-	243.23
JP92- TR18- 2019- 8698	02/19 MO	SPEEDING 10 percent	40.0	3.00	1	52.90	-	-	-	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	30.0	-	-	1	1	3.00	-	-	-	155.00
JP92- TR18- 2019- 8698	02/19 MO	SPEEDING 10 percent	40.0	3.00	1	52.90	-	-	-	-	-	-	-	5.00	-	-	-	-	2.00	-	-	4.00	4.00	2.0	0.10	-	-	20.0	-	0.60	5.40	-	30.0	-	-	1	1	3.00	-	-	-	155.00

**Justice of the Peace Juan "J. J." Peña
Precinct 3, Place 2
Schedule of Bonds on Deposit
As of March 31, 2019**

Year	Receipt Date	Receipt No.	Docket No.	Bond Amount
2015				
	9/10/2015	JP32-2015-00790	T10-5062MO	49.00
	9/10/2015	JP32-2015-00792	T12-0778MO	49.00
	9/10/2015	JP32-2015-00794	T12-0719MO	49.00
	9/10/2015	JP32-2015-00795	T12-3863MO	15.90
	9/10/2015	JP32-2015-00796	T12-3889MO	20.00
	9/10/2015	JP32-2015-00797	T12-3864MO	49.00
	10/20/2016	JP32-2016-07529	TR16-9466-J32	0.90
			Total	<u>232.80</u>

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 1	<p>We noted that 78 of 1,157 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in Odyssey. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of March 2015 (11), April 2015 (59), May 2015 (13), June 2015 (70), August 2015 (81), September 2015 (69), October 2015 (126), November 2015 (40), December 2015 (26), January 2016 (10), February 2016 (9), March 2016 (30), April 2016 (31), May 2016 (23), June 2016 (16), July 2016 (23), August 2016 (33), September 2016 (17), October 2016 (21), November 2016 (12), December 2016 (6), January 2017 (1), February 2017 (2), March 2017 (5), April 2017 (4), May 2017 (3), June 2017 (6), July 2017 (7), August 2017 (8), September 2017 (7), October 2017 (6), November 2017 (7), December 2017 (16), January 2018 (6), February 2018 (12), March 2018 (5), April 2018 (7), May 2018 (7), June 2018 (1), July 2018 (7), August 2018 (38), September 2018 (26), October 2018 (25), November 2018 (46), December 2018 (29), January 2019 (41), and February 2019 (58) are pending to be completed.</p>
Recommendation #	<p>Management should ensure that all pending adjustments are completed. In addition, management should ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense dates, and disposition dates (judgment dates) are entered in Odyssey. • Staff should ensure that adjustments are entered in Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the adjustments for the months listed in the observation above.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				

Dept. Head/Elected Official Signature _____

Date _____

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 2	Copies of the January 2014 through June 2014 and September 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of the April 2012, July 2012, October 2012, May 2013 through December 2013, July 2014, and August 2014 OCA reports were submitted to the County Auditor's Office.
Recommendation #	Management should ensure that a properly completed OCA Report is filed with the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 3	We noted that 7 cash bonds (see Exhibit B) posted by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail.
Recommendation #	Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The 7 cash bonds are liquidated as soon as possible.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 1, 2019

The Honorable Charlie Espinoza
Hidalgo County Justice of the Peace Pct. 4, Pl. 1
212 N. 12th Avenue
Edinburg, Texas 78541

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Espinoza:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts with an offense date of December 31, 2007 and prior and 10% of randomly selected receipts with an offense date of January 1, 2008 and after to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 32ND D.C.

BERNARDO MANOUS
JUDGE, 33RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 159TH D.C.

ROSE GUERRA REYNA
JUDGE, 238TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. XERO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME TIJERNA
JUDGE, 464TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if all credit card transactions were timely received by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$286,732.94. Based on our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 60 of 2,083 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of October 2015 (1), August 2016 (1), September 2016 (2), October 2016 (5), November 2016 (5), December 2016 (2), August 2017 (3), April 2018 (7), May 2018 (22), June 2018 (48), July 2018 (28), and August 2018 (16) are still pending to be completed. According to staff, they will attempt to check the fines, fees, and court costs prior to issuing receipts.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 2:

Copies of the February 2013, September 2013, May 2014, and September 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, an incorrect copy of the January 2014 OCA Report was submitted to the County Auditor's Office. According to Justice of the Peace staff, copies of the OCA Reports cannot be generated due to programming errors in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report*, copy of the OCA Report, *Schedule of Receipts and Deposits* form, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that a \$400.00 appeal bond received on May 3, 2013 for docket number E12-09-880 has not been forwarded to the County Clerk or refunded to the defendant. According to the notes in the County Clerk's docket, County Court-At-Law No. 4 issued a judgment nisi on June 9, 2014.

A judgment nisi is a judgment that is not final or absolute. A judgment nisi is an intermediate judgment which will become final unless a party appeals or formally requests the court to set it aside. Pursuant to Code of Criminal Procedure §44.16, if the defendant is not in custody, a notice of appeal shall have no effect until the required appeal bond has been given and approved. The appeal bond shall be given within ten days after the sentence of the court has been rendered." Code of Criminal Procedure Article 44.18 states, "In appeals from justice and corporation courts, all the original papers in the case, together with the appeal bond, if any, and together, with a certified transcript of all the proceedings had in the case before such court shall be delivered without delay to the clerk of the court to which the appeal was taken, who shall file the same and docket the case."

Failure to ensure that court action is taken in a timely manner for cases in which an appeal bond was posted may result in the improper accounting of appeal bonds.

Recommendation:

Management should contact the County Clerk's Office to determine if the appeal bond needs to be forwarded to the County Clerk's Office or refunded to the defendant.

Observation No. 4:

We noted that 5 cash bonds (see Exhibit B) posted September 2015 through March 2016 by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail. According to the Justice of the Peace staff, the bonds were not forfeited due to complications encountered with *Odyssey*. Assistance has been requested from the Information Technology Department; however, the problem has not been resolved.

HIDALGO COUNTY DISTRICT JUDGES

Code of Criminal Procedure Article 45.044 (a)(2) states, "A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant fails to appear according to the terms of the defendant's release." Pursuant to the terms of the cash bond, the defendant must appear before the Justice of the Peace by the 10th workday following the date of their release from jail. If the defendant fails to appear, the Justice of the Peace may declare the cash bond forfeited, enter a judgment of guilty, assess a fine, and apply the cash bond to the payment of the imposed judgment.

Failure to ensure that bonds are liquidated in a timely manner may result in the misuse of County funds.

Recommendation:

Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance from the Information Technology Department should be requested until the problem has been resolved.

Observation No. 5:

We noted that 2 of 371 online credit card transactions were receipted 2 to 18 days after the date of transaction. In addition, 1 of 1 kiosk credit card transaction was receipted 8 days after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transactions were not receipted timely due to an oversight.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Observation No. 6:

We noted that a mail log was not utilized to record payments received through the mail. According to staff, a mail log is not used since the mail is received and opened by the Justice of the Peace. The Justice of the Peace distributes payments received through the mail to staff to receipt.

The County Auditor's Office requires that mail be opened and listed on a daily mail log. The mail log should include the following information for each mail-in payment received: date received, the name of the payer, the amount of the remittance, the form of the remittance (e.g., cash or check), and, if applicable, the check number.

Failure to ensure mail-in payments are recorded on a mail log increases the risk that payments could be lost or misappropriated without detection.

Recommendation:

Management should ensure that a daily mail log is maintained to record payments received through the mail. Please refer to the mail log section of the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office for the minimum procedures to be implemented for processing payments received through the mail.

Please provide written management responses to the observations noted above and action plans for observations 1 through 4 by May 17, 2019 using the attached Action Plan Forms.

HIDALGO COUNTY DISTRICT JUDGES

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report*, Exhibits A and B, and Action Plan Forms

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 205TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 379TH D.C.
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LETICIA LOPEZ
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L. KENO VASQUEZ
JUDGE, 399TH D.C.

ISRAEL RAMON, JR.
JUDGE, 439TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIHE TIJERINA
JUDGE, 484TH D.C.

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

PBC

Judge: **CHARLIE ESPINOZA**
Precinct No. **4** Place No. **1**

City: **EDINBURG, TX**
Hidalgo County, Texas

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipts #s) <u>JP41-2019-03299</u> THRU <u>JP41-2019-05251</u>	\$ 285,732.19 <u>286,732.94</u>
LESS: COST ON DEPOSIT		<u>0.00</u> - x7 ✓
ADD: COST ON DEPOSIT LIQUIDATED		<u>0.00</u> - x7 ✓
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)		<u>286,732.94</u> ✕
		285,732.19 ✕3
		<u>287,800.94</u> (A)
Less: Total amount of remittances to County Treasurer (From Part II)		\$ <u>286,732.94</u>
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)		<u>(1068.00)</u> x4-a24 ✓ <u>(1,000.75)</u> <u>28</u>

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

DESCRIPTION	AMOUNT	RECEIPT NO.
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ 286,732.94	B, ✓
Add: Previous Month's Bond Overtransfer (2013, 2015, 2016)	1068.00	Ex. B ✓
Add: HCSO Monthly "D" Collections Report	0.00	
Total Remittances Made to County Treasurer	\$ <u>287,800.94</u> (A)	
	\$ <u>286,732.94</u>	

PREPARED BY: *Allen P...*

DATE: 4/4/19

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME & I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

AUDITED BY: THE HIDALGO COUNTY AUDITOR'S OFFICE
DATE: 4.16.19
4/18/19
4/22/19

de
JUSTICE OF THE PEACE
DATE: 4-4-19

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: CHARLIE ESPINOZA
Precinct No. 4 Place No. 1

City: EDINBURG, TX
Hidalgo County, Texas

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, FC 12.23		6200-23-10-067-000-0-000	89,374.11
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	410.55
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (f)		1100-207-20-000-028-0-000	969.71
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	868.25
School District 50% Fines		Educ. Code § 25.093 (d) 1 (A)		1100-207-20-000-010-0-000	-
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee (\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	4,209.26
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1241-341-10-060-001-0-000	3,197.26
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	1398.05
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	5,672.35
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-001-0-000	234.64
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	58.66
Motor Vehicle Adm. Fee (\$10-\$20) (Optional Fee for Exp. DL; Exp. Insp. Cert; Exp. Mv. Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	2,928.00
Special Fees				1100-341-10-060-000-0-000	330.00
Deferred Disposition		C.C.P. Art. 45.051	3,724.08		4,187.18
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.051(f)	463.10		
Support of Judiciary Fund (\$3.60)		LGC 133.105		1100-341-10-060-009-0-000	835.86
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-060-011-0-000	2,138.01
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (e)		1100-341-10-060-011-0-000	176.68
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	-
Scofflaw Fee (\$20)		TRC 502.010(a)		1100-341-10-140-049-0-000	11,374.99
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	1,327.06
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (___\$1, ___\$1.50, ___\$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	293.30
Juvenile Crime and Delinquency Fund (___\$25, ___\$50)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	0.50
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	5.00
Consolidated Court Costs Fund (\$17)		CCP 102.075 (a) 3/ LGC 133.102		1100-207-20-000-015-0-000	5,618.00
Compensation Victims Of Crime Fund (___\$3, ___\$5, ___\$15, ___\$30)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	15.00
Judicial & Court Personnel Training Fund (___\$1, ___\$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	2.00
Correctional Management Institute of Texas Fund (\$5.50)		CCP Art. 102.075		1100-207-20-000-029-0-000	0.50
Indigent legal Services Fee-IP (\$6)	350	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	2,100.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	21,949.93
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	5,604.99
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	7,537.67
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.051 (e-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund		LGC 133.107GC 102.023		1100-207-20-000-059-0-000	2,743.27
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022GC		1100-207-20-000-061-0-000	110.20
Safety Seat Violation Fee (\$0.15)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	0.45
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	-
Electronic Filing Fee - Civil (\$10)		GC 101.141/GC 51.851		1100-207-20-000-070-0-000	3,500.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	1,326.06
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (e)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)	350	GC 51.971 (a)		1100-207-20-000-076-0-000	1,750.00
ARREST/WARRANT FEES: STATE					
D.P.S. (___\$3, ___\$5, ___\$35, ___\$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	6,625.44
T.A.B.C. (___\$3, ___\$5, ___\$35, ___\$50)				1100-207-20-000-020-0-000	-
P.K.W.L. (___\$3, ___\$5, ___\$35, ___\$50)				1100-207-20-000-021-0-000	35.00
Texas Comptrollers Criminal Investigators				1100-207-20-000-060-0-000	-
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees:		LGC 118.131		1100-342-10-060-001-0-000	235.00
Constable Fees:					
Precinct #1				1100-342-10-291-000-0-000	155.00
Precinct #2				1100-342-10-292-000-0-000	525.00
Precinct #3				1100-342-10-293-000-0-000	225.00
Precinct #4				1100-342-10-294-000-0-000	1,582.95
Precinct #5				1100-342-10-295-000-0-000	200.00
District Attorney Fees				1100-341-10-060-007-0-000	-
Tax Assessor Fraud Investigators				1100-342-10-060-002-0-000	-
School District Arrest Fee				1100-342-10-060-003-0-000	-
Fire Marshal Fee				1100-342-20-060-001-0-000	-
Due to Others					
Warrant Fees/Out of County Service Fee(TO: Law Enforcement Agencies)		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-207-30-000-013-0-000	25.10
Due to Others				1100-207-30-000-013-0-000	-
Restitution				1100-207-30-000-013-0-000	-
Failure to Appear - OmniBase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-207-30-000-013-0-000	-
Delinquent Attorney Fee		C.C.P. Art. 103.0031(b)		1100-207-30-000-004-0-000	25,853.71
Justice Fees (Local Fees)					
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122		1100-341-10-060-001-0-000	8,872.00
Debt Claim Fee(Justice Court Filing Fee)\$25		LGC 118.121/118.122	8,750.00		
Landlord & Tenant Eviction Filing Fee(Forbide Entry & Detainer Court)\$25		LGC 118.121/118.122			
Transcript Fees (\$10)		LGC 118.121/118.123 (b)			
Abstract Fees (\$5)		LGC 118.121/118.123 (c)	40.00		
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	70.00		
Issuing other Document (\$1 1st pg, .25 for each add'l pg)		LGC 118.121/118.123 (e)	12.00		
Certified Copies of Court Papers (\$2 1st pg, .25 for each add'l pg)		LGC 118.121			
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141(e)4			
Birth Certificates (\$22 each \$9.20 local)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(d)		1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (b)		1100-341-10-060-003-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		504.1(b)/ CCP 102.004		1100-341-10-060-005-0-000	-

**AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE**
DATE: *Dec 4 11 16 AM '19*
4-4 11/19

TOTAL AMOUNT DUE TO THE COUNTY TREASURER:

286,932.94

X1, X2

Justice of the Peace Charlie Espinoza
 Schedule of Adjustments
 For the Month Ended March 31, 2019

Receipt Case #	Date	Offense Date	Charge/Offense Description	CC	CHS	CHSP	OMIT	CO	CONST1	CONST4	CSF	CVCA	DD	DEL	DPS	DPS*	FA	IDRF	ICD	ICPT	ICTF	ISF	LTF	MAVF	SCOP	SFC	SFS	SD	SQ*	STF	SU50	TP	TPCO	TPDS	TRST	TRM*	UTTC	WAR*	WRDPS	WFPRECA1	Received Amount
<p>Receipt Case # Date Offense Date Charge/Offense Description</p> <p>Delinquent was over assessed \$10.00.</p>																																									
JP41-2019-TR18-08558	1639-141	3/5/2019	FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY (F)	40	3	1	-	45	-	-	-	-	-	79.2	-	5	-	2	-	-	4	4	2	-	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	213.2		
<p>Delinquent was under assessed \$5.77.</p>																																									
JP41-2019-TR18-08556	1637-141	3/5/2019	No Drivers License - When Unlicensed not CD (F)	40	3	1	-	36.9	-	-	-	-	-	54	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	-	182	
<p>Delinquent was over assessed \$12.00.</p>																																									
JP41-2019-TR18-08555	2678-141	3/5/2019	Driving While License Invalid - DL	11.4	0.85	0.28	-	90.9	-	-	-	-	-	39.6	-	1.42	-	0.57	-	-	1.14	1.14	2	0.08	20	0.17	1.94	-	-	-	2.5	10	0.28	0.28	11.5	-	-	-	196.6		
<p>Delinquent was under assessed \$5.77.</p>																																									
JP41-2019-TR18-08869	7868-141	3/11/2019	No Drivers License - When Unlicensed not CD (F)	40	3	1	-	90.9	-	-	-	-	-	46.5	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	226.5		
<p>Delinquent was over assessed \$13.77.</p>																																									
JP41-2019-TR18-05112	8100-141	3/28/2019	Driving While License Invalid - DL DISPLAY EXPIRED LICENSE PLATES/REGISTRATION INSIGNA	40	3	1	-	90.9	-	-	-	-	-	46.5	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	226.5		
<p>Delinquent was over assessed \$13.77.</p>																																									
JP41-2019-TR18-04316	8428-141	3/13/2019	FAIL TO CONTROL SPEED (F)	40	3	1	-	124.9	-	-	-	-	-	66.6	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	313.6		
<p>Delinquent was under assessed \$9.46.</p>																																									
JP41-2019-TR18-05166	8608-141	3/27/2019	Speeding 10 percent or more above posted speed limit	40	3	1	-	-	-	-	-	-	63.9	48.3	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	254.3		
<p>Delinquent was over assessed \$13.77.</p>																																									
JP41-2019-TR18-04015	8712-141	3/12/2019	No Drivers License - When Unlicensed not CD (F)	40	3	1	-	90.9	-	-	-	-	-	46.5	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	226.5		
<p>Delinquent was over assessed \$13.77.</p>																																									
JP41-2019-TR18-03968	7867-141	3/11/2019	Driving While License Invalid - DL Speeding 10 percent or more above posted speed limit	40	3	1	-	54.9	-	-	-	-	-	45.6	-	5	-	2	-	-	4	4	2	0.1	20	0.5	5.4	-	-	-	-	-	-	-	-	-	-	-	222.6		
<p>Delinquent was under assessed \$9.46.</p>																																									
JP41-2019-TR18-08879	3450-141	3/12/2019	Speeding 10 percent or more above posted speed limit	40	3	1	-	162.3	-	-	-	-	-	59.4	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	397.9		
<p>Delinquent was over assessed \$4.64.</p>																																									
JP41-2019-TR18-04269	4816-141	3/15/2019	Speeding 10 percent or more above posted speed limit	-	-	-	-	50.9	-	-	-	-	-	24.27	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	107.17		
<p>Delinquent was over assessed \$9.57.</p>																																									
JP41-2019-TR18-08697	5099-141	3/6/2019	Speeding 10 percent or more above posted speed limit	40	3	1	-	34.8	-	-	-	-	-	53.1	-	5	-	2	-	-	4	4	2	0.1	20	0.5	5.4	-	-	-	-	-	-	-	-	-	-	-	210		
<p>Delinquent was over assessed \$8.37.</p>																																									
JP41-2019-TR18-08338	5136-141	3/1/2019	Speeding 10 percent or more above posted speed limit	40	3	1	-	22	-	-	-	-	-	53.8	-	5	-	2	-	-	4	4	2	0.1	20	0.5	5.4	-	-	-	-	-	-	-	-	-	-	-	199.9		
<p>Delinquent was over assessed \$7.85.</p>																																									
JP41-2019-TR18-04070	2170-141	3/13/2019	Driving While License Invalid - DL	40	3	1	-	56.9	-	-	-	-	-	54	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	-	300	
<p>Delinquent was over assessed \$0.12.</p>																																									
JP41-2019-TR18-05668	8705-141	3/6/2019	Slower Vehicle Failed to Keep Right	40	3	1	-	57.4	-	-	-	-	-	52.5	-	-	-	2	-	-	4	4	2	0.1	20	0.5	5.4	-	-	-	-	-	-	-	-	-	-	-	-	227	
<p>Delinquent was over assessed \$0.12.</p>																																									
JP41-2019-TR18-03659	10462-141	3/6/2019	Slower Vehicle Failed to Keep Right	40	3	1	-	32.4	-	-	-	-	-	52.5	-	-	-	2	-	-	4	4	2	0.1	20	0.5	5.4	-	-	-	-	-	-	-	-	-	-	-	-	227	
<p>Delinquent was under assessed \$8.10.</p>																																									
JP41-2019-TR18-04327	8166-141	3/13/2019	Speeding 10 percent or more above posted speed limit	40	3	1	-	53.1	-	-	-	-	-	52.8	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	-	228	
<p>Delinquent was under assessed \$8.10.</p>																																									
JP41-2019-EX12-07-04270	159	3/18/2019	NO DRIVERS LICENSE (WHEN UNLICENSED)	40	3	1	-	165	-	-	-	-	-	90.8	-	5	-	2	-	-	4	4	2	0.1	20	0.6	5.4	-	-	-	-	-	-	-	-	-	-	-	-	50	

**Justice of the Peace Charlie Espinoza
Precinct 4, Place 1
Schedule of Bonds on Deposit**

Year	Receipt Date	Receipt No.	Docket No.	Bond Amount
2013				
	5/3/2013		E12-09-880	400.00
2015				
	9/1/2015	JP41-2015-00734	-	3.00
	9/9/2015	JP41-2015-00859	TR15-0671-J41	155.00
	11/23/2015	JP41-2015-02494	TR15-1687-J41	155.00
2016				
	1/26/2016	JP41-2016-00733	-	200.00
	3/28/2016	JP41-2016-03636	TR16-1985-J41	155.00
			Total	<u>1,068.00</u>

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP PCT. 4, PI.1
Observation No. 1	<p>We noted that 60 of 2,083 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of October 2015 (1), August 2016 (1), September 2016 (2), October 2016 (5), November 2016 (5), December 2016 (2), August 2017 (3), April 2018 (7), May 2018 (22), June 2018 (48), July 2018 (28), and August 2018 (16) are still pending to be completed. According to staff, they will attempt to check the fines, fees, and court costs prior to issuing receipts.</p>
Recommendation No. 1	<p>Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in Odyssey. • Staff should ensure that adjustments are entered in Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete pending adjustments.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP PCT. 4, PI.1
Observation No. 2	Copies of the February 2013, September 2013, May 2014, and September 2014 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, an incorrect copy of the January 2014 OCA Report was submitted to the County Auditor's Office.
Recommendation No. 2	Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP PCT. 4, Pl.1
Observation No. 3	We noted that a \$400.00 appeal bond received on May 3, 2013 for docket number E12-09-880 has not been forwarded to the County Clerk or refunded to the defendant.
Recommendation No. 3	Management should contact the County Clerk's Office to determine if the appeal bond needs to be forwarded to the County Clerk's Office or refunded to the defendant.
GOAL/ACTION ITEM:	Forward the appeal bond to the County Clerk's Office or refund the defendant.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019- JP PCT. 4, PI.1
Observation No. 4	We noted that 5 cash bonds posted September 2015 through March 2016 by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th workday following the date of their release from jail.
Recommendation No. 4	Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance from the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	Liquidate the 5 cash bonds.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 30, 2019

Honorable Homero A. Jasso
Hidalgo County Justice of the Peace Pct. 4, Pl. 2
224 N. 12th Ave.
Edinburg, Texas 78539

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Jasso:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation was submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETARY
JUDGE, 42ND D.C.

FERNANDO MANGIAS
JUDGE, 89TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 119TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. XENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 410TH D.C.

RENÉE R. BETANCOURT
JUDGE, 449TH D.C.

JAINÉ TIJERINA
JUDGE, 464TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if all credit card transactions were timely receipted by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "Official Justice of the Peace Monthly Report" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by the defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$73,141.85. Based on our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 107 of 521 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in *Odyssey*. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of April 2015 (37), June 2015 (1), September 2015 (34), October 2015 (5), November 2015 (6), December 2015 (2), January 2016 (6), February 2016 (26), March 2016 (25), April 2016 (16), May 2016 (54), June 2016 (37), July 2016 (34), August 2016 (37), September 2016 (16), October 2016 (23), November 2016 (26), December 2016 (6), January 2017 (29), February 2017 (33), March 2017 (51), April 2017 (29), May 2017 (22), June 2017 (33), July 2017 (50), August 2017 (42), September 2017 (45), October 2017 (41), November 2017 (22), December 2017 (34), January 2018 (46), February 2018 (60), March 2018 (69), April 2018 (61), May 2018 (176), June 2018 (155), July 2018 (123), August 2018 (59), September 2018 (46), October 2018 (47), November 2018 (74), December 2018 (64), January 2019 (112), and February 2019 (103) are pending to be completed. According to the Court Coordinator, they will contact the Information Technology Department for additional training on completing adjustments in *Odyssey*.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. The Justice of the Peace is required to enter the disposition date (judgment date) in *Odyssey* to facilitate the collection of statutory fees and denial of registration by the Tax Assessor-Collector. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should contact the Information Technology Department to provide the training needed to complete the pending adjustments. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

NARLA CUELLAR
JUDGE, 278TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

ROE GONZALEZ
JUDGE, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 439TH D.C.

BENE E. BETANCOURT
JUDGE, 448TH D.C.

JAIME TUJERINA
JUDGE, 464TH D.C.

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

Copies of the November 2013 through February 2014, June 2014 through July 2015, and September 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of the April 2012 through June 2012, September 2012 through October 2013, March 2014 through May 2014, and August 2015 OCA Reports were submitted to the County Auditor's Office. According to the Justice of the Peace staff, properly completed OCA Reports cannot be generated from *Odyssey* due to data entry errors. In addition, the County Auditor's Office determined that the OCA Reports are incorrect since the jail time activity and pending adjustments were not entered in *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Local Government Code §112.002 (a) authorizes the county auditor to prescribe the system of accounting for the county. Local Government Code §112.002 (b) states that "the county auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds." Pursuant to Local Government Code §112.002 (a) and (b), the County Auditor requires the submittal of properly completed reports (i.e., *Monthly Report, Schedule of Receipts and Deposits* form, copy of the OCA Report, Cash Disbursement Journal, etc.) for checking and properly accounting of funds collected by the Justice of the Peace Offices.

Failure to ensure that properly completed OCA Reports are submitted to the County Auditor's Office may result in improper reporting to the State.

Recommendation:

Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 3:

We noted that 23 cash bonds (see Exhibit B) posted December 2013 through October 2016 by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th working day following the date of their release from jail. The bonds do not contain an event entered in *Odyssey* regarding the reason the bonds were not liquidated. According to the Justice of the Peace staff, the bonds were not forfeited due to technical issues with *Odyssey*. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Pursuant to Code of Criminal Procedure Article 45.044 (a)(2), "A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant fails to appear according to the terms of the defendant's release." Pursuant to the terms of the cash bond, the defendant must appear before the Justice of the Peace by the 10th workday following the date of their release from jail. If the defendant fails to appear, the Justice of the Peace may declare the cash bond forfeited, enter a judgment of guilty, assess a fine, and apply the cash bond to the payment of the imposed judgment.

Failure to ensure that bonds are liquidated in a timely manner may result in the defendant being assessed additional court costs and fees, in error.

HIDALGO COUNTY DISTRICT JUDGES

Recommendation:

Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Observation No. 4:

We noted that collections for 1 of 21 days was deposited at the bank 2 days after the collections were receipted. According to the Court Coordinator, the deposit was not made on a timely basis due to being understaffed.

Pursuant to the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office, cash receipts must be deposited intact daily, unless the amount collected is less than \$100.00.

Failure to deposit collections daily increases the risk that loss or theft can occur.

Recommendation:

Management should develop and implement formal monitoring procedures to ensure that collections are deposited at the bank daily.

Observation No. 5:

We noted that 2 of 20 Close-out Reports were submitted to the County Treasurer's Office 2 to 3 days after the bank deposit was made. According to the Court Coordinator, the Close-out Reports were not submitted timely due to being understaffed.

The County Auditor's Office requires that cashiers reconcile cash on hand to receipts issued and the approved change fund, if any, on a daily basis by utilizing the Close-out Report. On a daily basis, after the reconciliation is completed and the collections are deposited to the County's General Fund bank account, the Close-out Report along with the bank validated deposit slip must be submitted to the County Treasurer's Office. The County Treasurer's Office utilizes the Close-out Report, along with the bank validated deposit slip to timely receipt and account for the collections deposited to the County's General Fund bank account.

Failure to submit the daily Close-out Report along with the bank validated deposit slip prevents the County Treasurer's Office from recording the receipts into the accounting system on a timely basis and may increase the risk that an employee could misappropriate funds.

Recommendation:

Management should ensure that the Close-out Report is submitted to the County Treasurer's Office on a daily basis after the daily deposit has been made.

Observation No. 6:

We noted that 5 of 102 online credit card transactions were receipted 2 to 28 days after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the credit card transactions were not receipted timely due to being understaffed.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Observation No. 7:

We noted that 3 of 107 transactions that contained errors (see Observation No. 1) did not have the disposition date (judgment date) entered in *Odyssey*. Consequently, the time payment fee was not assessed. In addition, the time

HIDALGO COUNTY DISTRICT JUDGES

payment fee was not assessed for 28 of 107 transactions since the incorrect disposition date was entered in *Odyssey*. According to the Court Coordinator, additional training will be requested from the Information Technology Department.

Pursuant to Local Government Code §133.103, a person convicted of an offense must pay a fee of \$25 if the person 1.) was convicted of a felony or misdemeanor; and (2) pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution. The Justice of the Peace is required to enter the disposition date in *Odyssey* to facilitate the collection of statutory fees.

Failure to properly enter the disposition date in *Odyssey* may result in the loss of County funds. In addition, the County may be held liable to the State for failure to properly allocate and report fees and court costs.

Recommendation:

Management should ensure that the disposition date is entered correctly in *Odyssey*.

Please provide written management responses to the observations noted above by May 17, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Araceli A. Guillen, Internal Auditor I at (956) 318-2511 ext. 4649, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: *Monthly Report*, Exhibit A and Exhibit B

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Off Date	Charge Offense	CCC	CHS	CHSIP	CO	CONST4	CRF	CSF	CSFSZ	CVCI	DEL	DPS	DPSR	FA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMNIS	OMNIV	OVER	SCOF	SDF	SJFC	SJFS	SO	SOR	STF	SV50	TPDC	TPDS	UTFC	WARF	WFPDS	WFRRE	TOTAL			
JP42-2019-01001	27/1/19	2/13/19	2/13/19	WHEN UNL	17.00	3.00	-	67.75	-	-	-	-	15	5.00	-	5	-	0.25	2	-	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00	187.00		
JP42-2019-00999	27/1/19	2/13/19	2/13/19	UNDER TWO	17.00	3.00	-	55.75	-	-	-	-	15	5.00	-	5	-	0.25	2	-	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	50	175.00		
Based on disposition date, TP \$25 should have been assessed.																																											
JP42-2019-01484	3/29/19	7/7/04	14 YOA	40.00	3.00	-	50.00	-	-	-	-	-	77.10	5.00	-	-	-	4.00	2	-	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	30.00	334.10		
JP42-2019-01430	699	3/26/19	10/27/04	ZONE	40.00	3.00	-	153.0	-	-	-	-	-	99.00	5.00	-	-	-	4.00	2	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	30.00	403.00			
JP42-2019-01233	848	3/14/19	1/8/05	UNMT-59/40	40.00	3.00	-	157.0	-	-	-	-	-	94.20	5.00	-	-	-	4.00	2	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	30.00	408.20			
JP42-2019-02487	1214	3/29/19	8/26/05	UNMT-64/50	40.00	3.00	-	143.0	-	-	-	-	-	88.70	5.00	-	-	-	4.00	2	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	30.00	388.70			
JP42-2019-02455	1818-2849-142	3/28/19	4/26/18	more	20.84	1.56	30.00	-	-	-	-	-	-	31.23	-	-	-	1.04	-	2.08	2.08	2	0.05	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	15.61	135.33			
DEI has been under assessed, should be \$110.10. Please call Auditor's Office for instructions. Please enter disposition date.																																											
JP42-2019-02150	555	3/8/19	8/1/07	SAFETY BELT	7.31	0.55	0.18	-	-	-	-	-	-	20.02	0.91	-	-	-	0.73	0.73	2	-	-	-	-	3.65	-	-	-	-	-	-	-	-	-	-	-	-	-	5.49	52.00		
Based on first payment date, TP \$25 should have been assessed, DEI has been under assessed, DEI has been under assessed, should be \$87.60. Please call Auditor's Office for instructions. In addition, please enter disposition date.																																											
JP42-2019-02155	972	3/8/19	4/13/06	UNMT-63/55	31.55	2.37	0.79	-	-	-	-	-	-	68.63	3.93	-	-	-	3.16	3.16	2	-	-	-	-	15.78	-	-	-	-	-	-	-	-	-	-	-	-	-	23.67	200.00		
DEI has been under assessed, should be \$86.10. Please call Auditor's Office for instructions.																																											
JP42-2019-02152	763	3/15/19	2/15/10	PLATES	-	-	-	144.9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	146.99	
DEI has been under assessed, should be \$91.50. Please call Auditor's Office for instructions.																																											
JP42-2019-02461	784	3/28/19	2/15/10	INSPECTION	7.39	0.56	0.19	-	-	-	-	-	-	16.85	-	-	-	-	0.37	-	0.74	0.74	2	0.02	-	3.71	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.56	50.00	
Based on offense date, MVF \$0.10 should have been assessed.																																											
JP42-2019-02107	327	3/6/19	5/10/12	LICENSE	40.00	3.00	1.00	85.00	-	-	-	-	-	45.90	5.00	-	-	-	2.00	-	4.00	4.00	2	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.40	198.90

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Offense	CCC	CHS	CHSP	CO	CONF	CSF	CSISZ	CVJC	DEL	DPS	DPS*	FA	IDRF	JCD	JCTF	ISF	LTF	MVF	OMNIC	OMNIV	OVER	SCOPE	SDF	SIFC	SIFS	SO	SOR	STF	SV50	TPDC	TPDS	UTTC	WAR*	WFPDS	WFPRE	TOTAL			
Based on offense type, MVF-50.10 should have been assessed.																																									
JP42-	2019-	JP12-07-																																							
01449	018	3/27/19	7/7/12 UNLIC	40.00	3.00	1.00	166.0	-	-	-	80.50	-	-	2.00	-	-	4.00	4.00	2	-	-	-	-	20.00	-	0.60	5.40	5.00	-	-	-	-	-	-	-	-	50.00	395.90			
NO DRIVERS LICENSE (WHEN)																																									
JP42-	2019-	JP12-08-																																							
01200	049	3/13/19	7/26/12 UNLIC	40.00	3.00	1.00	166.0	-	-	-	75.90	5.00	-	2.00	-	-	4.00	4.00	2	-	-	-	20.00	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	328.90			
NO DRIVERS LICENSE (WHEN)																																									
TPDS \$2 split incorrectly, should be TPDC \$1 and TPDS \$1.																																									
JP42-	2019-	JP14-02-																																							
01308	230	3/19/19	2/22/14 DESIG POINT	40.00	3.00	1.00	152.9	-	-	-	82.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	5.00	-	30.00	-	-	2.00	3.00	-	-	-	-	357.50			
FAIL TO STOP (YIELD SIGN)																																									
DEI has been over assessed, should be \$51.03. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions. In addition, TPDC \$1 and TPDS \$1 should be assessed.																																									
JP42-	2019-	JP15-04-																																							
01433	033	3/26/19	3/23/15 EVIC	40.00	3.00	1.00	-	-	-	-	96.90	5.00	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	30.00	-	-	-	3.00	50.00	-	-	-	267.00				
SIGN/YIELD/D																																									
DEI has been under assessed, should be \$102.90. Please call Auditor's Office for instructions. In addition, please enter disposition date.																																									
JP42-	2019-	JP15-03-																																							
01963	307	3/21/19	3/21/15 BURNING	8.04	0.60	0.20	-	-	-	-	20.45	-	-	0.40	-	-	0.81	0.81	2	-	-	-	4.02	-	0.12	1.09	1.01	-	-	0.20	0.20	-	10.05	-	-	-	50.00				
PROHIBITED																																									
Based on first payment date, TP-525 should have been assessed. Based on this JP does not participate in OMNI, OMNIC \$4, OMNIV \$6, and OMNIS \$20 should not have been assessed. In addition, DEI has been over assessed, should be \$55.66. Please call Auditor's Office for instructions.																																									
JP42-	2019-	TR15-																																							
00986	1063-42	3/1/19	11/4/15 Speeding	14.62	1.10	0.35	64.77	1.83	-	-	30.38	-	-	0.73	-	-	1.46	1.46	2	0.04	1.46	7.31	2.19	7.31	0.22	1.97	-	10.96	-	0.37	0.37	1.10	-	-	-	152.00					
10/9/15																																									
DEI has been under assessed, should be \$45.37. Please call Auditor's Office for instructions. In addition, please enter disposition date.																																									
JP42-	2019-	TR17-																																							
01408	3332-42	3/25/19	5/31/17 TRATION	10.32	0.77	0.26	-	-	-	-	1.55	-	-	0.52	-	-	1.03	1.03	2	-	-	-	5.16	-	0.16	1.39	-	-	-	0.26	0.26	-	-	-	-	-	26.00				
PLATES/REGIS																																									
DEI has been over assessed, should be \$26.72. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.																																									
JP42-	2019-	TR16-																																							
01378	0489-42	3/22/19	2/18/16 INVALID	40.00	3.00	1.00	-	-	-	-	46.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	195.60			
DRIVING WHILE																																									
JP42-	2019-	TR16-																																							
01376	3525-42	3/22/19	10/15/16 INVALID	40.00	3.00	1.00	-	-	-	-	46.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60			
DRIVING WHILE																																									
JP42-	2019-	TR16-																																							
01379	3605-42	3/22/19	10/10/16 INVALID - DL	40.00	3.00	1.00	-	-	-	-	46.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60			
DRIVING WHILE																																									
JP42-	2019-	TR17-																																							
01444	2387-42	3/27/19	5/9/17 Invalid - DL	40.00	3.00	1.00	-	-	-	-	46.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60			
License																																									
JP42-	2019-	TR17-																																							
01386	3788-42	3/22/19	7/3/17 DL	40.00	3.00	1.00	-	-	-	-	46.50	-	-	2.00	-	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60			
Driving While Lic Invalid -																																									

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Offense	CCC	CHS	CHSP	CO	CRF	CSF	CSFSZ	CVC	DEL	DPS	DPSr	FA	IDRF	JCD	JCTF	JCTF	JSF	LTF	MVF	OMNIC	OMNIV	OMNIS	OVER	SCOF	SDF	SJFC	SJFS	SO	SOr	STF	SVSO	TPDC	TPDS	UTFC	WARF	WFDPs	WFPRE	TOTAL	
JP42-2019-TR17-01381	2983-42	3/27/19	5/29/17	NOTCDL	40.00	3.00	1.00	-	-	-	-	46.50	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60
NO DRIVER LICENSE WHEN UNLIC.																																									
JP42-2019-TR18-01297	2944-42	3/18/19	5/10/18	Invalid - DL	40.00	3.00	1.00	-	-	-	-	46.50	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60	
DL has been over assessed, should be \$26.73. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions. In addition, please enter disposition date.																																									
JP42-2019-TR17-01440	0352-42	3/27/19	1/18/17	INVALID	40.00	3.00	1.00	-	-	-	-	46.50	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	20.00	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	-	-	135.60	
DRIVING WHILE LICENSE INVALID																																									
JP42-2019-TR17-01251	5305-42	3/15/19	9/14/17	SPEED (#)	-	-	-	-	-	-	-	6.00	-	-	-	-	-	-	-	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	26.00	
Based on first payment date, TP \$25 should have been assessed. In addition, please verify disposition date.																																									
JP42-2019-TR16-01485	1385-42	3/29/19	5/21/16	RESPNSBLTY	-	-	-	-	-	-	-	82.90	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	110.37	
FINANCIAL FAIL TO MAINTAIN																																									
JP42-2019-TR15-01373	3142-42	3/21/19	9/5/16	RESPNSBLTY	-	-	-	-	-	-	-	144.00	-	-	-	-	-	-	-	-	2	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	215.80	
FINANCIAL FAIL TO MAINTAIN																																									
JP42-2019-TR17-01285	4828-42	3/18/19	8/16/17	RESPNSBLTY	-	-	-	-	-	-	-	36.00	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	156.00		
FINANCIAL FAIL TO MAINTAIN																																									
JP42-2019-TR17-01171	0201-42	3/11/19	11/15/17	Paraphernalia	-	-	-	-	-	-	-	87.30	-	-	-	-	-	-	-	-	4	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	378.30	
Possession or Delivery of Drug																																									
JP42-2019-TR18-01024	4473-42	3/11/19	7/28/18	Driver License	11.40	0.85	0.28	65.90	-	-	-	-	-	-	0.57	-	-	-	1.14	1.14	2	0.03	-	-	20.00	-	0.17	1.54	-	-	1.42	-	-	0.28	0.28	-	-	-	-	107.00	
Suspended Driver License																																									
JP42-2019-TR18-01024	2871-42	3/4/19	5/13/18	Stop Sign (#)	0.84	0.06	0.02	52.90	-	-	-	-	-	-	0.04	-	-	-	0.08	0.08	4	-	-	20.00	-	-	0.01	0.11	-	-	0.10	0.66	-	0.02	0.02	0.05	-	-	-	102.70	
Disregard Stop Sign																																									
JP42-2019-TR18-01358	3462-42	3/21/19	6/11/18	Invalid - DL	17.96	1.35	0.45	63.90	-	-	-	-	-	2.24	-	0.90	-	-	1.80	1.79	2	0.04	-	-	8.98	-	0.27	2.42	-	-	-	-	0.45	0.45	-	-	-	-	-	107.00	
Driving While License Invalid - DL																																									
JP42-2019-TR18-01115	4584-42	3/6/19	8/23/18	Invalid - DL	11.40	0.85	0.28	65.90	-	-	-	-	-	1.42	-	0.57	-	-	1.14	1.14	2	0.03	-	-	20.00	-	0.17	1.54	-	-	0.28	0.28	-	-	-	-	-	-	-	107.00	
Driving While License Invalid - DL																																									
JP42-2019-TR18-01051	2114-42	3/4/19	4/1/18	Invalid - DL	11.40	0.85	0.28	65.90	-	-	-	-	-	1.42	-	0.57	-	-	1.14	1.14	2	0.03	-	-	20.00	-	0.17	1.54	-	-	0.28	0.28	-	-	-	-	-	-	-	138.10	
Driving While License Invalid - DL																																									

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause#	Date	Off Date	Charge	Offense	CCC	CHS	CHSP	CO	CRF	CSF	CSFS2	CV(C)	DEL	DPS	DPSr	EA	IDRF	JCD	JCT	JSF	LTF	MVF	OMNMC	OMNIV	OMNIS	OVER	SCOF	SDF	SJFC	SIFS	SO	SOR	STF	SWSB	TPDC	TPDS	UTFC	WARF	WFPDS	WFPRE	TOTAL		
JP42-2019-TR18-01316	5773-42	3/19/19	10/27/18	FINANCIAL RESPONSIBILITY	-	-	98.00	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.00		
JP42-2019-TR18-01036	3645-42	3/4/19	6/26/18	When Unlic No Drivers License -	-	-	55.00	-	-	-	-	17.10	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	74.10	
JP42-2019-TR18-01157	3273-42	3/8/19	6/2/18	When Unlic No Drivers License -	-	-	41.00	-	-	-	-	20.10	-	-	-	-	-	-	-	-	5	-	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	87.10	
JP42-2019-TR18-01231	3351-42	3/14/19	6/16/18	When Unlic No Drivers License -	-	-	-	-	-	-	-	6.30	-	-	-	-	-	-	-	-	2	-	-	-	-	2.70	19.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30.00	
JP42-2019-TR18-01331	3922-42	3/20/19	7/12/18	When Unlic Ride, Not Secured by Safety Belt -	-	-	30.45	2.28	0.76	85.90	-	-	-	3.82	1.52	-	-	-	-	3.04	3.04	2	0.08	-	-	-	15.22	-	0.46	4.11	-	-	-	-	-	-	0.76	0.76	-	-	-	134.20	
JP42-2019-TR18-01431	5229-42	3/26/19	9/27/18	Driver Speeding 10 percent or more	-	-	23.37	1.75	0.58	42.00	-	-	-	2.92	1.17	-	-	-	-	2.33	2.33	2	0.06	-	-	-	11.67	-	0.35	3.15	-	-	-	-	-	-	-	-	-	-	-	134.10	
JP42-2019-TR18-01046	1865-42	3/4/19	3/25/18	Spreading	-	-	20.84	1.56	0.52	45.00	-	-	-	95.73	-	-	-	-	-	2.08	2.08	2	0.05	-	-	20.00	-	0.31	2.81	-	-	-	-	-	-	-	-	-	-	-	-	154.83	
JP42-2019-TR18-01000	2512-42	3/7/19	4/18/18	more	-	-	2.82	0.21	0.07	30.00	-	-	-	18.82	-	-	-	-	-	0.28	0.28	4	0.01	-	-	20.00	-	0.04	0.38	-	-	-	-	-	-	-	-	-	-	-	-	79.38	
JP42-2019-TR18-01380	3334-42	3/22/19	6/5/18	more	-	-	4.84	0.36	0.11	30.00	-	-	-	19.83	-	-	-	-	-	0.48	0.48	4	0.01	-	-	20.00	-	0.07	0.05	-	-	-	-	-	-	-	-	-	-	-	-	85.93	
JP42-2019-TR18-01026	3517-42	3/4/19	6/8/18	more	-	-	-	-	-	4.10	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	32.10	
JP42-2019-TR18-01181	3563-42	3/11/19	6/18/18	more	-	-	8.84	0.66	0.22	51.00	-	-	-	29.13	-	-	-	-	-	0.88	0.88	4	0.02	-	-	20.00	-	0.13	1.19	-	-	-	-	-	-	-	-	-	-	-	-	-	136.23
JP42-2019-TR18-01037	3644-42	3/4/19	6/26/18	more	-	-	0.87	0.06	0.02	36.00	-	-	-	-	-	-	-	-	-	0.08	0.08	2	-	-	-	20.00	-	0.01	0.11	-	-	-	-	-	-	-	-	-	-	-	-	60.10	
JP42-2019-TR18-01218	6590-42	3/13/19	12/20/18	FINANCIAL RESPONSIBILITY	-	-	11.34	0.85	0.28	-	-	-	-	1.42	0.59	-	-	-	-	1.13	1.13	2	-	-	-	-	-	0.17	1.53	-	-	-	-	-	-	-	-	-	-	-	-	21.00	
JP42-2019-TR18-00689	0158-42	3/7/19	12/18/18	Failure/Refuse to Restrain Dog/Cat	-	-	-	-	-	84.50	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	88.50	
JP42-2019-TR18-01072	6289-42	3/5/19	12/16/18	When Unlic Parent Contributing to Non-	-	-	-	-	-	40.50	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	1.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	45.50	
JP42-2019-TR18-01007	0004-42	3/7/19	12/14/18	Attendance	-	-	16.60	1.24	0.41	16.50	-	-	-	0.83	-	-	-	-	-	1.86	1.86	-	-	-	-	-	-	16.5	0.25	2.24	-	-	-	-	-	-	-	-	-	-	-	-	67.00
JP42-2019-TR18-01385	0221-42	3/22/19	1/18/19	Speeding	-	-	20.84	1.56	0.52	89.00	1.60	-	-	-	-	-	-	-	-	2.08	2.08	2	0.05	-	-	-	-	0.31	2.81	-	-	-	-	-	-	-	-	-	-	-	-	-	123.10

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Offense	CCC	CHS	CHSP	CO	CRF	CSF	CSFSZ	CVCI	DEL	DPS	DPS*	FA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMN1C	OMN1S	OMN1T	OVER	SCOF	SDF	SIFC	SJFS	SO	SCR	STF	SV50	TPDC	TPDS	UTFC	WAR*	WFDP5	WFPRE	TOTAL
JP42-2019-TR18-01005	3/4/19	TR18-6396-42	3/4/19	12/1/18	limit	1.64	0.12	0.04	42.00	-	-	-	0.20	-	0.08	-	0.16	0.16	2	-	-	-	-	-	-	-	0.02	0.22	-	-	1.26	-	0.04	0.04	0.12	-	-	-	48.10
<p>DEI has been over assessed, should be \$26.70. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.</p>																																							
JP42-2019-TR17-01377	3/22/19	TR17-3525-42	3/22/19	10/5/16	RESPNSBLTY	40.00	3.00	1.00	-	-	79.20	-	5.00	-	2.00	-	4.00	4.00	2	-	-	-	-	-	20.00	-	0.60	5.40	-	-	-	-	1.00	1.00	-	-	-	-	168.20
<p>DEI has been over assessed, should be \$26.70. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.</p>																																							
JP42-2019-TR17-01048	3/4/19	TR17-1466-42	3/4/19	3/28/17	RESPNSBLTY	40.00	3.00	1.00	-	-	79.20	-	5.00	-	2.00	-	4.00	4.00	2	-	-	-	-	20.00	-	0.60	5.40	-	-	-	-	1.00	1.00	-	-	-	-	168.20	
<p>DEI has been over assessed, should be \$26.70. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.</p>																																							
JP42-2019-TR18-01075	3/5/19	TR18-1665-42	3/5/19	3/7/18	Vehicle	40.00	3.00	1.00	-	-	47.40	-	-	-	2.00	-	4.00	4.00	2	-	-	-	-	20.00	-	0.60	5.40	-	-	5.00	-	1.00	1.00	-	-	-	-	136.40	
<p>DEI has been over assessed, should be \$26.70. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions. In addition, based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR17-01427	3/26/19	TR17-3554-42	3/26/19	6/21/17	RESPNSBLTY	40.00	3.00	1.00	-	-	79.20	-	5.00	-	2.00	-	4.00	4.00	2	-	-	-	-	-	-	-	0.60	5.40	-	-	-	-	1.00	1.00	-	-	-	-	142.20
<p>Based on offense date, CCC \$40, CHS \$3, CHSP \$4, IDRF \$4, JCD \$4, JCTF \$4, JSF \$4, LTF \$4, MVF \$0.10, SIFC \$0.60, SJFS \$5.40, SO \$5.00, SCR \$5.00, STF \$4, SV50 \$0.04, TPDC \$1, TPDS \$1, UTFC \$3. Should have been assessed, DEI was under assessed, should be \$36.63. Pursuant to Attorney General Opinion 04-077, 2004, payments must be allocated to court costs and fees first (both state and local) and then to fines. If the monies do not cover all costs, then the monies must be allocated to court costs and fees on a pro rata basis.</p>																																							
JP42-2019-TR16-01130	3/7/19	TR16-3396-42	3/7/19	9/24/16	LC PLATE	-	-	-	-	-	8.10	-	-	-	-	-	-	-	2	-	-	-	-	20.00	-	-	-	-	-	-	-	-	-	-	-	-	-	95.10	
<p>Based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR17-01438	3/27/19	TR17-3618-42	3/27/19	6/24/17	WHEN UNLIC	40.00	3.00	1.00	65.90	-	40.50	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	-	-	-	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	175.50	
<p>Based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR18-01050	3/4/19	TR18-5583-42	3/4/19	10/4/18	Invalid-DL	40.00	3.00	1.00	65.90	-	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	-	-	-	-	0.60	5.40	-	-	-	1.00	1.00	-	-	-	-	135.00	
<p>Based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR18-01230	3/7/19	TR18-4417-42	3/7/19	8/8/18	SPD,CHILD&PASS,CHILD&PASS	40.00	3.00	1.00	12.50	-	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	-	-	-	-	0.60	5.40	-	-	30.00	-	1.00	1.00	3.00	-	-	-	127.10
<p>Based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR18-01262	3/15/19	TR18-6048-42	3/15/19	11/1/18	more	40.00	3.00	1.00	120.00	-	-	-	5.00	-	2.00	-	4.00	4.00	2	0.10	-	-	-	-	-	0.60	5.40	-	-	50.00	-	1.00	1.00	3.00	-	-	-	222.10	
<p>DEI has been under assessed, should be \$47.20. Please call Auditor's Office for instructions.</p>																																							
JP42-2019-TR17-01263	3/15/19	TR17-3708-42	3/15/19	3/18/17	When Unlic	2.85	0.22	0.07	65.90	-	-	-	0.37	-	0.15	-	0.29	0.29	4	0.03	-	-	-	-	1.47	-	0.04	0.40	-	-	-	0.07	0.07	-	-	-	-	79.75	
<p>Based on appear by date, SCOF \$20 should have been assessed.</p>																																							
JP42-2019-TR17-00981	5/7/19	TR17-5641-42	5/7/19	10/6/17	When Unlic	17.96	1.35	0.45	65.90	-	31.50	-	2.24	-	0.90	-	1.80	1.79	-	0.04	-	-	-	-	8.98	-	0.27	2.42	-	-	0.45	0.45	-	-	-	-	-	136.50	

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Offense	CCC	CHS	CHSP	CO	CRF	CSF	CS52	CVJ	DEL	DPS	DP5r	PA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMNIS	OMNIV	OVER	SCOF	SDF	SJFC	SJFS	SO	SOR	STF	SV50	TPDC	TPDS	UTFC	WAR	WFPDS	WPRE	TOTAL	
JP42- 2019- 01195	TR15- 3/12/19	MAINTAIN FINANCIAL RESPNSBLTY	11.94	0.85	0.28	81.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.00	
JP42- 2019- 01271	TR18- 3/15/19	Contributing to Non- Attendance Safety Belt, Child-47,	-	-	-	16.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	32.00	
JP42- 2019- 01173	TR18- 3/11/19	Required to be Secured	20.00	1.50	0.50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00	
DEL was under assessed, should be \$28.50. Please call Auditor's Office for instructions. Based on that payment date, TP \$25 should have been assessed. In addition, please verify disposition date.																																							
JP42- 2019- 00980	TR17- 3/11/19	DIAN PERMIT UNLICENSED MINOR TO DRIVE	-	-	-	29.00	-	-	-	-	27.90	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	62.90
DEL has been under assessed, should be \$177.30. Please call Auditor's Office for instructions. In addition, please enter disposition date.																																							
JP42- 2019- 01196	TR17- 3/22/19	Open Burning -of Unauth	14.87	1.11	0.37	-	-	-	-	-	65.67	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.00	
DEL has been over assessed, should be \$35.60. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.																																							
JP42- 2019- 01387	TR17- 3/22/19	Secured by Safety Belt- Driver	40.00	3.00	1.00	-	-	-	-	-	51.60	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	173.60	
DEL has been over assessed, should be \$26.70. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions. In addition, please enter disposition date.																																							
JP42- 2019- 01100	TR18- 3/16/19	DISPLAY EXPIRED LICENSE PLATES/REGIS	40.00	3.00	1.00	-	-	-	-	-	42.57	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	131.57	
DEL has been under assessed, should be \$47.57. Please call Auditor's Office for instructions.																																							
JP42- 2019- 01010	TR18- 3/11/19	EXPIRED DRIVER LICENSE (#)	-	-	-	1.37	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3.37	
DEL has been over assessed, should be \$27.90. If approved by the Justice of the Peace, amount should be refunded. If not, please call Auditor's Office for instructions.																																							
JP42- 2019- 00988	TR18- 3/11/19	EXPIRED DRIVER LICENSE (#)	20.52	1.54	0.51	-	-	-	-	-	23.84	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	70.47	
Based on first payment date, TP \$25 should have been assessed. Based on the number of payments, LTF was under assessed by \$2. In addition, please verify disposition date.																																							
JP42- 2019- 01099	TR18- 3/16/19	No Drivers License - When Unlic	-	-	-	-	-	-	-	-	6.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	26.00	
JP42- 2019- 01224	TR18- 3/25/19	No Drivers License - When Unlic	-	-	-	-	-	-	-	-	24.30	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	105.30	
JP42- 2019- 01302	TR18- 3/18/19	Speeding 10 percent or more	20.84	1.56	0.52	42.00	-	-	-	-	34.23	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	148.93	

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause#	Date	Off Date	Charge Offense	CCC	CHS	CHSP	CO	CRF	CSF	CSFSZ	CVC	DEL	DPS	DPSr	FA	IDRF	JCD	JCRT	JCTF	JSF	LTF	MVF	OMNIV	OMNIV	OMNIV	OMNIV	SDF	SJFC	SIFS	SO	SOR	STF	SV50	TPDC	TPDS	UTFC	WARr	WFPDS	WFPRE	TOTAL	
JP42-	2019- TR18-	1420-42	3/15/19	3/15/18 more	-	-	-	-	-	-	-	6.60	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28.60	
DEL has been under assessed, should be \$47.10. Please call Auditor's Office for instructions. In addition, please enter disposition date.																																									
JP42-	2019- TR18-	0085-42	3/22/19	1/16/18 When Unitc	-	-	-	-	-	-	-	16.71	-	-	-	-	-	-	-	1.44	1.44	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00
JP42-	2019- TR18-	3385-42	3/22/19	6/5/18 When Unitc	-	-	-	-	-	-	-	16.71	-	-	-	-	-	-	-	1.44	1.44	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00	
Based on citation appear by date. SCOF \$20 should have been assessed.																																									
JP42-	2019- TR18-	5283-42	3/21/19	9/26/18 more	40.00	3.00	1.00	-	-	-	-	-	5.00	-	-	-	-	-	-	4.00	4.00	2	0.10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	102.10	
Please enter disposition date.																																									
JP42-	2019- TR18-	0317	0318-42	3/22/19	2/25/17 Single Lane Possession or Delivery of Drug	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	302.00	
JP42-	2019- TR18-	0234-42	3/26/19	12/13/17 Pennsylvania Passed	40.00	3.00	1.00	300.0	-	-	-	116.7	-	-	-	-	-	-	-	4.00	4.00	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	505.70	
JP42-	2019- TR18-	5786-42	3/21/19	10/16/18 Vehicle Energy Rids, Not Secured by Safety Belt -	0.87	0.06	0.02	100.4	-	-	-	-	0.10	-	-	-	-	-	-	0.08	0.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	102.50	
JP42-	2019- TR18-	1592-42	3/5/19	3/10/18 Driver Not Secured By Safety Belt -	40.00	3.00	1.00	50.00	-	-	-	-	5.00	-	-	-	-	-	-	4.00	4.00	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	172.00	
JP42-	2019- TR18-	1064-42	3/19/19	2/12/18 Passenger Speeding 10 percent or more	40.00	3.00	1.00	50.00	-	-	-	51.60	-	-	-	-	-	-	-	4.00	4.00	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	223.60	
JP42-	2019- TR18-	2556-42	3/12/19	4/20/18 more	40.00	3.00	1.00	36.00	-	-	-	-	5.00	-	-	-	-	-	-	4.00	4.00	2	0.10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	158.10	
JP42-	2019- TR18-	5480-42	3/27/19	10/14/18 more	21.88	1.65	0.55	-	-	-	-	-	2.75	-	-	-	-	-	-	2.20	2.20	4	0.04	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	70.00	
JP42-	2019- TR18-	0034-42	3/25/19	2/25/19 LICENSE (#) FAIL TO FIELD	40.00	3.00	1.00	11.00	-	-	-	-	5.00	-	-	-	-	-	-	4.00	4.00	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80.00	
JP42-	2019- TR18-	6542-42	3/25/19	12/15/18 LEFT (#) Failure -	40.00	3.00	1.00	-	-	-	-	-	5.00	-	-	-	-	-	-	4.00	4.00	2	0.10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	102.10	
JP42-	2019- TR18-	0027-42	3/27/19	1/4/19 Dog or Cat Refuse to Vaccinate	40.00	3.00	1.00	-	-	-	-	-	-	-	-	-	-	-	-	4.00	4.00	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	69.00	
JP42-	2019- TR18-	6348-42	3/27/19	12/9/18 When Unitc License -	11.40	0.85	0.28	30.90	-	-	-	-	1.42	-	-	-	-	-	-	1.14	1.14	-	0.03	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00	
JP42-	2019- TR18-	0365-42	3/13/19	2/14/19 When Unitc License -	28.60	2.15	0.72	-	-	-	-	-	3.58	-	-	-	-	-	-	2.86	2.86	2	0.07	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00	

Justice of the Peace Homero Jasso
 Schedule of Adjustments
 For the Month of March 31, 2019

Receipt Cause #	Date	Off Date	Change	Offense	CCC	CHS	CHSIP	CO	CONST4	CRF	CSF	CSF52	CVJ	DEL	DPS	DPS1	FA	IDRF	JCD	JCTF	JSF	LTF	MVF	OMNIC	OMINIV	OMINUS	OVER	SCOF	SDF	SJFC	SJFS	SO	SO1	STF	SV50	TPDC	TPDS	UTFC	WAR1	WFPDS	WFPRE	TOTAL													
JP42-2019-TR19-03414	04/05/19	2/28/19	28.60	2.15	0.72	-	-	-	-	-	-	-	-	-	3.58	-	1.43	-	-	2.85	2.85	2	0.07	-	-	-	-	-	-	0.43	3.86	-	-	-	-	-	-	-	-	-	-	50.00													
				No Drivers License -																																																			
				Open																																																			
JP42-2019-TR19-01267	02/26/19	3/15/19	28.60	2.15	0.72	-	-	-	-	-	-	-	-	-	-	-	1.43	-	-	2.85	2.86	2	0.07	-	-	-	-	-	-	0.43	3.86	-	-	-	-	-	-	-	-	-	-	-	50.00												
				Container In Motor Vehicle -																																																			
				Driver (#)																																																			
JP42-2019-TR19-01335	03/00/19	3/21/19	28.66	2.15	0.72	-	-	-	-	-	-	-	-	-	3.58	-	1.41	-	-	2.87	2.87	2	-	-	-	-	-	-	-	0.43	3.87	-	-	-	-	-	-	-	-	-	-	-	50.00												
				EXPIRED LIC																																																			
				PLATE																																																			
				Parent																																																			
JP42-2019-TR19-01305	02/23/19	3/19/19	23.40	1.76	0.59	-	-	-	-	-	-	-	-	-	-	-	1.17	-	-	2.34	2.34	2	-	-	-	-	-	-	-	0.35	3.16	-	-	-	-	-	-	-	-	-	-	-	50.00												
				Contributing																																																			
JP42-2019-TR19-01305	04/06/19	3/18/19	40.00	3.00	1.00	500.00	-	-	-	-	-	-	-	-	5.00	-	2.00	-	-	4.00	4.00	2	0.10	-	-	-	-	-	0.60	5.40	-	-	-	-	-	-	-	-	-	-	-	-	-	637.10											
				Pass School																																																			
				Bus																																																			
				Safety Belt																																																			
				Child <17																																																			
JP42-2019-TR19-01480	04/07/19	3/29/19	20.00	1.50	0.50	-	-	-	-	-	-	-	-	-	2.50	-	1.00	-	-	2.00	2.00	-	-	-	-	-	-	-	0.30	2.70	-	-	-	-	-	-	-	-	-	-	-	-	50.00												
				Required to																																																			
				Be Secured																																																			
				SAFETY SEAT																																																			
JP42-2019-TR19-01481	05/23/19	3/29/19	19.16	1.44	0.48	-	-	-	-	-	-	-	-	-	2.40	-	0.96	-	-	1.92	1.92	2	0.05	-	-	-	-	-	0.29	2.59	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00											
				PASS,CHILD&I																																																			
				SAFETY SEAT																																																			
				SAFETY SEAT																																																			
JP42-2019-TR19-01389	04/07/19	3/22/19	19.16	1.44	0.48	-	-	-	-	-	-	-	-	-	2.40	-	0.96	-	-	1.92	1.92	2	0.05	-	-	-	-	-	0.29	2.59	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00										
				PASS,CHILD&I																																																			
				Speeding 10																																																			
				percent or																																																			
JP42-2019-TR19-01246	03/09/19	3/15/19	-	-	-	60.55	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	64.55										
				Speeding 10																																																			
				percent or																																																			
JP42-2019-TR19-01411	03/25/19	3/25/19	19.16	1.44	0.48	-	-	-	-	-	-	-	-	-	2.40	-	0.96	-	-	1.92	1.92	2	0.05	-	-	-	-	-	0.29	2.59	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50.00										
				Turn When																																																			
				Unsafe In																																																			
JP42-2019-TR19-01293	04/09/19	3/18/19	31.17	2.34	0.75	-	-	-	-	-	-	-	-	-	3.90	-	1.56	-	-	3.12	3.12	2	0.08	-	-	-	-	0.47	4.21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80.00										
				Intersection																																																			

Justice of the Peace Homero A. Jasso
Precinct 4, Place 2
Schedule of Bonds on Deposit
As of March 31, 2019

Year	No.	Receipt Date	Receipt No.	Docket No.	Bond Amount
2013					
	1	12/4/2013	24161J42	JP13-04-171	350.00
2015					
	2	5/12/2015	28871J42	JP15-05-201	129.00
	3	6/25/2015	29349J42	JP08-06-383	283.00
	4	11/13/2015	JP42-2015-00987	CRNT15-0017-J42	0.10
	5	12/17/2015	JP42-2015-01310	JP42-2015-01310	283.00
2016					
	6	2/1/2016	JP42-2016-00362	JP05-02-976	327.00
	7	2/9/2016	JP42-2016-00480	-	79.00
	8	2/26/2016	JP42-2016-00810	CRNT16-0035-J42	153.00
	9	3/1/2016	JP42-2016-00846	JP07-06-829	179.00
	10	3/7/2016	JP42-2016-00965	JP15-07-111	172.00
	11	3/14/2016	JP42-2016-01071	-	179.00
	12	4/18/2016	JP42-2016-01618	TR16-1348-J42	32.10
	13	5/4/2016	JP42-2016-01860	TR16-1492-J42	450.00
	14	5/5/2016	JP42-2016-01883	CRNT16-0030-J42	78.00
	15	6/30/2016	JP42-2016-02567		50.00
	16	6/30/2016	JP42-2016-02568	TR16-2308-J42	50.00
	17	6/30/2016	JP42-2016-02570	TR16-2278-J42	50.00
	18	7/6/2016	JP42-2016-02647	JP15-03-440	5.00
	19	7/11/2016	JP42-2016-02697	JP14-08-283	100.00
	20	7/19/2016	JP42-2016-02779	JP09-10-723	93.90
	21	7/19/2016	JP42-2016-02781	JP09-10-724	119.90
	22	7/29/2016	JP42-2016-02900		299.00
	23	10/21/2016	JP42-2016-03609	CRNT16-0181-J42	129.00
2017					
Total					\$ 3,591.00

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19**

Judge: **Homero A. Jasso**
Precinct No. **4** Place No. **2**

City: **EDINBURG, TX**
Hidalgo County, Texas

PBC

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipts #s) <u>JP42-2019-00950</u>	-0-	THRU	JP42-2019-01492	-0-	73,141.85 X10-B1
						\$ 72,828.89
LESS: COST ON DEPOSIT						. X7
ADD: COST ON DEPOSIT LIQUIDATED						. X7
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)						73,141.85
Less: Total amount of remittances to County Treasurer (From Part II)						\$ 72,828.89 X3✓
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)						76,732.85 (A)
						\$ 59,313.80
						(3,591.00) X4-I ✓
						<u>76,732.85</u>
						\$ 72,828.89
						\$ 59,313.80
						13,515.00
						\$ 76,732.85

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

DESCRIPTION	AMOUNT	COMMENT
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ 59,313.80	
Add: Previous Month's Bond Overtransfer <i>Unliquidated Bonds</i>	73,141.85 B1 ✓	
<i>Dec '13, May '16 through July '16, Oct '16</i>	3,591.00 \$0.00 Ex B ✓	
Add: HCSO Monthly "D" Collections Report	\$0.00	
Total Remittances Made to County Treasurer		
	76,732.85 (A) ✓	
	\$ 72,828.89	
	\$ 59,313.80	

PREPARED BY: [Signature] DATE PREPARED: 4/2/2019

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME & I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

RECEIVED HIDALGO COUNTY AUDITOR'S OFFICE APPROVED BY: [Signature] DATE: 04/18/19 JUSTICE OF THE PEACE DATE: 4/2/2019

X2

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: March-19

Judge: Homero A. Jasso
Precinct No. 4 Place No. 2

City: EDINBURG, TX
Hidalgo County, Texas

PBC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued / Filed	Statute Reference	Date of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-068-000-0-000	\$ 221,088.82
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	21,788.83
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (j)		1100-207-20-000-023-0-000	650.00
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Educ. Code § 25.093 (d) 1 (A)		1100-207-30-000-011-0-000	72.00
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee (\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	957.27
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-068-000-0-000	309.01
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	1,268.35
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (g)		1100-341-10-060-001-0-000	-
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	-
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	790.00
Motor Vehicle Adm. Fee (\$10-\$20) (Official Fee for Exp. DLs, Exp. Insp. Certs, Exp. In/By Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	788.00
Special Fees					
Deferred Disposition		C.C.P. Art. 45.051		1100-341-10-068-000-0-000	-
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.0511(f)		-	-
Support of Judiciary Fund (\$5.00)		LGC 133.105		1100-341-10-060-009-0-000	185.45
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-068-000-0-000	480.87
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (c)		1100-341-10-060-011-0-000	45.00
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	1.90
Scotlaw Fee (\$20)		TRC 502.010(a)		1100-341-10-140-049-0-000	4,637.54
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	286.27
Truancy Court Cost (\$50)		Fem. Code 65.107 (a), (b)		1100-341-10-060-014-0-000	-
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	-
Juvenile Crime and Delinquency Fund (\$2.50, \$5.00)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	2.50
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	30.00
Consolidated Court Costs Fund (\$17)		CCP 102.075 (a) 3/LGC 133.102		1100-207-20-000-015-0-000	12,625.91
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	90.00
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.601 (b)		1100-207-20-000-027-0-000	12.00
Correctional Management Institute of Texas Fund (\$5.00)		CCP Art. 102.075		1100-207-20-000-029-0-000	2.00
Indigent legal Services Fee-IP (\$6)		Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	666.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	4,748.82
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-053-0-000	1,236.33
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-054-0-000	1,653.14
Birth Certificate Fee (\$1.80)	0	HSC 191.022(f)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.0511 (c-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund (\$2)		LGC 133.107/GC 102.023		1100-207-20-000-059-0-000	602.34
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/GC		1100-207-20-000-061-0-000	22.42
Safety Seat Violation Fee (\$0.15)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	-
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	7.31
Electronic Filing Fee - Civil (\$10)		GC 101.141 I/GC 51.831		1100-207-20-000-070-0-000	1,110.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	288.27
Texas Home Visiting Program Contribution (\$5)		HSC 191.0048/LGC 118.018 (a)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)	2	GC 51.971 (a)		1100-207-20-000-076-0-000	555.00
ARREST / WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	1,409.28
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	5.00
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	-
U.T.P.A. (\$3, \$5, \$35, \$50)				1100-207-20-000-022-0-000	-
ARREST / WARRANT / SERVICE FEES: COUNTY					
Sheriff Fees:					
Constable Fees:					
Precinct #1				1100-342-10-291-000-0-000	-
Precinct #2				1100-342-10-292-000-0-000	-
Precinct #3				1100-342-10-293-000-0-000	-
Precinct #4				1100-342-10-294-000-0-000	2,765.12
Precinct #5				1100-342-10-295-000-0-000	-
District Attorney Fees					
Tax Assessor Fraud Investigators					
School District Arrest Fee					
Fire Marshal Fee					
Due to Others					
Warrant Fees/Out of County Service Fees DIO: Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-202-00-000-014-0-000	10.63
Due to Others				1100-202-00-000-014-0-000	-
Restitution				1100-202-00-000-014-0-000	-
Failure to Appear- OmniBase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-202-00-068-019-0-000	2.19
Delinquent Fees				1100-202-00-000-004-0-000	10,561.52
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	2,802.25
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122	2,775.00		
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	-		
Landlord & Tenant Eviction Filing Fee (Forcible Entry & Detainer Court) (\$25)		LGC 118.121/118.122	-		
Transcript Fees (\$10)		LGC 118.121/118.123 (b)	-		
Appeal Fees (\$10)			-		
Abstract Fees (\$5)		LGC 118.121/118.123 (c)	20.00		
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	5.00		
Issuing other Document (\$1 1st pg., .25 for each add'l pg)		LGC 118.121/118.123 (e)	-		
Certified Copies of Court Papers (\$2 1st pg., .25 for each add'l pg)		LGC 118.121/118.123 (e)	2.25		
Probable Cause Tow Hearing Fee (\$20)		LGC 11.141(a)	-		
Birth Certificates (\$22 each)		HSC 191.0045 (3)(3)		1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(4)		1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (b)		1100-341-10-060-008-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 504.1(b)/ CCP 102.004		1100-341-10-060-006-0-000	-

TOTAL AMOUNT DUE TO THE COUNTY TREASURER:

\$ 73,141.85

RECEIVED

APR - 2 2019

HIDALGO COUNTY
AUDITOR'S OFFICE

HIDALGO COUNTY AUDITOR'S OFFICE
APPROVED BY: [Signature]
DATE: 04/18/19

Handwritten notes and signatures on the right side of the page, including "X3-A1W" and "X11".

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 1	<p>We noted that 107 of 521 transactions contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date (judgment date) not being entered in Odyssey. The Justice of the Peace staff was notified of the required adjustments (see Exhibit A); however, the adjustments have not been completed. In addition, adjustments for the months of April 2015 (37), June 2015 (1), September 2015 (34), October 2015 (5), November 2015 (6), December 2015 (2), January 2016 (6), February 2016 (26), March 2016 (25), April 2016 (16), May 2016 (54), June 2016 (37), July 2016 (34), August 2016 (37), September 2016 (16), October 2016 (23), November 2016 (26), December 2016 (6), January 2017 (29), February 2017 (33), March 2017 (51), April 2017 (29), May 2017 (22), June 2017 (33), July 2017 (50), August 2017 (42), September 2017 (45), October 2017 (41), November 2017 (22), December 2017 (34), January 2018 (46), February 2018 (60), March 2018 (69), April 2018 (61), May 2018 (176), June 2018 (155), July 2018 (123), August 2018 (59), September 2018 (46), October 2018 (47), November 2018 (74), December 2018 (64), January 2019 (112), February 2019 (103) are pending to be completed.</p>
Recommendation No. 1	<p>Management should contact the Information Technology Department to provide the training needed to complete the pending adjustments. In addition, management should ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:</p> <ul style="list-style-type: none"> • Staff should be provided with training regarding the proper allocation of fines, fees, and court costs. • Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued. • Access for setting up offense codes with the proper fines, fees, and court costs in Odyssey should be limited to staff with adequate knowledge of the applicable allocation. • Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and judgment date are entered when a case is setup in Odyssey. • Staff should ensure that adjustments are entered in Odyssey within three days of notification.
GOAL/ACTION ITEM:	Complete the adjustments for the months listed in the observation above.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.			
2.			
3.			

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 2	Copies of the November 2013 through February 2014, June 2014 through July 2015, and September 2015 through March 2019 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the County Auditor's Office. In addition, incorrect copies of the April 2012 through June 2012, September 2012 through October 2013, March 2014 through May 2014, and August 2015 OCA Reports were submitted to the County Auditor's Office.
Recommendation No. 2	Management should ensure that a properly completed OCA Report is submitted to the County Auditor's Office within five days after the last day of each month. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The OCA Reports listed above are filed with the County Auditor's Office
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

ACTION PLAN (AP)

Audit Project	Monthly Fines and Fees Report for March 2019
Observation No. 3	We noted that 23 cash bonds (see Exhibit B) posted December 2013 through October 2016 by defendants who failed to appear before the Justice of the Peace were not forfeited (liquidated) by the 10th working day following the date of their release from jail.
Recommendation No. 3	Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance from the Information Technology Department should be requested until the problem has been resolved.
GOAL/ACTION ITEM:	The 23 cash bonds are liquidated as soon as possible.
DIV/DIRECTOR'S NAME:	
PERSON RESPONSIBLE FOR AP:	
PLAN DUE DATE:	
TARGET DATE:	
STATUS:	

	STRATEGIES/ACTION STEPS	PERSON RESPONSIBLE	TARGET DATE	DATE COMPLETED
1.				
2.				
3.				
4.				
5.				
6.				

Dept. Head/Elected Official Signature

Date

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 24, 2019

The Honorable Jason Peña
Hidalgo County Justice of the Peace Pct. 5, Pl. 1
P.O. Box 238
Elsa, Texas 78543

Re: *Monthly Fines and Fees Report* for March 2019

Dear Judge Peña:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the month of March 2019 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review was to determine if fines, fees, and court costs collected were properly accounted and reported. The purpose of this report is to furnish management independent, objective analyses, recommendations, and information concerning the area reviewed. The report should serve as a tool to help management discern and implement specific improvements.

Scope:

The scope of our review was limited to collections reported by your office on the *Monthly Report* for the month of March 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

Methodology:

In conducting our review, the following procedures were performed:

- Verified that the *Monthly Report* and supporting documentation were submitted to the County Auditor's Office within 5 days after the last day of the month pursuant to Local Government Code §114.001 (b).
- Verified that the *Monthly Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Report* by footing and cross-footing the report.
- Reviewed 100% of receipts to determine if fines, fees, and court costs collected were properly allocated and reported and verified whether any adjustments were made.
- Verified that procedures for voided receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Report, 2.) total collections per *Odyssey's* Fee Distribution Report, 3.) total deposits made with the County Treasurer, and 4.) total deposits posted to *Alio's* Undistributed Receipts general ledger account.
- Reviewed all cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and serving time at the Hidalgo County jail and randomly selected cases in which defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail to determine if: 1.) the warrant was recalled; 2.) the cash payment and/or jail time credit was applied to the case; 3.) the case was closed; and 4.) the Sheriff's "Discharge" receipt number was referenced on the case.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 93RD D.C. J. R. "BOBBY" FLORES JUDGE, 138TH D.C. ROSE GUERRA REYNA JUDGE, 206TH D.C. MARLA CUELLAR JUDGE, 378TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 370TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 388TH D.C. L. KENO VASQUEZ JUDGE, 316TH D.C. ISRAEL RAMON, JR. JUDGE, 450TH D.C. RENEE R. BETANCOURT JUDGE, 440TH D.C. JAIME TIERKHA JUDGE, 484TH D.C.

- Verified the sequence of receipts per the *Monthly Report* agreed to *Odyssey's* Receipt Journal Report. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Report and *Alio's* Undistributed Receipts general ledger account to determine if all credit card transactions were timely receipted by the Justice of the Peace and County Treasurer's Office.
- Reviewed *Cashier's Daily Close-out Reports* (Close-out Reports) and County Treasurer receipts to determine if fees collected were properly accounted and deposited with the County Treasurer on a daily basis.
- Verified that receipts, Close-out Reports, *Schedule of Receipts and Deposits* form, mail logs, Office of Court Administration's "*Official Justice of the Peace Monthly Report*" (OCA Report), and the *Monthly Report*, among other reports, were properly completed.
- Verified that cash bonds posted by defendants who failed to appear before the Justice of the Peace were forfeited (liquidated) by the 10th workday following the date of release from jail.

Conclusion:

Collections for the month of March 2019 totaled \$12,650.10. Based on the results of our review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the following observations.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

We noted that 1 of 98 transactions contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustment (see Exhibit A); however, the adjustment has not been completed. According to the Court Coordinator, staff does not consistently verify that fines, fees, and court costs have been properly assessed prior to issuing receipts.

There are numerous statutes that require Justices of the Peace to charge various fines, fees, and court costs for certain services and offenses. Fines, fees, and court costs must be allocated pursuant to State statutes and/or Commissioners Court approval. In addition, the County Auditor's Office requires that adjustments be made within three days of notification.

Failure to ensure that fines, fees, and court costs are properly allocated and reported may result in the improper collection of County revenues. In addition, the County may be held liable to the State for failure to properly allocate and report fines, fees, and court costs.

Recommendation:

Management should ensure that all pending adjustments are completed. In addition, management should develop and implement formal procedures to ensure that fines, fees, and court costs are properly allocated and reported. At a minimum, the following procedures should be implemented:

- Staff should be provided with training regarding the proper allocation of fines, fees, and court costs.
- Staff should review the allocation of fines, fees, and court costs before the official County receipt is issued.
- Access for setting up offense codes with the proper fines, fees, and court costs in *Odyssey* should be limited to staff with adequate knowledge of the applicable allocation.
- Staff should ensure that the proper fines, fees, and court costs allocation, offense date, and disposition date (judgment date) are entered in *Odyssey*.
- Staff should ensure that adjustments are entered in *Odyssey* within three days of notification.

Observation No. 2:

We noted that 1 of 1 kiosk credit card transactions was receipted 42 days after the date of transaction. Consequently, the applicable case disposition was not recorded in *Odyssey* in a timely manner. According to the Court

HIDALGO COUNTY DISTRICT JUDGES

Coordinator, the credit card transaction was not receipted timely due not having access to the Hamer Enterprises Kiosk Credit Card Payment website.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

Failure to ensure that credit card transactions are promptly receipted may result in the loss or misuse of County funds. In addition, failure to ensure that case dispositions are entered in a timely manner may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Please provide a written management response for the observations noted above by May 3, 2019.

If you have any questions, please contact Edgar Alan Escobedo, Internal Auditor I, at 318-2511 ext. 4655, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Copy of *Monthly Report* and Exhibit A

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LINO M. SWOLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CHELLAR
JUDGE, 278TH D.C.

MARIO E. RAHIBEZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 408TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIHE TIJERINA
JUDGE, 468TH D.C.

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: April-19**

Judge: **JASON PEÑA**
Precinct No. **5** Place No. **1**

PBC

City: **ELSA, TX**
Hidalgo County, Texas

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

TOTAL CASH COLLECTED	(Receipts #s) <u>JP51-2019-00162</u> THRU <u>JP51-2019-00255</u>	\$ 12,650.10	✓ x9-a1
LESS: COST ON DEPOSIT		0.00	- x9v
ADD: COST ON DEPOSIT LIQUIDATED		0.00	- x9v
AMOUNT OWED TO COUNTY (Should Match Amt in Part III)		\$ 12,650.10	x3 ✓
Less: Total amount of remittances to County Treasurer (From Part II)		\$ 12,650.10	(A)
Total funds due to County Treasurer (Overtransfer Made to Co Treas.)		(0.00)	x9-a1

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

DESCRIPTION	AMOUNT	RECEIPT NO.
Total Collections for the Month (See Schedule of Receipts & Deposits)	\$ 12,650.10	B1
Add: Previous Month's Bond Overtransfer	0.00	
Add: HCSO Monthly "D" Collections Report	\$0.00	
Total Remittances Made to County Treasurer	\$ 12,650.10	(A)

PREPARED BY: *Mr. [Signature]*

DATE: 4/2/2019

THIS REPORT HAS BEEN PERSONALLY REVIEWED BY ME & I CERTIFY IT TO BE TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE.

AUDITED BY: THE HIDALGO COUNTY AUDITOR'S OFFICE
DATE: 4/12/19
4/16/19

[Signature]
JUSTICE OF THE PEACE

4/2/2019
DATE

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH OF: April-19**

Judge: JASON PEÑA
Precinct No. 5 Place No. 1

City: EL SA, TX
Hidalgo County, Texas

PEC

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

Name of Fine, Fee, Court Cost	# Issued/ Filed	Statute Reference	Detail of Amt Collected	GL Acct No.	Amt. Collected
FINES:					
County Fines (Local Fine)		LGC 113.004, PC 12.23		1200-351-10-069-000-0-000	\$ 3,976.95
Texas Parks & Wildlife 85% Fine (State Fine)		TPWC 12.107		1100-207-20-000-012-0-000	568.65
No Safety Belt 50% Fine (State Fine)		TRC 545.412, 545.413 (j)		1100-207-20-000-028-0-000	12.50
Gross Weight 50% Fine (State Fine)		TRC Sec 621.506 (g)		1100-207-20-000-013-0-000	-
School District 50% Fines		Eduse. Code § 23.093 (d) (A)		1100-207-30-000-012-0-000	-
LOCAL COURT COSTS AND FEES:					
Courthouse Security Adm. Fee(\$3)		C.C.P. Art. 102.017 (b)		1241-341-10-060-001-0-000	199.80
Courthouse Security Fund JP (\$1)		C.C.P. Art. 102.017		1245-341-10-069-000-0-000	66.60
Justice Court Technology Fund (\$4)		C.C.P. Art. 102.0173		1242-341-10-060-000-0-000	266.40
Time Payment - @40% OF \$25.00 (\$10.00)		LGC 133.103 (d)		1100-341-10-060-001-0-000	40.00
Time Payment - @ 10% of \$25.00 (\$2.50)		LGC 133.103 (e)		1100-341-10-060-002-0-000	7.50 59.90
Administrative Local Transaction Fee (\$2)		C.C.P. Art. 102.072		1100-341-10-060-003-0-000	134.00
Motor Vehicle Adm. Fee (\$10-\$20) (Standard Fee for Exp. D14 Exp. Imp. Cont. Exp. Mv Reg.)		TRC Sec 548.605, 521.026, 502.407		1100-341-10-060-004-0-000	-
Special Fees					
Deferred Disposition		C.C.P. Art. 45.051	(2.50)	1100-341-10-069-000-0-000	7.40
Administrative Fee - "Drivers Safety Course" (\$10)		C.C.P. Art. 45.051(f)	10.00		
Support of Judiciary Fund (\$60)		LGC 133.105		1100-341-10-060-009-0-000	39.96
Traffic Fee (\$3)		T.R.C. 542.403		1100-341-10-069-000-0-000	88.80
Child Safety (\$20-\$25)		C.C.P. Art. 102.014 (c)		1100-341-10-060-011-0-000	25.00
Failure to Appear (\$4)		TRC 706.006/TRC 706.007(d)(2)		1100-341-10-060-012-0-000	-
Scotlaw Fee (\$20)		TRC 502.010(e)		1100-341-10-140-049-0-000	492.02
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-341-10-060-013-0-000	66.60
STATE COURT COSTS AND FEES:					
Criminal Justice Planning Fund C.C.P. (\$5)		C.C.P. Art. 102.051		1100-207-20-000-003-0-000	-
State General Revenue Fund (\$2.50)		C.C.P. Art. 102.015		1100-207-20-000-010-0-000	-
Law Enforcement Education Fund (\$1, \$1.50, \$3.50)		Govt. Code Sec. 415.082		1100-207-20-000-011-0-000	-
Operators and Chauffeurs License Fund (\$75)		T.R.C. 601.192		1100-207-20-000-031-0-000	-
Time Payment - @50% OF \$25.00 (\$12.50)		LGC 133.103 (b)		1100-207-20-000-005-0-000	50.00 7.50
Juvenile Crime and Delinquency Fund (\$25, \$50)		C.C.P. Art. 102.075(m)		1100-207-20-000-007-0-000	-
Comprehensive Rehabilitation Fund (\$5)		C.C.P. Art. 102.082		1100-207-20-000-008-0-000	-
Fugitive Apprehension Fund (\$5)		C.C.P. Art. 102.019 (a) 2		1100-207-20-000-009-0-000	-
Consolidated Court Costs Fund (\$17)		CCP 102.075 (b) 3/LGC 133.102		1100-207-20-000-015-0-000	2,664.01
Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35)		C.C.P. Art. 56.55 (2) & (3)		1100-207-20-000-017-0-000	-
Judicial & Court Personnel Training Fund (\$1, \$2)		Govt. Code Sec. 56.001 (b)		1100-207-20-000-027-0-000	-
Correctional Management Institute of Texas Fund (\$50)		CCP Art. 102.075		1100-207-20-000-029-0-000	-
Indigent legal Services Fee- JP (\$6)	23	Govt. Code Sec. 101.141(2) (B)		1100-207-20-000-004-0-000	138.00
State Traffic Fee- Subtitle C (\$30)		TRC Sec 542.4031		1100-207-20-000-035-0-000	888.01
Jury Service Fee (\$4)		C.C.P. Art. 102.0045		1100-207-20-000-033-0-000	266.40
Support of Judiciary Fund (\$5.40)		LGC 133.105		1100-207-20-000-034-0-000	359.64
Birth Certificate Fee (\$1.80)		HSC 191.022(f)		1100-207-20-000-039-0-000	-
Defensive Driving Record Fee (\$12)		C.C.P. Art. 45.0511 (c-1)		1100-207-20-000-057-0-000	-
Indigent Defense Representation Fund		LGC 133.107/3C 102.023		1100-207-20-000-059-0-000	133.20
Moving Violation Fee (\$0.10)		C.C.P. Art. 102.022/3C		1100-207-20-000-061-0-000	4.96
Safety Seat Violation Fee (\$0.15)		TRC 545.412 (b-1)		1100-207-20-000-062-0-000	-
Failure to Appear (\$20)		TRC 706.006/TRC 706.007(d)(2)		1100-207-20-000-066-0-000	-
Electronic Filing Fee - Civil (\$10)		GC 101.1411/3C 51.851		1100-207-20-000-070-0-000	230.00
Truancy Prevention and Diversion Fund (\$1)		C.C.P. Art. 102.015		1100-207-20-000-073-0-000	66.60
Texas Home Visiting Program Contribution (\$5)	23	HSC 191.0048/LGC 118.018 (e)		1100-207-20-000-074-0-000	-
Judicial & Court Personnel Training Fund-Civil (\$5)		GC 51.971 (g)		1100-207-20-000-076-0-000	115.00
ARREST/WARRANT FEES: STATE					
D.P.S. (\$3, \$5, \$35, \$50)		C.C.P. Art. 102.011		1100-207-20-000-019-0-000	268.00
T.A.B.C. (\$3, \$5, \$35, \$50)				1100-207-20-000-020-0-000	-
P.K.W.L. (\$3, \$5, \$35, \$50)				1100-207-20-000-021-0-000	40.00
Texas Comptrollers Criminal Investigators				1100-207-20-000-060-0-000	-
ARREST/WARRANT/SERVICE FEES: COUNTY					
Sheriff Fees		LGC 118.131			
Constable Fees:				1100-342-10-060-001-0-000	20.00
Precinct #1				1100-342-10-291-000-0-000	-
Precinct #2				1100-342-10-292-000-0-000	-
Precinct #3				1100-342-10-293-000-0-000	-
Precinct #4				1100-342-10-294-000-0-000	-
Precinct #5				1100-342-10-295-000-0-000	705.00
District Attorney Fees				1100-341-10-060-007-0-000	-
Tax Assessor Fraud Investigators				1100-342-10-060-002-0-000	-
School District Arrest Fee				1100-342-10-060-003-0-000	-
Fire Marshal Fee				1100-342-20-060-001-0-000	-
Due to Others					
Warrant Fees/Out of County Service Fees DTC: Law Enforcement Agencies		C.C.P. Art. 102.011 (a) 2 (A)		1100-207-30-000-003-0-000	-
Refund - Overpayments				1100-202-00-000-015-0-000	-
Restitution				1100-202-00-000-015-0-000	-
Failure to Appear- OmniBase (\$6)		TRC 706.006/TRC 706.007(d)(2)		1100-202-00-069-019-0-000	-
Delinquent Attorney Fee		C.C.P. Art. 103.0031 (b)		1100-202-00-000-004-0-000	119.10
Justice Fees (Local Fees)				1100-341-10-060-001-0-000	590.00
Small Claims Court Filing Fee (\$25)		LGC 118.121/118.122	150.00		
Debt Claim Fee (Justice Court Filing Fee) (\$25)		LGC 118.121/118.122	325.00		
Landlord & Tenant Eviction Filing Fee (Forfeible Entry & Detainer Court) (\$25)		LGC 118.121/118.122	100.00		
Transcript Fees (\$10)		LGC 118.121/118.123 (b)	-		
Abstract Fees (\$3)		LGC 118.121/118.123 (c)	-		
Writ Filing Fee (\$5)		LGC 118.121/118.123 (d)	10.00		
Issuing other Document (\$1 1st pg, .25 for each add'l pg)		LGC 118.121/118.123 (e)	-		
Certified Copies of Court Papers (\$2 1st pg, .25 for each add'l pg)		LGC 118.121	5.00		
Probable Cause Tow Hearing Fee (\$20)		LGC 101.141(e)4	-		
Birth Certificates (\$22 each \$9.20 local)		HSC 191.0045 (3)(4)		1100-341-10-060-001-0-000	-
Death Certificates (\$20 each, each add'l \$3)		HSC 191.0045 (3)(4)		1100-341-10-060-001-0-000	-
Preservation of Vital Statistics Fee (\$1 each)		HSC Sec 191.0045 (b)		1100-341-10-060-008-0-000	-
Jury Fees (Civil \$22, Criminal \$3)		Rules of Civil Proc., Rule 504.1(b)/CCP 102.004		1100-341-10-060-006-0-000	-

**AUDITED BY: THE HIDALGO
COUNTY AUDITOR'S OFFICE
DATE: 04/12/19**

TOTAL AMOUNT DUE TO THE COUNTY TREASURER: \$ 12,650.10

Justice of the Peace Jason Peña

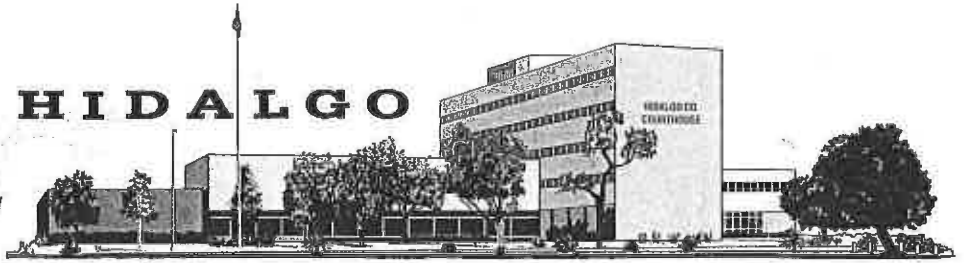
Schedule of Adjustments

For the Month Ended March 31, 2019

Receipt	Cause #	Date	Offense	Charge	Offense	Det	CCC	CHS	CHSIP	CO	DPSr	IDRF	JCTF	JSF	LTF	MVF	SJFC	SJFS	STF	TP	TPCO	TPDC	TPDS	TPST	UTFC	WARr	Received
																											Amount
JP51-2019-	TR18-																										
00243	0078-J51	3/26/2019	3/24/2018	CONDITIONS	40	3	1	47.9	5	2	4	4	2	0.1	0.6	5.4	30	2.5	10	1	1	12.5	3	50		225	
				GARBAGE REFUSE																							
				AND OTHER																							
				WASTE																							

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 17, 2019

The Honorable J.E. "Eddie" Guerra, Sheriff
Hidalgo County Sheriff's Office
711 El Cibolo Rd.
Edinburg, Texas 78540

Re: Regular Trust Financial Statements for July 2018 through December 2018

Dear Sheriff Guerra:

We conducted a limited scope review of the Regular Trust Fund financial statements for the months ended July 31, 2018 through December 31, 2018 pursuant to Local Government Code §115.001. The objective of the review was to obtain limited assurance that the financial statements are free from material misstatements.

Management is responsible for the preparation of the financial statements including the design, implementation, and maintenance of internal controls relevant to the preparation of the financial statements. Our responsibility is to perform procedures to obtain limited assurance that there are no material modifications that need to be made to the financial statements.

Based on our review, nothing came to our attention that caused us to believe that the financial statements contained any material misstatements. However, we noted that the system of internal controls relevant to the preparation of the financial statements requires improvements as noted below.

Observation No. 1

We noted that the Sheriff's Office conducted tax sales of foreclosed properties during the months of July 2018 through December 2018. The Sheriff's Office distributed the proceeds from the tax sales and tax re-sales to the delinquent tax attorney firm instead of distributing the proceeds directly to the proper entities as required by Tax Code §34.02.

According to the Sheriff's Office, they were instructed to issue the proceeds, after the Sheriff's fees were deducted, to the delinquent tax attorney firm for them to distribute the proceeds to the proper entities. In addition, if the proceeds were generated from a tax re-sale, Odyssey is programmed to automatically issue the check for all proceeds, including the Sheriff's fees, to the delinquent tax attorney firm.

Pursuant to Tax Code §34.01 (a), "real property seized under a tax warrant issued under subchapter E, Chapter 33, or ordered sold pursuant to foreclosure of a tax lien shall be sold by the officer charged with selling the property...".

Pursuant to Tax Code §34.02 (d), "the officer conducting a sale under section 33.94 or 34.01 shall pay any excess proceeds after payment of all amounts due all participants in the sale as specified by subsection (b) to the clerk of the court issuing the warrant or order of sale."

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 32ND D.C.

FERNANDO MANGIAS
JUDGE, 19TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 13TH D.C.

ROSE GUERRA REYNA
JUDGE, 20TH D.C.

MARLA CUELLAR
JUDGE, 27TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 32ND D.C.

JOE GONZALEZ
JUDGE, 37TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 38TH D.C.

L. XENO VASQUEZ
JUDGE, 38TH D.C.

ISRAEL RAMON, JR.
JUDGE, 40TH D.C.

RENEE R. BETANCOURT
JUDGE, 44TH D.C.

JAINIE TIERNA
JUDGE, 44TH D.C.

Recommendation:

We recommend that the Sheriff's Office distribute the tax sale proceeds to all participating entities pursuant to Tax Code §34.02. In addition, management should contact Tyler Technology and request that *Odyssey* be programmed to allow the Sheriff's Office to distribute the tax re-sale proceeds to all participating entities.

Please provide a management response to the observation noted above by April 26, 2019 using the attached Management Response Form.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosures: Management Response Form

cc: Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 62 ND D.C.	FERNANDO MANCIAS JUDGE, 93 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYHA JUDGE, 208 TH D.C.	MARLA CUELLAR JUDGE, 278 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	HOE GONZALEZ JUDGE, 376 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 333 RD D.C.	L. KENO VASQUEZ JUDGE, 382 ND D.C.	ISRAEL RAMON, JR. JUDGE, 489 TH D.C.	RENEE R. BETANCOURT JUDGE, 449 TH D.C.	JAMIE TIJERHA JUDGE, 464 TH D.C.
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COUNTY of HIDALGO



HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

EDINBURG, TEXAS 78539

April 23, 2019

The Honorable J.E "Eddie" Guerra, Sheriff
Hidalgo County Sheriff's Office
711 El Cibolo Rd.
Edinburg, Texas 78540

Re: Inmate Trust Financial Statements for July 2018 through December 2018

Dear Sheriff Guerra:

We conducted a limited scope review of the Inmate Trust financial statements and supporting documentation for the months ended July 31, 2018 through December 31, 2018 pursuant to Local Government Code §115.001. The objective of the review was to obtain limited assurance that the financial statements are free from material misstatements.

Management is responsible for the preparation of the financial statements and for designing, implementing, and maintaining internal control relevant to the preparation of the financial statements. Our responsibility is to perform procedures to obtain limited assurance that the financial statements are free from material misstatement.

Based on our review, nothing came to our attention that caused us to believe that the financial statements contained any material misstatements. However, we noted that the system of internal controls for the accounting of inmate trust funds requires improvement as noted below.

Observation No. 1:

As of December 31, 2018, the "Held in Trust" account had a cash balance of \$80,065.08. However, the balance on the "Inmate Accounts with Balances Report," a report generated from *Odyssey* (the County's law enforcement system) that lists the names of inmates and the amount of funds held in trust for each inmate, was only \$75,670.38, resulting in an unidentified variance of \$4,394.70. According to staff, the Sheriff's Office will continue to conduct research to identify owners of the unidentified variance and the reason for the fluctuation of this ongoing variance. IT Department and Tyler Technologies have also been made aware of this variance.

Recommendation:

We recommend that the Sheriff's Office continue to conduct additional research to identify the owners of the unidentified variance and to determine the reason the variance fluctuates each month.

Observation No. 2:

The total amounts on the "Inmate Account Journal" generated from *Odyssey* for the months ended July 31, 2018 through December 31, 2018 were \$153,185.25, \$162,919.59, \$140,477.37, \$157,790.72, \$143,589.04, and \$132,634.70, respectively.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 22ND D.C. FERNANDO MANDIAS JUDGE, 33RD D.C. J.R. "BOBBY" FLORES JUDGE, 130TH D.C. ROSE GUERRA REYNA JUDGE, 200TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 331TH D.C. NOE GONZALEZ JUDGE, 370TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 398TH D.C. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 435TH D.C. RENEE R. BETANCOURT JUDGE, 448TH D.C. JAIME TIJERINA JUDGE, 454TH D.C.

However, the total amounts on the "Commissary Sales" report generated from *Odyssey* for the months ended July 31, 2018 through December 31, 2018 were \$153,134.49, \$162,901.41, \$140,536.89, \$157,767.65, \$143,571.63 and \$132,746.04, respectively.

The total amounts on the "Inmate Account Journal" and the "Commissary Sales" reports should agree; however, for the months ended July 2018 through December 2018 there were variances of \$50.76, \$18.18, \$59.52, \$23.07, \$17.41 and \$111.34, respectively. The Sheriff's Office could not provide a reason for the variance other than errors in reports generated by *Odyssey*. Tyler Technologies has been made aware of the issue.

Recommendation:

We recommend that the Sheriff's Office continue to communicate with Tyler Technologies to ensure that the issue is resolved and the "Inmate Account Journal" and the "Commissary Sales" reports agree.

Observation No. 3:

We noted that check numbers 311468 and 314328 issued in July and October, were missing the Department Head's signature. According to staff, the checks were issued without the signature, in error.

The County Auditor's Office requires that proper procedures be implemented for issuing checks. At a minimum, a supervisor should verify that all checks are made for the proper amount, contain the payee name, date, and include the department head's signature.

Failure to verify that checks are properly completed prior to issuing may result in the loss or misuse of County funds.

Recommendation:

Management should train staff regarding the proper procedures for issuing check disbursements. At a minimum, the procedures listed above should be implemented.

Observation No. 4:

We noted that, at times, voided checks did not contain the clerk's signature, marked "void", the reason for void, date the check was voided, and signature of the supervisor approving the void. In addition, void check number 315051 in the month of October was not provided by the Sheriff's Office. Furthermore, not all voided receipts were submitted to the County Auditor's Office along with the financial statements.

The County Auditor's Office requires that approval of a void receipt/check be obtained prior to voiding a receipt/check. Approval of void receipts/checks should be limited to supervisors. The supervisors should ensure the original and all copies of the void receipt/check contain on the face of the receipt/check the word "void", an explanation for the void, the date receipt/check was voided, and the supervisor's signature of approval. In addition, the supervisor should ensure that the original and all the other copies of the voided receipt are securely attached together and submitted to the County Auditor's Office.

Failure to ensure proper procedures for voiding receipts/checks are followed may result in the loss of County funds.

Recommendation:

Management should ensure that checks and receipts are properly voided. At a minimum, the procedures noted above should be implemented.

Please provide a management response to the observations noted above by May 3, 2019 using the attached Management Response Forms.

HIDALGO COUNTY DISTRICT JUDGES

The Honorable J.E "Eddie" Guerra
April 23, 2019
Page 3 of 3

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511, ext 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Forms

cc: Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANÇIAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 215TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 310TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 365TH D.C.

L. XENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 410TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.



**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Sheriff's Office AUDIT NO.: _____
 Inmate Trust Financial
 Statements for July 2018 MANAGEMENT
AUDIT: through December 2018 RESPONSE DUE: May 3, 2019
FINDING No.: 1 RECOMMENDATION: 1

We recommend that the Sheriff's Office continue to conduct additional research to identify the owners of the unidentified variance and to determine the reason the variance fluctuates each month.

Management Response (Choose One):

_____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____



**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Sheriff's Office AUDIT NO.: _____
Inmate Trust Financial
AUDIT: Statements for July 2018 MANAGEMENT
through December 2018 RESPONSE DUE: May 3, 2019

FINDING No.: 2 RECOMMENDATION: 2

We recommend that the Sheriff's Office continue to communicate with Tyler Technologies to ensure that the issue is resolved and the "Inmate Account Journal" and the "Commissary Sales" reports agree.

Management Response (Choose One):

_____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____



**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Sheriff's Office AUDIT NO.: _____
Inmate Trust Financial
AUDIT: Statements for July 2018 MANAGEMENT
through December 2018 RESPONSE DUE: May 3, 2019
FINDING No.: 3 RECOMMENDATION: 3

Management should train staff regarding the proper procedures for issuing check disbursements. At a minimum, the procedures listed above should be implemented.

Management Response (Choose One):

_____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____



**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Sheriff's Office AUDIT NO.: _____
Inmate Trust Financial
AUDIT: Statements for July 2018 MANAGEMENT
through December 2018 RESPONSE DUE: May 3, 2019
FINDING No.: 4 RECOMMENDATION: 4

Management should ensure that checks and receipts are properly voided. At a minimum, the procedures noted above should be implemented.

Management Response (Choose One):

_____ **AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)**
_____ **AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION**
_____ **DISAGREE THAT RISK EXISTS (Specify below)**

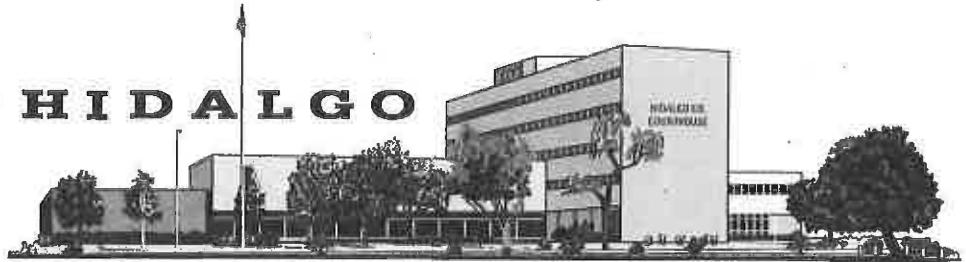
Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 23, 2019

The Honorable J.E. "Eddie" Guerra, Sheriff
Hidalgo County Sheriff's Office
711 El Cibolo Road
Edinburg, Texas 78540

Re: 2018 Chapter 59 Asset Forfeiture Audit Report No. 2019-04

Dear Sheriff Guerra:

We completed an audit of the Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the year ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides law enforcement agencies with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035(b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035(a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP §59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCIAS JUDGE, 93 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 139 TH D.C.	ROSE GUERRA REYNA JUDGE, 205 TH D.C.	MARLA CUELLAR JUDGE, 226 TH D.C.	MARIO B. RAMIREZ, JR. JUDGE, 312 ND D.C.	NOE GONZALEZ JUDGE, 379 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. XENIO VASQUEZ JUDGE, 388 TH D.C.	ISRAEL RAMON, JR. JUDGE, 457 TH D.C.	RENEE R. BETANCOURT JUDGE, 446 TH D.C.	JAIME TUERINA JUDGE, 464 TH D.C.
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Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff. Proceeds of the sale must be distributed in accordance with CCP § 59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP § 59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

Pursuant to CCP §59.06 (d), awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners Court. The Sheriff's Chapter 59 budget for the year ended December 31, 2018 was \$536,252.45 and expenditures totaled \$257,397.93 (i.e., salary, court costs, equipment, vehicles, registration fees, and training expenses).

Pursuant to CCP §59.06 (d-3), an expenditure of proceeds received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of the State, including an expenditure made for: (1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment; (2) supplies, including office supplies, mobile phone and data account fees for employees, and internet services; (3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking; (4) conferences and training expenses, including fees and materials; (5) investigative costs, including payments to informants and lab expenses; (6) crime prevention and treatment programs; (7) facility costs, including building purchases, lease payments, remodeling and renovating, maintenance, and utilities; (8) witness-related costs, including travel and security; and (9) audit costs and fees, including audit preparation and professional fees.

On February 26, 1991, Commissioner's Court approved a resolution stating, "District Attorney and the Sheriff of Hidalgo County have expressed a willingness to assist in turning over some funds for use in drug rehabilitation in Hidalgo County, [not to exceed 10%] and be it resolved that any forfeited funds turned over to the Hidalgo County Commissioners Court shall be deposited in a special fund and with any interest generated by said fund will be distributed to worthy programs on timely application to said Commissioners Court until further orders of the Court."

Pursuant to Property Code §12.007 (a), after the plaintiff's statement in an eminent domain proceeding is filed or during the pendency of an action involving title to real property, the establishment of an interest in real property, or the enforcement of an encumbrance against real property, a party to the action who is seeking affirmative relief may file for record with the County Clerk of each county where a part of the property is located a notice that the action is pending. Pursuant to Property Code § 12.007 (b), the party filing a lis pendens or the party's agent or attorney shall sign the lis pendens, which must state: (1) the style and number, if any, of the proceeding; (2) the court in which the proceeding is pending; (3) the names of the parties; (4) the kind of proceeding; and (5) a description of the property affected. Pursuant to Property Code § 12.007 (c), the County Clerk shall record the notice in a lis pendens record. The clerk shall index the record in a direct and reverse index under the name of each party to the proceeding. Pursuant to Property Code § 12.007 (d), not later than the third day after the date a person files a notice for record under this section, the person must serve a copy of the notice on each party to the action who has an interest in the real property affected by the notice.

HIDALGO COUNTY DISTRICT JUDGES

For the year ended December 31, 2018, the Sheriff's Office seized cash totaling \$277,742.09; 3 motor vehicles; 1 real property; 13 firearms; and other property consisting of 491 computer mother boards. In addition, cash totaling \$111,407.37; 1 motor vehicle; and other property consisting of 267 computer mother boards were forfeited (awarded) to the Sheriff's Office during the year ended December 31, 2018. Furthermore, 1 vehicle was retained for use by the Sheriff's Office.

Local Agreement between District Attorney's Office and Sheriff's Office

On June 25, 2015, the Hidalgo County District Attorney and the Sheriff's Office entered into a local agreement pursuant to CCP §59.06 (b). According to the agreement, the Sheriff's Office agrees to pay all court costs, attorney ad litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Personal Property (Vehicles, jewelry, phones, etc...) - If personal property, including vehicles retained by the Sheriff's Office are to be sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to the Sheriff's Office and 25% to the District Attorney.

If personal property, including passenger vehicles, pick-ups trucks, sport utility vehicles, vans, tractor trailers, etc., are to be used for law enforcement purposes pursuant to CCP §59.06 (b), the Sheriff shall obtain the title of said vehicles and will be solely responsible for their use and maintenance. The District Attorney will not retain an interest in said vehicles and will be completely absolved of any liability.

All property seized in accordance with the Agreement, with the exception of currency, bank accounts, negotiable instruments, and jewelry, shall be kept in the possession of the Sheriff's Office. The Sheriff's Office shall be responsible for the upkeep and maintenance of said property and the District Attorney will be completely absolved of any liability.

The parties further agreed that the Sheriff's Office shall account for all seized property in their possession until the property is disposed of by court order. Disposition of all property shall comply with Article 59 of the Texas Code of Criminal Procedure.

All other personal property, not suitable for or desired for use, pursuant to Article 59 of the Texas Code of Criminal Procedure, shall be forfeited to the District Attorney, as an agent for the State of Texas, and shall be sold at public auction. The net proceeds of said sale of said property, after deduction of costs, shall be divided as follows: 60% to the Sheriff's Office and 40% to the District Attorney.

For the purpose of this agreement, the definition of "personal property" includes, but is not limited to, vehicles of all types, weapons, laptops, computers, cell phones, jewelry, gold, and other precious metals and tangible objects of value. The Sheriff's Office and the District Attorney reserve the right to negotiate unique individual agreements on a case by case basis to satisfy special requirements; however, if an agreement cannot be reached, this local agreement shall be binding.

Real Estate - Upon the sale of real estate, all court costs, attorney ad litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs shall be paid or credit to the Sheriff's Office if such cost have been previously paid by the Sheriff's Office and the District Attorney as agreed upon for currency, banking accounts, and negotiable instruments as listed below.

Currency, Banking Accounts, and Negotiable Instruments - Upon being awarded to the State via court order, are to be disbursed and divided up as follows, after the payment of costs:

Amount	Sheriff's Office	District Attorney's Office
Over \$50,000.00	70%	30%
Less than \$50,000.00	60%	40%

Jewelry - Will be sold and its proceeds divided as follows: 60% to the Sheriff's Office and 40% to the District Attorney.

HIDALGO COUNTY DISTRICT JUDGES

Sheriff's Office Procedures

Section 5.21 of the Hidalgo County Sheriff's Office Policy and Procedures establish the procedures and provide direction and reference to officers seizing cash or tangible property. Seizing officers must contact their supervisor and provide all the pertinent facts and circumstances surrounding a potential seizure and receive authorization to continue the forfeiture investigation.

Seized currency is counted by a Sheriff's agent in the presence of the respondent and a receipt (copy of Evidence/Inventory Control Report) is issued, if possible. The receipt is not pre-numbered. If the funds cannot be counted in the presence of the respondent, the funds are placed in an evidence bag and transported to the Sheriff's Office where it is then counted by two Sheriff's agents. The count is documented on the "Itemization of Money Seizure" form, which is not pre-numbered. Once the currency is counted, pursuant to CCP §59.08 and Section 5.21.03.08 of the Hidalgo County Sheriff's Office Policy and Procedures, the agent places seized currency in a certificate of deposit at the county depository, Lone Star National Bank, under the name of the District Attorney's Office pending final disposition. If the currency cannot be immediately deposited on the date of seizure, the currency is safeguarded in a vault in the Sheriff's Office evidence room and deposited the next business day. In most cases the currency is placed in a certificate of deposit within 72 hours.

Personal property is safeguarded at the Sheriff's Office until a final judgment is rendered by the court. Vehicles are maintained at the Sheriff's Motor Pool and all other personal property is maintained at the Sheriff's Office evidence room. Only two Evidence Technicians have access to the evidence room. The evidence room is under lock and key and has 24-hour surveillance. The personal property is logged in by an agent and submitted to an Evidence Technician. If an item needs to be removed from the evidence room, the item is requested from one of the two Evidence Technicians and the agent is required to log the item out.

When cash and/or property are seized, the agent is required to generate a synopsis report describing the circumstances of the seizure. The synopsis report must include all of the following documents: an asset forfeiture cover sheet, offense report, affidavits, search warrants, vehicle impoundment sheet (if applicable), vehicle registration information with lien enhancement (if applicable), arrest probable cause affidavit (if arrest was made), bank deposit slip (if applicable), seizure affidavit, criminal histories on all parties claiming interest in the items seized, motor pool mechanic review sheet (if applicable), vehicle estimate value utilizing NADA or Kelley Blue Book (if applicable), and picture of the seized property. If the seized property is a vehicle, photographs of all four sides of the vehicle depicting the license plates, VIN, odometer mileage, interior, any damage and special equipment must also be placed in the file. The file is submitted to the Sheriff's Office Financial Services Bureau Administrative Assistant, who is responsible for ensuring the file contains all required documents. Original files are maintained by the Financial Services Bureau Administrative Assistant and copies of the file are forwarded to the District Attorney's Office and the Sheriff's Office Accountant II. Once the case has been disposed, the District Attorney's Office provides a copy of the judgment to the Financial Services Bureau Administrative Assistant. The Financial Services Bureau Administrative Assistant then forwards a copy of the judgment to the Sheriff's Office Accountant II, who is responsible for the preparation of the Chapter 59 Asset Forfeiture Report and the Quartermaster, who is responsible for overseeing the inventory and maintenance of Sheriff's Office equipment.

If a vehicle is forfeited to the Sheriff's Office, the vehicle is inspected by the Motor Pool Mechanic to determine whether the vehicle is in good working condition for law enforcement purposes. The Mechanic documents the inspection on the "Hidalgo County Sheriff's Office Newly Acquired Vehicle Checklist" (checklist). The checklist is provided to the Lieutenant and the Commander who determine whether to retain the vehicle for use or to auction the vehicle.

The Sheriff's Office submits an application for certificate of title, along with a copy of the final judgment, to the Motor Vehicle Department for all forfeited vehicles. Upon receipt of the certificate of title, the Sheriff's Office maintains a copy of the title and submits the original title to the Purchasing Department's Fixed Asset Division and requests an asset tag. Insurance coverage is also requested for all vehicles retained for use from the Hidalgo County Safety Division by preparing and submitting an "Insurance Change-Vehicles" form. Once the vehicle is insured, the Safety Division submits proof of insurance to the Purchasing Department.

HIDALGO COUNTY DISTRICT JUDGES

If the vehicle is not retained for use, a transfer form is prepared and the vehicle is declared surplus. Until the auction is conducted, the vehicle is safeguarded at the Sheriff's Office Motor Pool.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extend an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and property for which a final judgment was rendered and recorded on *Odyssey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvements could be made.

In conducting our audit, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *Alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report" to the Chapter 59 Asset Forfeiture Report to determine if all Chapter 59 revenues and expenditures were reported.
2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odyssey* to determine if all property seized, forfeited, or returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Reviewed expenditures from the Sheriff's Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP§59.06 (c).
4. Verified on *Odyssey* if court costs were paid to the District Clerk for forfeitures to the state of an amount greater than \$2,500.
5. Verified with the Hidalgo County Risk Management Department if the 34 vehicles retained for use by the Sheriff's Office were properly insured.
6. Reviewed the "District Attorney Investigation Funds Accounting Control Sheet" and supporting documentation to determine if 10% of net forfeited currency was paid to Hidalgo County for the prevention of drug abuse and for the treatment of persons with drug-related problems pursuant to the resolution dated February 26, 1991.
7. Verified on *Odyssey* if a lis pendens was filed no later than the third day after the date the Sheriff's Office filed a notice of record for the 1 real estate property seized by the Sheriff's Office pursuant to Property Code §12.007 (c)(d).
8. Reviewed the "Financial Seizure Account History" form, the affidavit prepared by the seizing officer, certificate of deposit receipt, and schedule of filed cases generated from *Odyssey* to determine if a certificate of deposit was opened within 72 hours of seizure for the amount seized and if a petition was filed within 30 days after the date of seizure.
9. Selected 3 vehicles, 13 firearms, and other property consisting of 491 computer mother boards that were seized and/or forfeited during the reporting period and not sold for physical identification.
10. Reviewed revenue reports generated from *Alio* and the "Purchasing Department/Fixed Asset Division Auction Report" to determine if auction proceeds were apportioned within 30 days of said sale pursuant to the local agreement.
11. Reviewed written policies and procedures for the accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

HIDALGO COUNTY DISTRICT JUDGES

Conclusion:

Based on the results of our audit, we determined that generally Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted in findings 8 through 10 below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. All Chapter 59 revenues and expenditures recorded in *Alio* and the "Purchasing Department/Fixed Asset Division Auction Report" were reported on the Chapter 59 Asset Forfeiture Report.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that the Sheriff's Office seized cash totaling \$277,742.09, 3 motor vehicles, 1 real property, 13 firearms, and other property consisting of 491 computer mother boards. In addition, cash totaling \$111,407.37; 1 motor vehicle; and other property consisting of 267 computer mother boards were forfeited (awarded) to the Sheriff's Office. All items were properly reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from the Sheriff's Office Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (c).
4. Court costs were only paid to the District Clerk for cases where forfeitures were greater than \$2,500.00 as required by CCP §59.05 (f).
5. All 34 vehicles retained for use by the Sheriff's Office were properly insured.
6. There were 8 judgments that involved cash forfeitures. For the 8 judgments, the 10% net forfeited currency was paid to Hidalgo County for the use of a drug rehabilitation program.
7. The 1 real estate property seized by the Sheriff's Office had a lis pendens recorded through the Hidalgo County District Clerk within the third day after the date the Sheriff's Office filed a notice of record.
8. There were 19 cash seizures made by the Sheriff's Office during the period of review. Of the 19 cash seizures:
 - 17 certificates of deposit were opened within 72 hours of seizure as required by CCP §59.03 (c).
 - 2 certificates of deposits were opened 1 day late.In addition, all petitions were filed with the District Clerk's Office on or before the 30th day after the date of the seizure as required by CCP §59.04 (a).
9. All vehicles and other property were physically identified. However, 15 computer mother boards, not included in the petitions, were identified. According to staff, only the mother boards inside the gambling machines were included in the petition.
10. Auction proceeds were not apportioned to the Sheriff's Office forfeiture fund within 30 days of said sale. Furthermore, the proceeds were distributed 100% to the General Fund Sale of Capital Assets account; however, the auction proceeds were later apportioned correctly by the County Auditor's Office.
11. A "Financial Seizure Account History" form, a form that is not pre-numbered, was utilized to account for seizures. In addition, the "Financial Seizure Account History" form did not require the signature of the respondent and the agent and witness responsible for counting and verifying the property and/or amount of cash seized.

Recommendations:

In our opinion, the issues noted on finding 8 through 11 could be addressed by developing and implementing formal policies and procedures for the proper accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures. At a minimum, procedures should require the Sheriff's Office to:

1. Ensure that certificates of deposits are opened within 72 hours of seizure as required by CCP §59.03 (c).
2. Ensure that property seized is included on the affidavit for seizure form and on the notice of seizure and intended forfeiture (petition) filed with the District Clerk's Office. The District Attorney's Office should be contacted to address the issue identified.
3. Coordinate with Purchasing Department to ensure that the proceeds from the sale of assets are apportioned within 30 days in accordance with the local agreement.

HIDALGO COUNTY DISTRICT JUDGES

4. Ensure seizures are recorded and controlled by using pre-numbered "Financial Seizure Account History" forms. The forms should require the signature of the agent counting and witness verifying the seizure. In addition, the respondent's signature, if possible, should be obtained and documented on the receipt form.

Please provide management responses to findings 8 through 11 noted in the conclusion section and the recommendations noted above by May 3, 2019. Your prompt response will be greatly appreciated.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Forms

- cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92 ND D.C.	FERNANDO MANCIAS JUDGE, 83 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 208 TH D.C.	MARLA CIBELLAR JUDGE, 278 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 376 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 393 RD D.C.	L. XENO VASQUEZ JUDGE, 388 TH D.C.	ISRAEL RAMON, JR. JUDGE, 426 TH D.C.	RENEE R. BETANCOURT JUDGE, 448 TH D.C.	JANE TIVERINA JUDGE, 484 TH D.C.
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**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Sheriff's Office AUDIT NO.: 2019-04

AUDIT: 2018 Chapter 59 Asset Forfeiture Audit Report MANAGEMENT RESPONSE DUE: May 3, 2019

FINDING No.: 9 RECOMMENDATION: 2

2. Ensure that property seized is included on the affidavit for seizure form and on the notice of seizure and intended forfeiture (petition) filed with the District Clerk's Office. The District Attorney's Office should be contacted to address the issue identified.

Management Response (Choose One):

 AGREE TO TAKE REMEDIAL ACTION (Action Plan attached)
 AGREE TO ACCEPT RISK OF NOT TAKING REMEDIAL ACTION
 DISAGREE THAT RISK EXISTS (Specify below)

Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 23, 2019

The Honorable Ricardo Rodriguez, Jr., Criminal District Attorney
Hidalgo County District Attorney's Office
100 N. Clossner
Edinburg, TX 78539

Re: 2018 Chapter 59 Asset Forfeiture Audit Report No. 2019-05

Dear Mr. Rodriguez:

We completed an audit of HIDTA's Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the Year Ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides HIDTA with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035 (b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035 (a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP §59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 87 th D.C.	FERNANDO MANCIAS JUDGE, 91 st D.C.	J. R. "BOBBY" FLORES JUDGE, 120 th D.C.	ROSE GUERRA REYNA JUDGE, 208 th D.C.	MARLA CUELLAR JUDGE, 275 th D.C.	MARIO E. RAMIREZ, JR. JUDGE, 372 nd D.C.	NOE GONZALEZ JUDGE, 376 th D.C. OVERSEER	LETICIA LOPEZ JUDGE, 383 rd D.C.	L. XENO VASQUEZ JUDGE, 388 th D.C.	ISRAEL RAMON, JR. JUDGE, 430 th D.C.	RENEE R. BETANCOURT JUDGE, 449 th D.C.	JAI ME TIJERINA JUDGE, 464 th D.C.
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Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff. Proceeds of the sale must be distributed in accordance with CCP §59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP § 59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

Pursuant to CCP §59.06 (d), awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners Court. HIDTA's Chapter 59 budget for the year ended December 31, 2018 was \$417,600.00 and expenditures totaled \$372,941.32 (e.g., employee salaries).

Pursuant to CCP §59.06 (d-3), an expenditure of proceeds received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of the State, including an expenditure made for: (1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment; (2) supplies, including office supplies, mobile phone and data account fees for employees, and internet services; (3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking; (4) conferences and training expenses, including fees and materials; (5) investigative costs, including payments to informants and lab expenses; (6) crime prevention and treatment programs; (7) facility costs, including building purchases, lease payments, remodeling and renovating, maintenance, and utilities; (8) witness-related costs, including travel and security; and (9) audit costs and fees, including audit preparation and professional fees.

For the year ended December 31, 2018, HIDTA seized cash totaling \$79,473.00; 14 motor vehicles; and 6 jewelry items. In addition, cash totaling \$135,739.12 and 14 motor vehicles were forfeited to HIDTA. Furthermore, 3 vehicles were returned to respondents and 2 vehicles were retained for use by HIDTA.

Local Agreement Between District Attorney's Office and HIDTA

On January 29, 2016, the Hidalgo County District Attorney and HIDTA entered into a local agreement pursuant to CCP §59.06 (b). According to the local agreement, HIDTA is responsible for paying all court costs, attorney ad-litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Real Estate - Upon the sale of real estate, all costs are to be paid from the final sum received with the remaining amount to be paid 100% to HIDTA.

Personal Property (Vehicles, jewelry, phones, etc...) - All property is to be forfeited to HIDTA. If property is sold, proceeds from the sale of property are to be disbursed 100% to HIDTA, except for passenger vehicles (i.e., pick-up trucks, sport utility vehicles, vans, tractor trailers, etc.) that are to be used for law enforcement purposes. HIDTA is responsible for the use and upkeep of the vehicles and obtaining a certificate of title. All other seized vehicles, except those mentioned above and not used for law enforcement purposes are to be sold and proceeds disposed of in accordance with Chapter 59 of the Texas Code of Criminal Procedure.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 288TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIIME TIERNA
JUDGE, 456TH D.C.

All property seized, except for currency, bank accounts and negotiable instruments, shall be kept in the possession of HIDTA. HIDTA will account for all seized property in their possession until the property is disposed of by court order. Currency, bank accounts, and negotiable instruments shall be held and maintained by the District Attorney until a final disposition is ordered. All other personal property not suitable or desired for use shall be forfeited to the District Attorney and shall be sold at public auction. The proceeds after deduction of sale expenses shall be paid 100% to HIDTA. Proceeds from the sale of real, personal, tangible or intangible property shall be apportioned within thirty (30) days of sale.

Currency - Currency, bank accounts, and negotiable instruments are to be distributed 100% to HIDTA, after all costs have been paid.

HIDTA's Procedures

Seized currency under \$5,000.00 is counted by a HIDTA agent in the presence of a witness and the respondent(s). Funds are placed in a sealed evidence bag and immediately transported to the bank by at least two agents, if it's within the bank's normal business hours; otherwise, the funds are transported to the HIDTA Office. The following non pre-numbered forms are prepared to document the seized cash:

- "Itemization of Money Seizure" form includes the following information: date of seizure; case file number; agent's name; the US currency, foreign currency, and checks by denomination, quantity, and total; and the signatures of the case agent and seizure custodian.
- "Hidalgo County HIDTA Task Force Receipt for Cash or Other Items" form includes the following information: the date, time, case number, description of items and signature of the seizing agent, witness, and respondent. A copy of the completed form is provided to the respondent.

If the funds cannot be counted in the presence of the respondent, the funds are placed in a sealed evidence bag and transported to HIDTA by at least two agents where it is placed in a safe pending transfer to the bank. In cases where currency is seized in an amount of \$25,000.00 or more; sealed evidence bags are taken and signed into the bank vault. For these seizures, the bank requires that HIDTA schedule an appointment with the Bank Cash Vault Services Manager. The bank employees along with at least 2 HIDTA employees unseal the evidence bags and count the currency. The count is recorded on an "Itemization of Money Seizure" form. Once the currency is counted, pursuant to CCP §59.08, the agent places the seized currency in a certificate of deposit at the county depository, Lone Star National Bank, under the name of the District Attorney's Office pending final disposition. If currency cannot be immediately deposited, the currency is safeguarded in a safe at the HIDTA Office. Seized currency is placed in a certificate of deposit within 72 hours.

Personal property is safeguarded by HIDTA until a final judgment is rendered by the court. Vehicles are maintained at Hidalgo County Sheriff's Office or other County approved location; however, most personal property (i.e., jewelry, cell phones, guns, etc.) is maintained at HIDTA's evidence room. Personal property of high value is placed in a safe. The Commander, Assistant Commander, and the Fields Operations Supervisor have access to the evidence room and the safe. The evidence room is under lock and key; an alarm must be deactivated to access the evidence room, and the evidence room has 24 hour surveillance cameras inside and outside the room. If an item needs to be removed from the evidence room, the item is requested from one of the three employees with access to the evidence room. Property maintained in the evidence room is clearly labeled with the case number. Once the items are awarded to HIDTA, the high value small items are declared surplus and auctioned by the assigned auctioneer. For cell phones, guns and other items, HIDTA requests that an "Order of Disposition of Gambling Paraphernalia, Prohibited Weapon, Criminal Instrument, Other Contraband, Seized Weapon, or Stolen Property" be approved and signed by the presiding District Court Judge, granting HIDTA authorization for destruction. A copy of the destruction order and photos of destroyed items are maintained in the case file.

When property is seized under CCP Chapter 59, the agent is required to complete a case file consisting of the following: intake sheet; DA's supplement report; booking sheet; DA's intake sheet; case initiation; commitment; complaint; warrants; seizure report; drug to dollar amount conversion table; evidence submission; DPS lab submission; Miranda warnings; voluntary statement of the accused; arrest report/personal history; criminal case management report (i.e., *Ableterm, Odyssey*); defendant's criminal history; affidavit of seizing officer; asset forfeiture intake sheet; picture of the seized property; vehicle registration information and/or copy of certificate of deposit, if applicable; reports from other law enforcement agencies, etc. The agent inputs the entry of

HIDALGO COUNTY DISTRICT JUDGES

incident, arrest, and related data information into the Cardinal Tracking Badge System under a pre-assigned task force case number.

If a vehicle is forfeited to HIDTA, HIDTA's Commander determines whether the vehicle should be retained for use or auctioned. If the vehicle is retained for use, HIDTA submits the Application for Registration and Certificate of title issued under Alias for Use of Law Enforcement Vehicle (Form 62-G), Application for Texas Title and/or Registration (Form 130-U), and a Certificate of Origin for a Vehicle (certified copy of final judgment) to the Texas Department of Transportation. All HIDTA vehicles are under "Alias" and the certificate of title is not released until a formal letter is submitted to the Texas Department of Transportation requesting the deletion of said vehicle from alias registration. HIDTA requests an asset tag from the Hidalgo County Purchasing Department and insurance from Hidalgo County Safety Division. The Purchasing Department's Fixed Asset Division requires proof of insurance from the Hidalgo County Safety Division and a copy of the judgment in order to issue an asset tag for vehicles forfeited to HIDTA.

If a vehicle is not retained for use or if a vehicle previously retained for use is no longer needed, a transfer form is prepared by HIDTA Division Manager II, Financial Accounting and the vehicle is declared surplus. Until the auction is conducted, the vehicle is safeguarded at the Hidalgo County Sheriff's Office or other County approved location. In addition, a certificate of title is not obtained for vehicles not retained for use.

The Purchasing Department is responsible for conducting the sale of assets. The Purchasing Department receives the proceeds from the sale of assets from the assigned auctioneer at time of sale and prepares a "Purchasing Department/Fixed Asset Division Auction Report" that details the manner in which the auction proceeds will be distributed. The proceeds are then deposited with the Hidalgo County Treasurer.

HIDTA maintains the BADGE and the Performance Management Process (PMP). BADGE is a police records management system, used by HIDTA to document when assets are placed and removed from the evidence room. BADGE is used to document the chain of custody for items seized and maintained as evidence. The Performance Management Process (PMP) system is utilized to identify and track information about HIDTA-funded training, information and intelligence sharing, drug and asset seizures, and case support. The PMP database and BADGE work hand in hand in cooperation and synchronize the activity with that of the other. The Criminal Research Specialist inputs information obtained from the Badge System into the PMP database. The PMP database is continuously reviewed and randomly audited by HIDTA's Regional Office for accuracy. The Criminal Research Specialist provides monthly PMP reports and Badge System reports to HIDTA's Division Manager II, Financial Accounting, who creates a schedule of seized items based on said reports/information. In addition, on a monthly basis, HIDTA's Division Manager II, Financial Accounting receives a copy of the HIDTA HB65 bank statement and balance sheet from the District Attorney's Accountant IV. Once a case has been disposed, the District Attorney's Legal Assistant from the Asset Forfeiture and Expunction Section provides a copy of the judgment to HIDTA's Division Manager II, Financial Accounting, who is responsible for the preparation of the Chapter 59 Asset Forfeiture Report.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extend an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and personal property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and personal property for which a final judgment was rendered and recorded in *Odyssey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvements could be made.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 238TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 318TH D.C.

L. KENO VASQUEZ
JUDGE, 316TH D.C.

ISRAEL RAMON, JR.
JUDGE, 410TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME TIERINA
JUDGE, 454TH D.C.

In conducting our audit, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *Alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report" to the Chapter 59 Asset Forfeiture Report to determine if all revenues and expenditures were reported.
2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odyssey* to determine if all property seized, forfeited, or returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Reviewed expenditures from HIDTA's Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP§59.06 (c).
4. Reviewed the affidavit prepared by the seizing officer and the certificate of deposit receipt to determine if a certificate of deposit was opened within 72 hours of seizure for the amount seized and if a petition was filed within 30 days after the date of seizure.
5. Reviewed the forfeitures awarded to HIDTA and supporting documentation to determine if court costs were only paid to the District Clerk for forfeitures to the state of an amount greater than \$2,500.
6. Selected 10 vehicles and other property consisting of 6 jewelry items seized and/or forfeited during the reporting period and not sold for physical identification.
7. Reviewed revenue reports generated from *Alio* and the "Purchasing Department/Fixed Asset Division Auction Report" to determine if the auction proceeds were apportioned to HIDTA within 30 days of said sale pursuant to the local agreement.
8. Reviewed written policies and procedures for the accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

Conclusion:

Based on the results of our audit, we determined that generally Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted on findings 7 and 8 below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. All Chapter 59 revenues and expenditures recorded in *Alio* and the "Purchasing Department/Fixed Asset Division Auction Report" were reported on HIDTA's Chapter 59 Asset Forfeiture Report.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that HIDTA seized cash totaling \$79,473.00, 14 motor vehicles, and 6 jewelry items. In addition, cash totaling \$135,739.12 and 14 motor vehicles were forfeited to HIDTA. Furthermore, 3 vehicles were returned to respondents and 2 vehicles were retained for use by HIDTA. All items were properly reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from HIDTA's Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (c).
4. All certificates of deposit were opened for the amount seized within 72 hours of seizure. In addition, all petitions were filed with the District Clerk's Office on or before the 30th day after the date of seizure as required by CCP §59.04(a).
5. Court costs were only paid to the District Clerk for cases when forfeitures were greater than \$2,500.00 as required by CCP §59.05 (f).
6. All vehicles and other property were physically located.
7. March and June auction proceeds were not apportioned to HIDTA's Chapter 59 Forfeiture Fund within 30 days of said sale. Furthermore, the proceeds were distributed 100% to the General Fund; however, the auction proceeds were later apportioned correctly by the Hidalgo County Auditor's Office.
8. Formal policies and procedures have been developed and implemented by HIDTA regarding Chapter 59 seizures, forfeitures and receipts; however, we noted that seizures are not recorded and controlled

HIDALGO COUNTY DISTRICT JUDGES

by using pre-numbered official receipt forms. Instead, a form, that is not pre-numbered, is utilized to account for seizures. A copy of the form, which contains the seizure date, time, case number, description of items and signatures of the seizing agent, witness, and respondent, is provided to the respondent.

Recommendation:

In our opinion, the issues noted in findings 7 and 8 could be addressed by:

1. Coordinating with the Purchasing Department to ensure that the proceeds from the sale of assets are apportioned to HIDTA's Chapter 59 Forfeiture Fund within 30 days of sale and disbursed in accordance with the local agreement.
2. Developing and implementing formal procedures to ensure seizures are recorded and controlled by using a pre-numbered form. The forms should require the signature of the agent counting and witness verifying the seizure. The respondent's signature, if possible, should be obtained and documented on the receipt form.

Please provide a management response to findings 7 and 8 noted in the conclusion section and the recommendations noted above by May 3, 2019. Your prompt response will be greatly appreciated.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Reynaldo Cantu III, Compliance Audit Supervisor, at ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Forms

cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
The Honorable Ricardo Rodriguez, Jr., Hidalgo County Criminal District Attorney
Mr. Valde Guerra, Hidalgo County Executive Officer
Mr. Kent Richardson, Assistant Attorney General
Mr. Juan Sifuentes, HIDTA Commander

HIDALGO COUNTY DISTRICT JUDGES

COUNTY OF HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 15, 2019

The Honorable Celestino Avila, Jr., Constable
Hidalgo County Precinct No. 1
1900 Joe Stephens
Weslaco, TX 78596

Re: Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-06

Dear Constable Avila:

We completed an audit of the Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the Year Ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides the law enforcement agencies with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035(b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035(a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP §59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO MANGAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 269TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
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LETICIA LOPEZ
JUDGE, 388TH D.C.

L. HENO VASQUEZ
JUDGE, 389TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.

Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the County Sheriff. Proceeds of the sale must be distributed in accordance with CCP §59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP § 59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

CCP §59.06 (d) states that awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners Court. A budget was not submitted to Commissioners Court and expenditures were not incurred for the year ended December 31, 2018.

For the year ended December 31, 2018, 3 motor vehicles were seized, 1 motor vehicle was returned to the respondent, and 2 motor vehicles were forfeited to Constable Precinct 1.

Local Agreement Between District Attorney's Office and Constable Precinct 1

On October 23, 2015, the Hidalgo County District Attorney and Constable Precinct 1 entered into a local agreement pursuant to CCP §59.06 (b). According to the local agreement, Constable Precinct 1 is responsible for paying all court costs, attorney ad-litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Personal Property (Vehicles, laptops, computers, cell phones, weapons, etc...)- If personal property, including vehicles retained by Constable Precinct 1 are to be sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 1 and 25% to the District Attorney.

If personal property, including vehicles that are retained by the Constable for law enforcement purposes are at any time decommissioned and then sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 1 and 25% to the District Attorney.

All property seized, except for currency, bank accounts, negotiable instruments, and jewelry, shall be kept in the possession of the Constable. The Constable shall account for all seized property in his possession until the property is disposed of by court order. All other personal property, not suitable or desired for use, shall be forfeited to the District Attorney and sold at public auction. The net proceeds of said sale of said property, after deductions of sale expenses, shall be divided as follows: 60% to Constable Precinct 1 and 40% to the District Attorney.

Proceeds from the sale of real, personal, tangible, or intangible property subject to the agreement shall be apportioned within thirty (30) days of said sale.

Constable Precinct 1 Procedures

The Constable Precinct 1 Office has formal procedures for the accounting and reporting of seizures and forfeitures. Seized funds are counted and confirmed by the seizing deputy and a credible witness. Funds are placed in the Constable Precinct 1 vault until deposited. A copy of the bank receipt is submitted to the District Attorney's Office along with the Asset Forfeiture Intake Sheet.

HIDALGO COUNTY DISTRICT JUDGES

Deputy Constables are required to call a towing company to tow vehicles and/or property pending forfeiture proceedings to the County's storage site. Before releasing vehicle(s) and or property to towing company, Deputy Constables conduct a full inspection and inventory of the seized vehicle(s) and/or property. Deputy Constables are required to include photographs with seizure documents.

The following documents must be turned in to the District Attorney's Office before the 30th day after the date of the offense:

- Asset Forfeiture Intake Sheet
- Officer Sworn Affidavit
- Vehicle Registration Form
- Preliminary Offense Report
- Detailed Report
- Complete Wrecker Inventory Form
- Intake Sheet Receipt

Upon disposition, if the vehicle and/or property are not forfeited, the owner of the vehicle and/or property will be responsible for any and all fees accrued by the towing company. If the vehicle and/or property are awarded to the Constable, an original judgment from the Hidalgo County District Attorney's Office will be received noting any awarded vehicles and/or property. A second original judgment should be obtained for purposes of the auction of each vehicle. A log of all seized property is kept by Constable Precinct 1 Office, indicating the status of the property, location, and condition.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extended an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and personal property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and personal property for which a final judgment was rendered and recorded in *Odysey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvements could be made.

In conducting our review, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report" to the Chapter 59 Asset Forfeiture Report to determine if all revenues and expenditures were reported.
2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odysey* to determine if all seized, forfeited, and property returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Verified on *Odysey* if court costs were paid to the District Clerk for cases that generated auction proceeds greater than \$2,500.00.
4. Selected 2 vehicles that were seized and/or forfeited during the reporting period and not sold for physical identification.
5. Verified with the Hidalgo County Risk Management Department to determine if the 2 vehicles forfeited in prior years and put to use by the Constable were properly insured.
6. Reviewed written policies and procedures for the accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

HIDALGO COUNTY DISTRICT JUDGES

Conclusion:

Based on the results of our audit, we determined that Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted on finding 6 below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. According to *alio* and the "Purchasing Department/Fixed Asset Division Auction Report", the Constable did not receive any revenue and did not incur any expenditures during the period of review. Revenues and expenditures were not reported on the Chapter 59 Asset Forfeiture Report.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that there were 3 vehicles seized, and 1 vehicle was returned to the respondent. In addition, 2 vehicles were forfeited to Constable Precinct 1. All items were properly reported on the Chapter 59 Asset Forfeiture Report.
3. Court costs were accessed by the District Clerk; however, the vehicles forfeited during the reporting period had not been sold.
4. All vehicles were physically identified.
5. The 2 vehicles put to use were properly insured.
6. The Constable Precinct 1 Office policies and procedures regarding Chapter 59 seizures and forfeitures do not include procedures for determining when a forfeited vehicle or property will be put to use. In addition, pre-numbered official receipt forms were not utilized to record and control seizures.

Recommendation:

In our opinion, the issues noted in finding 6 could be addressed by developing and implementing formal policies and procedures for determining when a forfeited vehicle or property will be put to use and controlling seizures by using pre-numbered forms. At a minimum, procedures should require the Constable Precinct 1 Office to ensure that seizures are recorded and controlled by using pre-numbered forms. The forms should require the signature of the agent counting and witness verifying the seizure. In addition, the respondent's signature, if possible, should be obtained and documented on the receipt form.

Please provide a written management response to finding 6 noted in the conclusion section and the recommendation noted above by April 26, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 17, 2019

The Honorable Martin Cantu, Constable
Hidalgo County Precinct No. 2
300 W. Hall Acres
Pharr, TX 78577

Re: Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-07

Dear Constable Cantu:

We completed an audit of the Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the year ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides law enforcement agencies with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035(b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035(a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	FERNANDO MANCIAS JUDGE, 83 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 126 TH D.C.	ROSE GUERRA REYNA JUDGE, 268 TH D.C.	MARLA CUELLAR JUDGE, 276 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 322 ND D.C.	NOE GONZALEZ JUDGE, 373 RD D.C. OVERSEER	LETICIA LOPEZ JUDGE, 381 ST D.C.	L. KENO VASQUEZ JUDGE, 385 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENÉE R. BETANCOURT JUDGE, 448 TH D.C.	JAIIBE TUERNA JUDGE, 464 TH D.C.
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Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP § 59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff. Proceeds of the sale must be distributed in accordance with CCP §59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP §59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

CCP §59.06 (d) states that awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners Court. The Constable Precinct 2 Chapter 59 budget for the year ended December 31, 2018 was \$7,750.27 and expenditures totaled \$563.93.

Pursuant to CCP §59.06 (d-3), an expenditure of proceeds received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of the State, including an expenditure made for: (1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment; (2) supplies, including office supplies, mobile phone and data account fees for employees, and internet services; (3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking; (4) conferences and training expenses, including fees and materials; (5) investigative costs, including payments to informants and lab expenses; (6) crime prevention and treatment programs; (7) facility costs, including building purchases, lease payments, remodeling and renovating, maintenance, and utilities; (8) witness-related costs, including travel and security; and (9) audit costs and fees, including audit preparation and professional fees.

For the year ended December 31, 2018, there were no cash seizures or cash forfeitures; however, 2 motor vehicles were seized and 3 motor vehicles were forfeited to Constable Precinct 2.

Local Agreement Between District Attorney's Office and Constable Precinct 2

On June 30, 2015, the Hidalgo County District Attorney and the Constable Precinct 2 entered into a local agreement pursuant to CCP §59.06 (b). According to the agreement, Constable Precinct 2 is responsible for paying all court costs; attorney ad-litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Personal Property (Vehicles, laptops, computers, cell phones, weapons, etc...) - If personal property, including vehicles retained by the Constable are to be sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 2 and 25% to the District Attorney.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 33RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 131ST D.C.

ROSE GUERRA REYNA
JUDGE, 268TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

HDE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 383RD D.C.

L. KENO YASQUEZ
JUDGE, 383RD D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIWETJERUA
JUDGE, 481ST D.C.

If personal property, including vehicles that are retained by the Constable for law enforcement purposes are at any time decommissioned and then sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 2 and 25% to the District Attorney.

All property seized, except for currency, bank accounts, negotiable instruments, and jewelry, shall be kept in the possession of the Constable. The Constable shall account for all seized property in his possession until the property is disposed of by court order.

All other personal property, not suitable or desired for use, shall be forfeited to the District Attorney and sold at public auction. The net proceeds of said sale of said property, after deductions of sale expenses, shall be divided as follows: 60% to Constable Precinct 2 and 40% to the District Attorney.

Proceeds from the sale of real, personal, tangible, or intangible property subject to the agreement shall be apportioned within thirty (30) days of said sale.

Constable Precinct 2 Procedures

The Constable Precinct 2 Office has formal procedures for the accounting and reporting of seizures and forfeitures. Deputies requesting to initiate seizure and forfeiture of vehicles, property, and/or currency will forward all required documents to the designated Supervisor for review and approval. Once approved, the deputy submits the file to the District Attorney's Office Civil Forfeiture Division.

Due to the expenses related to forfeiture proceedings, the following values of the described property and types are used as a guideline when considering seizure: vehicles \$5,000, currency \$5,000, and real property \$20,000. Items such as jewelry, household items, electronics, etc, shall be in an aggregate amount value not less than \$3,000 per case.

Motor vehicles seized will be treated as evidence. The vehicles are towed to a designated storage facility. All currency seized is deposited into the designated account set forth by the Hidalgo County District Attorney's Office on the same day of seizure, if possible. In the event this is not possible, the currency is properly sealed and secured in a safe designated by the Supervisor and deposited on the next business day.

The following documents are used by the Constable Precinct 2 Office to document seizures: 1.) a detailed report describing the circumstances of the seizure, 2.) asset forfeiture cover sheet, 3.) offense report, 4.) affidavits and search warrants, 5.) vehicle impound sheet, if applicable, 6.) DMV vehicle registration, 7.) arrest probable cause affidavit, 8.) receipt of property seizure, 9.) bank deposit slip, if applicable, 10.) seizure affidavit, 11.) criminal history of all parties claiming interest in item, 12.) mechanic vehicle review sheet, 13.) NADAR or Kelly Blue Book value, and 14.) photographs of items. The receipt of property seizure is not a pre-numbered form.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extended an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and personal property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and personal property for which a final judgment was rendered and recorded in *Odyssey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

HIDALGO COUNTY DISTRICT JUDGES

LUIS N. SINGLETERRY
JUDGE, 62ND D.C.

FERNANDO MANCIAS
JUDGE, 63RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 119TH D.C.

ROSE GUERRA REYHA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 316TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 379TH D.C.
CHIEF CLERK

LETICIA LOPEZ
JUDGE, 385TH D.C.

L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL YANON, JR.
JUDGE, 433RD D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME YJERINA
JUDGE, 464TH D.C.

In conducting our review, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report" to the Chapter 59 Asset Forfeiture Report to determine if all revenues and expenditures were reported.
2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odyssey* to determine if all seized, forfeited, and property returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Verified that expenditures from the Constable Precinct 2 Chapter 59 Forfeiture Fund were for law enforcement purposes pursuant to CCP §59.06 (c).
4. Verified on *Odyssey* if court costs were paid to the District Clerk for cases that generated auction proceeds greater than \$2,500.00.
5. Selected 2 vehicles seized and/or forfeited and not sold as of December 31, 2018 for physical identification.
6. Reviewed revenue reports generated from *alio* and the "Purchasing Department/Fixed Asset Division Auction Report" to determine if auction proceeds were apportioned within 30 days of said sale pursuant to the local agreement.
7. Requested to review written policies and procedures for the proper accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

Conclusion:

Based on the results of our audit, we determined that generally Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted on findings 5 and 6 below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. All Chapter 59 revenues recorded in *alio* and the "Purchasing Department/Fixed Asset Division Auction Report," were reported on the Chapter 59 Asset Forfeiture Report.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that there were 2 vehicles seized and 3 vehicles forfeited to Constable Precinct 2. All items were reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from Constable Precinct 2 Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (c)
4. Court costs were assessed for 1 vehicle sold; however, the vehicle did not generate auction proceeds greater than \$2,500.00. Court costs were not paid to the District Clerk.
5. All vehicles were physically identified.
6. Auction proceeds were not apportioned to the Constable Precinct 2 forfeiture fund within 30 days of said sale. In addition, the proceeds were distributed 100% to the General Fund Sale of Capital Assets account; however, the auction proceeds were later apportioned correctly by the County Auditor's Office.
7. Formal policies and procedures have been developed and implemented by the Constable Precinct 2 Office regarding Chapter 59 seizures and forfeitures; however, pre-numbered official receipt forms were not utilized to record and control seizures.

Recommendation:

In our opinion, the issues noted on findings 6 and 7 could be addressed by developing formal monitoring procedures to ensure that the proceeds from the sale of assets are apportioned within 30 days of said sale, the proceeds are disbursed in accordance with the interlocal agreement, and seizures are recorded and controlled by using a pre-numbered form.

HIDALGO COUNTY DISTRICT JUDGES

Please provide a written management response to findings 6 and 7 and the recommendations noted above by April 26, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext.4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668 or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 82 ND D.C.	BERNARDO MARIAS JUDGE, 83 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 288 TH D.C.	MARLA CUELLAR JUDGE, 278 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 370 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. KENO VASQUEZ JUDGE, 389 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 449 TH D.C.	JAIIME TIJERINA JUDGE, 484 TH D.C.
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COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 17, 2019

The Honorable Lazaro Gallardo, Jr., Constable
Hidalgo County Precinct No. 3
730 N. Breyfogle Ste. B
Mission, TX 78573

Re: Chapter 59 Asset Forfeiture Audit Report YE 12-31-18 Audit No. 2019-08

Dear Constable Gallardo:

We completed an audit of the Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the year ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides law enforcement agencies with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035(b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035(a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP §59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

HIDALGO COUNTY DISTRICT JUDGES

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ROSE GUERRA REYNA
JUDGE, 264TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. KENO VASQUEZ
JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 459TH D.C.

RENEE R. BETANCOURT
JUDGE, 469TH D.C.

JAMES TIJERINA
JUDGE, 484TH D.C.

Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff. Proceeds of the sale must be distributed in accordance with CCP §59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP §59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

CCP §59.06 (d) states that awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners Court. The Constable Precinct 3 Chapter 59 budget for the year ended December 31, 2018 was \$33,085.52 and expenditures totaled \$7,751.47.

Pursuant to CCP §59.06 (d-3), an expenditure of proceeds received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of the State, including an expenditure made for: (1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment; (2) supplies, including office supplies, mobile phone and data account fees for employees, and internet services; (3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking; (4) conferences and training expenses, including fees and materials; (5) investigative costs, including payments to informants and lab expenses; (6) crime prevention and treatment programs; (7) facility costs, including building purchases, lease payments, remodeling and renovating, maintenance, and utilities; (8) witness-related costs, including travel and security; and (9) audit costs and fees, including audit preparation and professional fees.

For the year ended December 31, 2018, there were no seizures or forfeitures.

Local Agreement Between District Attorney's Office and Constable Precinct 3

On June 2, 2015, the Hidalgo County District Attorney and the Constable Precinct 3 entered into a local agreement pursuant to CCP §59.06 (b). According to the agreement, Constable Precinct 3 is responsible for paying all court costs, attorney ad-litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Personal Property (Vehicles, laptops, computers, cell phones, weapons, etc...)- If personal property, including vehicles retained by the Constable are to be sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 3 and 25% to the District Attorney.

If personal property, including vehicles that are retained by the Constable for law enforcement purposes are at any time decommissioned and then sold, net proceeds from the sale of said property, after deduction of costs, are to be divided as follows: 75% to Constable Precinct 3 and 25% to the District Attorney.

All property seized, except for currency, bank accounts, negotiable instruments, and jewelry, shall be kept in the possession of the Constable. The Constable shall account for all seized property in his possession until the property is disposed of by court order.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MANCIAS
JUDGE, 93RD D.C.

J. N. "BOBBY" FLORES
JUDGE, 129TH D.C.

ROSE GUERRA REYNA
JUDGE, 209TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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NOE OCNZALEZ
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LETICIA LOPEZ
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L. KENO VASQUEZ
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 449TH D.C.

JAIME TIJERINA
JUDGE, 464TH D.C.

All other personal property, not suitable or desired for use, shall be forfeited to the District Attorney and sold at public auction. The net proceeds of said sale of said property, after deductions of sale expenses, shall be divided as follows: 60% to Constable Precinct 3 and 40% to the District Attorney.

Proceeds from the sale of real, personal, tangible, or intangible property subject to the agreement shall be apportioned within thirty (30) days of said sale.

Constable Precinct 3 Procedures

The Constable Precinct 3 Office has not implemented formal procedures for the seizure and forfeiture of currency and property.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extended an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and personal property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and personal property for which a final judgment was rendered and recorded in *Odyssey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvement could be made.

In conducting our review, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report" to the Chapter 59 Asset Forfeiture Report to determine if all revenues and expenditures were reported.
2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odyssey* to determine if all seized, forfeited, and property returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Verified that expenditures from the Constable Precinct 3 Chapter 59 Forfeiture Fund were for law enforcement purposes pursuant to CCP §59.06 (c).
4. Reviewed revenue reports generated from *alio* and the "Purchasing Department/Fixed Asset Division Auction Report" to determine if auction proceeds, if any, were apportioned within 30 days of said sale pursuant to the local agreement.
5. Reviewed written policies and procedures for the accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

Conclusion:

Based on the results of our audit, we determined that generally Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted on finding 5 below.

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. All Chapter 59 revenues and expenditures recorded in *alio* and the "Purchasing Department/Fixed Asset Division Auction Report," were reported on the Chapter 59 Asset Forfeiture Report.

HIDALGO COUNTY DISTRICT JUDGES

2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* revealed that there were no seizures or forfeitures during the period in review.
3. All expenditures from Constable Precinct 3 Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (c).
4. There were no auction proceeds generated during the period.
5. Formal policies and procedures have not been implemented by the Constable Precinct 3 Office regarding Chapter 59 seizures, forfeitures, receipts, and expenditures. According to staff, formal policies and procedures were drafted; however, they are pending legal review. In addition, pre-numbered official receipt forms were not utilized to record and control seizures.

Recommendation:

In our opinion, the issues noted on finding 5 could be addressed by developing and implementing formal policies and procedures for the proper accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures. In addition, management should ensure that seizures are recorded and controlled by using pre-numbered forms. The forms should require the signature of the agent counting and witness verifying the seizure. In addition, the respondent's signature, if possible, should be obtained and documented on the receipt form.

Please provide a written management response to finding 5 noted in the conclusion section of the report and the recommendation noted above by April 26, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext.4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General

HIDALGO COUNTY DISTRICT JUDGES

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COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
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FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 18, 2019

The Honorable Atanacio Gaitan, Constable
Hidalgo County Precinct No. 4
2814 S. Business Hwy. 281
Edinburg, TX 78539

Re: Chapter 59 Asset Forfeiture Audit Report YE 12-31-2018 Audit No. 2019-09

Dear Constable Gaitan:

We completed an audit of the Chapter 59 Asset Forfeiture Audit Report by Law Enforcement Agency for the Year Ended December 31, 2018 pursuant to Code of Criminal Procedure §59.06 (g)(1), Local Government Code §115.001, Local Government Code §115.0035, and our annual audit plan. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Background:

Code of Criminal Procedure (CCP) Chapter 59 "Forfeiture of Contraband" provides law enforcement agencies with the authority to confiscate, forfeit, and dispose of contraband. Chapter 59 defines "contraband" as property of any nature (including real, personal, tangible, or intangible property) that is used or intended for use in the commission of certain enumerated felonies, Class A and Class B misdemeanors, or gained, acquired, and/or used to facilitate the commission of certain enumerated felonies and misdemeanors.

Local Government Code (LGC) §115.0035(b) provides that "at least once each county fiscal year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine the accounts of all precinct, county and district officials." LGC §115.0035(a) defines "accounts" as all public funds that are subject to the control of any precinct, county or district official, including the accounts of law enforcement agencies and the attorney for the state composed of money and proceeds of property seized.

Pursuant to CCP §59.03 (c), a peace officer having custody of property must provide to the District Attorney a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. In addition, "not later than 72 hours after the seizure, the peace officer shall: (1) place the property under seal; (2) remove the property to a place ordered by the court; or (3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location."

Pursuant to CCP §59.04 (a) and (b), the District Attorney must commence forfeiture proceedings by filing a notice of the seizure and intended forfeiture (petition) with the District Clerk's Office not later than the 30th day after the date of the seizure.

Pursuant to CCP §59.05 (b) and (e), forfeiture proceedings are conducted in accordance with rules and principles governing civil cases. If the court finds that the state has proven by a preponderance of the evidence that all or part of the seized property is subject to forfeiture, the judge shall forfeit the property to the state. Pursuant to CCP §59.06 (f), a final judgment of forfeiture perfects the state's title to the forfeited property.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 92ND D.C.

FERNANDO RANGIAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA KEYNA
JUDGE, 268TH D.C.

MARLA CUELLAR
JUDGE, 295TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. KENO VASQUEZ
JUDGE, 389TH D.C.

ISRAEL RAMON, JR.
JUDGE, 450TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIME TIJERNA
JUDGE, 464TH D.C.

Pursuant to CCP §59.05 (f), the District Clerk is entitled to court costs in forfeitures to the state of an amount greater than \$2,500 as in other civil proceedings.

Pursuant to CCP §59.06 (a), all forfeited property is administered by the District Attorney, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the District Attorney and law enforcement agencies (LEAs). If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff. Proceeds of the sale must be distributed in accordance with CCP §59.06.

Pursuant to CCP §59.06 (b), if a local agreement exists between the District Attorney and the LEA, the District Attorney may transfer the property to the LEA. Furthermore, CCP § 59.06 (c) states, if a local agreement exists between the District Attorney and the LEA, all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items shall be deposited, after the deduction of court costs which the District Clerk is entitled, into one or more of the following funds: (1) a special fund in the county treasury for the benefit of the District Attorney's Office, to be used by the District Attorney solely for the official purposes of his office; or (2) a special fund in the county treasury if distributed to a county LEA, to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

CCP §59.06 (d) states that awarded proceeds may be spent by a law enforcement agency after a detailed budget has been submitted to Commissioners court. The Constable Precinct 4 Chapter 59 budget for the year ended December 31, 2018 was \$221,456.54. Revenues and expenditures totaled \$38,817.44 and \$13,129.76, respectively.

Pursuant to CCP §59.06 (d-3), an expenditure of proceeds received under this chapter is considered to be for a law enforcement purpose if the expenditure is made for an activity of a law enforcement agency that relates to the criminal and civil enforcement of the laws of the State, including an expenditure made for: (1) equipment, including vehicles, computers, firearms, protective body armor, furniture, software, uniforms, and maintenance equipment; (2) supplies, including office supplies, mobile phone and data account fees for employees, and internet services; (3) investigative and training-related travel expenses, including payment for hotel rooms, airfare, meals, rental of and fuel for a motor vehicle, and parking; (4) conferences and training expenses, including fees and materials; (5) investigative costs, including payments to informants and lab expenses; (6) crime prevention and treatment programs; (7) facility costs, including building purchases, lease payments, remodeling and renovating, maintenance, and utilities; (8) witness-related costs, including travel and security; and (9) audit costs and fees, including audit preparation and professional fees.

For the year ended December 31, 2018, Constable Precinct 4 did not have any cash seizures; however, 87 motor vehicles were seized. In addition, cash totaling \$4,305.00 and 58 motor vehicles were forfeited to the Constable. Also, 9 vehicles were returned to respondents.

Local Agreement Between District Attorney's Office and Constable Precinct 4

On May 20, 2015, the Hidalgo County District Attorney and the Constable Precinct 4 entered into a local agreement pursuant to CCP §59.06 (b). According to the agreement, Constable Precinct 4 is responsible for paying all court costs, attorney ad litem fees, depositions, title searches, title policies, confidential informants, storage costs, and all other related costs in the forfeiture of vehicles and all other personal property.

Personal Property (Vehicles, laptops, computers, cell phones, weapons, etc...)- If personal property, including vehicles retained by Constable Precinct 4 are to be sold, net proceeds from the sale of said property, after deduction of costs, is to be divided as follows: 75% to Constable Precinct 4 and 25% to the District Attorney.

If personal property, including vehicles that are retained by Constable Precinct 4 for law enforcement purposes are at any time decommissioned and then sold, net proceeds from the sale of said property, after deduction of costs above described, is to be divided as follows: 75% to Constable Precinct 4 and 25% to the District Attorney.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY
JUDGE, 82ND D.C.

FERNANDO MARIAS
JUDGE, 83RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 138TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA GUELLAR
JUDGE, 375TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 333RD D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

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JUDGE, 388TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JAIHE TIJERNA
JUDGE, 484TH D.C.

All property seized, except for currency, bank accounts, negotiable instruments, and jewelry, shall be kept in the possession of the Constable. The Constable shall account for all seized property in his possession until the property is disposed of by court order.

All other personal property, not suitable or desired for use, shall be forfeited to the District Attorney and sold at public auction. The net proceeds of said sale of said property, after deductions of sale expenses, shall be divided as follows: 60% to Constable Precinct 4 and 40% to the District Attorney.

Proceeds from the sale of real, personal, tangible, or intangible property subject to the agreement shall be apportioned within thirty (30) days of said sale.

Constable Precinct 4 Procedures

The Constable Precinct 4 Office has formal procedures for the seizure and forfeiture of personal property; however, formal policies and procedures to provide direction and reference to officers seizing cash have not been established.

Deputy Constables are required to call a towing company to tow and store vehicles and/or property pending forfeiture proceedings to the County's storage site. Before releasing vehicle(s) and or property to towing company, Deputy Constables conduct a full inspection and inventory of the seized vehicle(s) and/or property. Deputy Constables are required to include photographs with seizure documents.

The following documents must be turned in to the District Attorney's Office before the 30 day after the date of the offense: Asset Forfeiture Intake Sheet; Officer Sworn Affidavit; Vehicle Registration Form; Preliminary Offense Report; Detailed Report; Complete Wrecker Inventory Form; and Intake Sheet Receipt.

A log of all seized property is kept by the Constable Precinct 4 Office. The Log will indicate the status of the property, location and condition.

If the Constable puts a forfeited vehicle to use by the agency, an application for certificate of title, along with a copy of the final judgment, is submitted to the Motor Vehicle Department for the forfeited vehicle(s). Upon receipt of the certificate of title, the Constable maintains a copy of the title and submits the original title to the Purchasing Department's Fixed Asset Division and requests an asset tag. Insurance coverage is also requested for all vehicles placed in use for law enforcement purposes from the Hidalgo County Safety Division by preparing and submitting an "Insurance Change-Vehicles" form. Once the vehicle is insured, the Safety Division submits proof of insurance to the Purchasing Department.

Agreement for Auctioneer Services

The Hidalgo County Commissioners Court approved to extended an agreement with Rod Roberston Enterprise Inc. for two one-year terms, effective from May 3, 2016 through May 2, 2018. Hidalgo County did not enter into an agreement for auctioneer and storage services after the Rod Robertson Enterprise, Inc. agreement expired. The County is currently handling storage for all seized and/or forfeited vehicles or property.

Scope and Methodology:

The scope of our audit was limited to a review of all seized currency and personal property for which an agent's affidavit was made available to the County Auditor's Office for review and all forfeited currency and personal property for which a final judgment was rendered and recorded in *Odyssey*, the County's justice information system, for the period of January 1, 2018 through December 31, 2018.

Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this report may not be all-inclusive of areas where improvements could be made.

In conducting our review, the following procedures were performed:

1. Compared Chapter 59 revenue and expenditure reports generated from *alio*, the County's financial accounting system, and the "Purchasing Department/Fixed Asset Division Auction Report," to the Chapter 59 Asset Forfeiture Report to determine if all Chapter 59 revenues and expenditures were reported.

HIDALGO COUNTY DISTRICT JUDGES

2. Generated "Cases filed" and "Cases disposed" index reports for the period of January 1, 2018 to December 31, 2018 from *Odyssey* to determine if all seized, forfeited, and property returned to respondents was reported on the Chapter 59 Asset Forfeiture Report.
3. Reviewed expenditures from the Constable Precinct 4 Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP §59.06 (c).
4. Verified on *Odyssey* if court costs were paid to the District Clerk for forfeitures to the state of an amount greater than \$2,500.00.
5. Selected 82 vehicles seized and/or forfeited and not sold as of December 31, 2018 for physical identification.
6. Verified with the Hidalgo County Risk Management Department that the 1 vehicle forfeited in a prior year and put to use by the Constable was properly insured.
7. Reviewed revenue reports generated from *alio* and the "Purchasing Department/Fixed Asset Division Auction Report" to determine if auction proceeds apportioned to the Constable Precinct 4 Chapter 59 Forfeiture Fund within 30 days of said sale pursuant to the local agreement.
8. Reviewed written policies and procedures for the accounting and reporting of seizures and forfeitures. In addition, inquired whether seizures were promptly recorded and controlled by using pre-numbered official receipt forms.

Conclusion:

Based on the results of our audit, we determined that generally Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported; however, improvements could be made to the system of internal controls for the accounting and reporting of Chapter 59 seizures, forfeitures, receipts, and expenditures as noted on findings 4, 7, and 8 below:

The responsibility for establishing and maintaining a sound internal control system rests with management. The objectives of an internal control system are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

1. All Chapter 59 revenues and expenditures recorded in *alio* and the "Purchasing Department/Fixed Asset Division Auction Reports," were reported on the Chapter 59 Asset Forfeiture Report.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that there were 87 vehicles seized, 58 vehicles forfeited, and 9 vehicles returned to respondents. All items were reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from the Constable Precinct 4 Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (c).
4. Court costs were assessed on 3 cases. Court costs totaling \$1,167.00 for the 3 cases were not paid to the District Clerk. According to staff, the court costs will be paid in 2019.
5. Of the 82 vehicles selected:
 - 79 were physically identified.
 - 3 were returned to respondents in 2019 pursuant to Agreed Judgments.
6. The vehicle put to use was properly insured.
7. Auction proceeds were not apportioned to the Constable Precinct 4 Chapter 59 Forfeiture Fund within 30 days of said sale. The proceeds were distributed 100% to the General Fund Sale of Capital Assets account; however, the auction proceeds were later apportioned correctly by the County Auditor's Office.
8. The Constable Precinct 4 Office policies and procedures regarding Chapter 59 seizures and forfeitures do not include procedures for cash seizures. In addition, pre-numbered official receipt forms were not utilized to record and control seizures.

Recommendations:

In our opinion, the issues noted on findings 4, 7, and 8 could be addressed by:

1. Ensuring that court costs are paid to the District Clerk for forfeitures to the state of an amount greater than \$2,500.00.

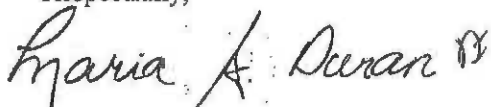
HIDALGO COUNTY DISTRICT JUDGES

2. Coordinating with the Purchasing Department to ensure that the proceeds from the sale of assets are apportioned to the Constable Precinct 4 Chapter 59 Forfeiture Fund within 30 days of sale and disbursed in accordance with the local agreement.
3. Developing and implementing formal monitoring procedures to provide direction and reference to officers seizing cash. In addition, ensure that seizures are recorded and controlled by using pre-numbered forms. The forms should require the signature of the agent counting and witness verifying the seizure. In addition, the respondent's signature, if possible, should be obtained and documented on the receipt form.

Please provide written management responses to findings 4, 7 and 8 noted in the conclusion section and the recommendations noted above by April 26, 2019.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Reynaldo Cantu III, Compliance Audit Supervisor, at ext.4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Forms

cc: The Honorable Richard F. Cortez, County Judge
The Honorable David L. Fuentes, Commissioner Precinct 1
The Honorable Eduardo Cantu, Commissioner Precinct 2
The Honorable Jose M. Flores, Commissioner Precinct 3
The Honorable Ellie Torres, Commissioner Precinct 4
Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 23, 2019

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Ref: Hidalgo Wind Farm LLC- Phase I and Phase II 2019 Tax Abatement
Report No. 2019-38 and 2019-39

Dear Mr. Garza:

We have completed a limited scope review of the tax abatement agreements between Hidalgo County and Hidalgo Wind Farm LLC-Phase I and Hidalgo Wind Farm LLC-Phase II. The objective of the review was to determine whether Hidalgo Wind Farm LLC qualifies for a tax abatement for the 2019 tax year.

Scope and Methodology:

The scope of our review was limited to a review of the tax abatement agreement between Hidalgo County and Hidalgo Wind Farm LLC-Phase I, tax abatement agreement between Hidalgo County and Hidalgo Wind Farm LLC-Phase II, Hidalgo County Tax Abatement Guidelines, correspondence from Hidalgo Wind Farm LLC, and compliance verification letter from Hidalgo Wind Farm LLC regarding compliance with terms of the tax abatement agreements.

Conclusion:

Based on the results of our review, we determined that Hidalgo Wind Farm LLC-Phase I and Hidalgo County Wind Farm LLC- Phase II qualify for 80% and 70% tax abatement, respectively, for the 2019 tax year based on the capital improvement cost.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, ext. 4641, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,

A handwritten signature in black ink that reads 'Maria A. Duran' with a stylized flourish at the end.

Maria Arcilia Duran, CPA
Hidalgo County Auditor

Cc: The Honorable Richard F. Cortez, Hidalgo County Judge
Ms. Blanca Perez, Supervisor - Property Records, Hidalgo County Appraisal District

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SMOLETERRY JUDGE, 43 RD D.C.	RODOLFO DELGADO JUDGE, 83 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 138 TH D.C.	ROSE GUERRA REYNA JUDGE, 264 TH D.C.	MARLA CUELLAR JUDGE, 275 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C.	NOE GONZALEZ JUDGE, 375 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 389 TH D.C.	L. KENO VASQUEZ JUDGE, 398 TH D.C.	ISRAEL RAMON, JR. JUDGE, 430 TH D.C.	RENEE R. BETANCOURT JUDGE, 446 TH D.C.	JANIS TIJERINA JUDGE, 481 ST D.C.
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COUNTY OF HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 22, 2019

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Re: South Texas Electric Cooperative, Inc. 2019 Tax Abatement Report No. 2019-40

Dear Mr. Garza:

We completed a limited scope review of the tax abatement agreement between Hidalgo County and South Texas Electric Cooperative, Inc. The objective of the review was to determine if South Texas Electric Cooperative, Inc. qualifies for a tax abatement for the 2019 tax year.

Scope and Methodology

The scope of our review was limited to a review of the tax abatement agreement between Hidalgo County and South Texas Electric Cooperative, Inc., Hidalgo County Tax Abatement Guidelines, correspondence received from South Texas Electric Cooperative, Inc. Representative, and compliance verification letter from South Texas Electric Cooperative, Inc. regarding compliance with terms of the tax abatement agreement.

Conclusion:

Based on the results of our review, we determined that South Texas Electric Cooperative, Inc. qualifies for 80% tax abatement for the 2019 tax year based on the \$210,076,550.44 capital improvement cost.

If you have any questions, please call Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,

Maria Arcilia Duran, CPA
Hidalgo County Auditor

Cc: The Honorable Richard F. Cortez, Hidalgo County Judge
Ms. Blanca Perez, Supervisor-Property Records, Hidalgo County Appraisal District
Mr. Mike Kezar, General Manager, South Texas Electric Cooperative

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERY JUDGE, 10th D.C. LUCY HORN MATHIS JUDGE, 11th D.C. J. B. "BOBBY" FLORES JUDGE, 12th D.C. ROSA BLANCA PEYRA JUDGE, 13th D.C. MARLA CUELLAR JUDGE, 14th D.C. VARIO E. RAMIREZ, JR. JUDGE, 15th D.C. NOE BONZALEZ JUDGE, 16th D.C. OVERSEER LETICIA LOPEZ JUDGE, 18th D.C. L. KENO PASQUINI JUDGE, 19th D.C. ISRAEL NAVAR, JR. JUDGE, 21st D.C. DENISE R. BETANCOURT JUDGE, 22nd D.C. JAIMETUERRA JUDGE, 23rd D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
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Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

April 25, 2019

The Honorable Pablo "Paul" Villarreal, Jr., RTA
Hidalgo County Tax Assessor/Collector
2804 S. Business Highway 281
Edinburg, Texas 78539

Re: March 2019 DTA Payment Request Report No. 2019-45

Dear Mr. Villarreal:

We completed a limited scope review of the March 2019 payment request prepared by your office for delinquent tax attorney (DTA) fees due to Linebarger, Goggan, Blair, and Sampson LLP ("LGBS") and related supporting documentation. The objective of the review was to determine if the payment request was accurate and properly authorized.

The scope of our review was limited to a review of the DTA fees collected by your office on behalf of the following entities: Hidalgo County (GHD), Road District 2 (RD2), Road District 5 (RD5), Road District 7 (RD7), Road District 12 (RD12), Road District 14 (RD14), Road District 15 (RD15), State of Texas (TEX); and the payment request prepared by your office for the month ended March 31, 2019. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. The responsibility for sound internal controls rests with management.

In conducting our review, the following procedures were performed:

- Verified that the payment request was signed and included a certification by the Hidalgo County Tax Assessor/Collector that the "payment represents 15% of the delinquent taxes and penalty and interest collections for the month of March 2019."
- Reviewed the "Hidalgo County Tax Office Current Collection Report" and "Hidalgo County Tax Office Prior Collection Report" to determine if the DTA fees were collected at the 15% rate specified in the contract.
- Reviewed the "Hidalgo County Tax Office Current Collection Report" and "Hidalgo County Tax Office Prior Collection Report" to determine if the total amount of DTA fees collected agreed to the amount transferred to the Hidalgo County Treasurer's Office.

The results of our review revealed that the payment request was generally accurate and properly authorized. More specifically, the following was noted:

- The payment request was signed and included a certification by the Hidalgo County Tax Assessor/Collector that the "payment represents 15% of the delinquent taxes and penalty and interest collections for the month of March 2019."

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 67th D.C.

FERNANDO MANCIAS
JUDGE, 83rd D.C.

J. R. "BOBBY" FLORES
JUDGE, 138th D.C.

ROSE GUERRA KEYNA
JUDGE, 204th D.C.

MARLA CUELLAR
JUDGE, 276th D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 352nd D.C.

NOE GONZALEZ
JUDGE, 370th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388th D.C.

L. KENO VASQUEZ
JUDGE, 393rd D.C.

ISRAEL RAMON, JR.
JUDGE, 430th D.C.

RENEE R. BETANCOURT
JUDGE, 448th D.C.

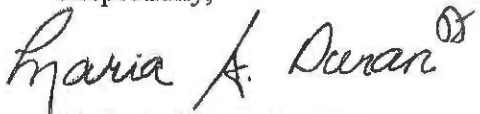
JAIME TIJERINA
JUDGE, 484th D.C.

- Although DTA fees for 278 tax accounts were not collected at the 15% rate specified in the contract; we concluded that the differences in rates were attributed to tax deferrals (269 tax accounts) and small amounts collected (9 tax account) (see Exhibit A). The small amounts collected on the tax accounts resulted in a net shortage of \$0.01.

We will proceed to process the March 2019 DTA payment request in the amount of \$173,250.65 to LGBS.

If you have any questions, please contact Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Exhibit A

cc: Ms. Lucy Canales, Linebarger Goggan Blair & Sampson, LLP

HIDALGO COUNTY DISTRICT JUDGES

LUIS B. SINGLETERRY JUDGE, 02 ND D.C.	FERNANDO MANCIAS JUDGE, 03 RD D.C.	J. R. "BOBBY" FLORES JUDGE, 10 TH D.C.	ROSE GUERRA REYNA JUDGE, 20 TH D.C.	MARLA CUELLAR JUDGE, 27 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 32 ND D.C.	NDE GONZALEZ JUDGE, 37 TH D.C. OVERSEER	LETICIA LOPEZ JUDGE, 38 TH D.C.	L. KENO VASQUEZ JUDGE, 38 TH D.C.	ISRAEL RAMON, JR. JUDGE, 43 RD D.C.	RENEE R. BETANCOURT JUDGE, 44 TH D.C.	JAMIE TIJERINA JUDGE, 49 TH D.C.
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Exhibit A

	Tax Unit	Year	Account No.	Levy Paid	Penalty/Interest Paid	Subtotal Paid	Attorney Paid
1	1	2017	E420000000000301	0.03	0	0.03	0.01
2	1	2017	I200003000013200	0.08	0.02	0.1	0.01
3	1	2017	W025000000018100	0.08	0.02	0.1	0.01
4	1	2016	W085000000001300	244.06	68.74	312.8	44.3
5	1	2016	C980095003001600	212.79	64.73	277.52	39.9
6	1	2016	L093000002000200	139.32	41.57	180.89	25.91
7	1	2016	C960002006001300	125.98	36.85	162.83	23.24
8	1	2016	L670000014001100	113.97	35.34	149.31	21.54
9	1	2016	P850000000021810	107.54	30.03	137.57	19.2
10	1	2016	S016000000009900	51.82	14.3	66.12	9.17
11	1	2016	E585000000000100	40.41	11.82	52.23	7.45
12	1	2016	J570000005000403	30.95	9.77	40.72	5.9
13	1	2016	O150000003001900	24.31	7.54	31.85	4.59
14	1	2016	W736010000034900	10.87	3.04	13.91	1.94
15	1	2016	S408000000001400	8.96	2.62	11.58	1.65
16	1	2016	R182000004001100	4.45	1.35	5.8	0.83
17	1	2016	L670000014001100	3.29	1.02	4.31	0.62
18	1	2016	M465900000005300	2.84	0.86	3.7	0.53
19	1	2016	K240000000007312	0.13	0.04	0.17	0.02
20	1	2016	J570000008002061	0.07	0.03	0.1	0.01
21	1	2015	L106902000003300	204.89	72.9	277.79	36.26
22	1	2015	W380000311000013	180.72	69.13	249.85	34.16
23	1	2015	M465900000005300	163.45	69.33	232.78	33.59
24	1	2015	A174302000004500	169.58	61.48	231.06	30.53
25	1	2015	V058502000010400	134.22	49.11	183.33	24.36
26	1	2015	R182000004001100	110.35	46.81	157.16	22.68
27	1	2015	V058502000010400	105.97	38.77	144.74	19.23
28	1	2015	L136500000006600	78.36	31.54	109.9	15.52
29	1	2015	L093000002000200	63.77	26.68	90.45	13.01
30	1	2015	C950000000000400	59.26	25.48	84.74	12.27
31	1	2015	S728002000001800	45.24	17.91	63.15	8.82
32	1	2015	L136500000006600	41.78	16.81	58.59	8.27
33	1	2015	E585000000000100	40.82	16.84	57.66	8.27
34	1	2015	C700000006002900	36.99	14.03	51.02	6.94
35	1	2015	P140000005002502	33.28	13.06	46.34	6.44
36	1	2015	P140000005002502	33.28	13.06	46.34	6.44
37	1	2015	W085000000001300	26.34	10.58	36.92	5.26
38	1	2015	S298300000000600	19.42	8.12	27.54	3.96
39	1	2015	V232200000002700	15.32	5.92	21.24	2.92
40	1	2015	E585000000000100	2.97	1.23	4.2	0.6
41	1	2015	S365000002001901	1.75	0.72	2.47	0.35
42	1	2015	V295000000000300	0.29	0.14	0.43	0.07
43	1	2015	M532900000000900	0.15	0.08	0.23	0.04

44	1	2014	S298300000000600	197.83	106.5	304.33	43.92
45	1	2014	T73000200C000900	167.57	80.29	247.86	32.92
46	1	2014	V058502000010400	126.06	61.25	187.31	25.15
47	1	2014	V058502000010400	126.06	61.24	187.3	25.15
48	1	2014	T210000235000924	103.03	51.08	154.11	21.02
49	1	2014	B505197000030200	63.81	31.42	95.23	12.92
50	1	2014	S365000002001901	42.55	22.66	65.21	9.38
51	1	2014	S365000002001901	41.53	22.12	63.65	9.16
52	1	2014	V058502000010400	41.52	20.18	61.7	8.28
53	1	2014	T210000239001530	35.58	16.45	52.03	6.73
54	1	2014	S425500000003500	18.82	8.27	27.09	3.81
55	1	2014	W230000058000700	14.93	7.48	22.41	3.11
56	1	2014	C176000000001400	10.04	4.98	15.02	2.05
57	1	2014	C161802000001500	8.43	4.58	13.01	1.88
58	1	2014	C030000196002300	8.37	4.22	12.59	1.74
59	1	2014	E405002015000700	0.41	0.2	0.61	0.08
60	1	2014	E334504000006300	0.06	0.04	0.1	0.01
61	1	2013	S298300000000600	153.49	101.04	254.53	36.84
62	1	2013	G805000000018500	170.29	97.48	267.77	34.48
63	1	2013	B190018000000200	135.88	78.25	214.13	27.72
64	1	2013	R142003000002200	73.68	40.46	114.14	14.15
65	1	2013	R142003000002200	73.68	40.46	114.14	14.15
66	1	2013	N500000002000500	26.55	15.21	41.76	5.38
67	1	2013	S425500000003500	9.03	5.77	14.8	2.1
68	1	2013	H284000000016500	8.2	4.52	12.72	1.59
69	1	2013	C497097PCH171906	7.38	4.31	11.69	1.53
70	1	2013	P320002006001200	3.48	1.84	5.32	0.64
71	1	2012	W010000037000218	201.27	121.26	322.53	36.23
72	1	2012	T525000009001000	116.19	70	186.19	20.91
73	1	2012	L672500000016300	102.62	63.19	165.81	19.09
74	1	2012	H282000000002000	87.36	54.96	142.32	16.77
75	1	2012	C497097PCH171906	63.12	44.35	107.47	14.2
76	1	2012	H282000000002000	73.52	46.25	119.77	14.12
77	1	2012	N135002000018900	55.53	42.51	98.04	14.07
78	1	2012	T210000254001625	43.67	33.58	77.25	11.13
79	1	2012	V089000000002700	40.6	30.27	70.87	9.93
80	1	2012	B190012000003400	48.97	30.49	79.46	9.25
81	1	2012	W010000055000206	51.03	30.74	81.77	9.19
82	1	2012	N340000000303513	40.95	25.22	66.17	7.62
83	1	2012	O210000005000035	30.29	19.37	49.66	5.95
84	1	2012	O210000005000035	30.29	19.37	49.66	5.95
85	1	2012	W340000000000800	16.5	11.6	28.1	3.72
86	1	2012	P329500000000600	18.97	11.29	30.26	3.35
87	1	2012	T260000000000402	17.47	10.4	27.87	3.09
88	1	2012	S055801000001900	11.86	7.26	19.12	2.21
89	1	2012	C446000000001600	4.47	2.99	7.46	0.94
90	1	2012	O210000005000035	-30.29	-19.37	-49.66	-5.95

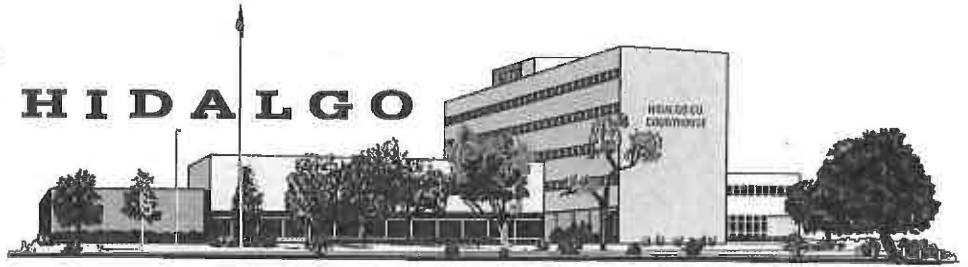
91	1	2011	S170002023001700	220.46	163.69	384.15	45.63
92	1	2011	H282000000002000	160.88	120.53	281.41	33.78
93	1	2011	M465800000006900	180.72	124.55	305.27	33.07
94	1	2011	L136500000006600	102.71	90.64	193.35	27.73
95	1	2011	P935000000014600	85.47	73.73	159.2	22.31
96	1	2011	M195000041000400	86.37	69.02	155.39	20.08
97	1	2011	B190005000003100	88.88	66.28	155.16	18.53
98	1	2011	O210000005000035	84.43	64.09	148.52	18.11
99	1	2011	O210000005000035	84.43	64.09	148.52	18.11
100	1	2011	C446000000001600	75.67	59.97	135.64	17.37
101	1	2011	E494100000000100	87.23	60.7	147.93	16.22
102	1	2011	L106902000005300	73.53	52.08	125.61	14.23
103	1	2011	L672500000016300	56.37	41.47	97.84	11.5
104	1	2011	T525000009001000	51.46	37.18	88.64	10.19
105	1	2011	N486000000002300	42.53	32.86	75.39	9.38
106	1	2011	N500000002000500	30.15	24.49	54.64	7.19
107	1	2011	N340000000303513	20.22	14.88	35.1	4.13
108	1	2011	G790000006000600	12.05	8.59	20.64	2.33
109	1	2011	W010000045000300	4.56	3.52	8.08	1.01
110	1	2011	G740001000000A01	0.18	0.18	0.36	0.06
111	1	2011	H22000000000800	0.08	0.06	0.14	0.01
112	1	2011	L106902000005300	-26.53	-18.68	-45.21	-5.13
113	1	2011	O210000005000035	-84.43	-64.09	-148.52	-18.11
114	1	2010	L187000001000500	146.89	116.41	263.3	28.42
115	1	2010	R116002000002400	61.36	52.11	113.47	13.44
116	1	2010	L502500000005520	64.4	52.12	116.52	12.95
117	1	2010	D175000000001000	40.08	39.92	80	11.42
118	1	2010	D175000000001000	40.1	39.91	80.01	11.42
119	1	2010	M593000000002700	49.41	38.34	87.75	9.19
120	1	2010	E583002000000100	32.53	29.14	61.67	7.81
121	1	2010	K240000000007305	23.32	18.95	42.27	4.72
122	1	2010	M160000000002300	17.13	16.21	33.34	4.5
123	1	2010	E494100000000100	21.85	17.83	39.68	4.46
124	1	2010	N480000004000203	18	16.25	34.25	4.37
125	1	2010	H30200000000700	13.63	10.52	24.15	2.51
126	1	2010	H520003000004800	11.73	8.94	20.67	2.11
127	1	2010	H520003000004800	9.37	7.16	16.53	1.69
128	1	2010	G590098004000101	5.63	4.77	10.4	1.23
129	1	2010	G590098004000101	3.38	2.86	6.24	0.74
130	1	2010	B158504000009200	0.1	0.07	0.17	0.02
131	1	2010	H520003000004800	-11.73	-8.94	-20.67	-2.11
132	1	2009	L187000001000500	149.12	136.07	285.19	31.54
133	1	2009	H282000000002000	126.33	124.96	251.29	31.08
134	1	2009	F240000000000900	108.8	94.21	203.01	20.73
135	1	2009	L106902000005100	65.32	61.35	126.67	14.6
136	1	2009	E330000106001200	30.65	26.75	57.4	5.93
137	1	2009	S045500000004600	15.64	16.21	31.85	4.18

138	1	2009	B158504000009200	16.05	14.8	30.85	3.47
139	1	2009	L125000003003200	3.96	3.78	7.74	0.91
140	1	2008	A150000000000100	240.98	276.94	517.92	67.96
141	1	2008	L187000001000500	152.39	157.34	309.73	34.97
142	1	2008	W155300000000100	11.1	12.8	23.9	3.15
143	1	2008	S045500000004600	8.99	10.39	19.38	2.56
144	1	2008	N580000004001500	5.79	5.87	11.66	1.28
145	1	2007	T792000000001900	287.94	328	615.94	69.54
146	1	2007	A553000000002000	222.53	236.43	458.96	46.06
147	1	2007	L187000001000500	130.37	150.25	280.62	32.27
148	1	2007	D435000000000501	91.61	101.01	192.62	20.62
149	1	2007	S740000000001500	88.58	94.71	183.29	18.6
150	1	2007	L335500000000500	48.76	61.72	110.48	14.56
151	1	2007	S52500144A000900	73.67	74.59	148.26	13.59
152	1	2007	N120003000001025	40.67	46.47	87.14	9.88
153	1	2007	L605000000005005	35.11	40	75.11	8.48
154	1	2007	S735000004000600	32.07	35.68	67.75	7.36
155	1	2007	S735000004000600	32.07	35.69	67.76	7.36
156	1	2007	B365502000000700	25.63	25.94	51.57	4.73
157	1	2007	A555000000000300	11.68	13.81	25.49	3.05
158	1	2007	M475000002001600	11.72	12.66	24.38	2.52
159	1	2007	T475002000001700	4.23	5.33	9.56	1.25
160	1	2006	L187000001000500	187.33	238.38	425.71	49.74
161	1	2006	T792000000001900	125.44	157.95	283.39	32.55
162	1	2006	L314000000001500	121.39	149.62	271.01	30.05
163	1	2006	C140000024001503	110.73	132.42	243.15	25.58
164	1	2006	I708000000006800	104.58	125.06	229.64	24.16
165	1	2006	S215000007000200	97.14	106.12	203.26	17.92
166	1	2006	M035000007002700	71.82	78.46	150.28	13.25
167	1	2006	E456000000008800	55.79	66.55	122.34	12.81
168	1	2006	M550000097001107	53.21	58.14	111.35	9.82
169	1	2006	E330000337000501	26.98	31.91	58.89	6.07
170	1	2006	F345000146000800	17.12	18.69	35.81	3.16
171	1	2006	L314000000001500	11.74	14.46	26.2	2.91
172	1	2006	C140000024001503	11.5	13.75	25.25	2.66
173	1	2006	P640000005001500	4.22	4.94	9.16	0.93
174	1	2005	L187000001000500	133.89	186.44	320.33	37.96
175	1	2005	B157006000000500	122.24	166.16	288.4	32.83
176	1	2005	D600001000012701	112.17	140.49	252.66	24.73
177	1	2005	V370002004002100	106.78	133.74	240.52	23.55
178	1	2005	S215000007000200	90.55	109.81	200.36	18.34
179	1	2005	M035000007002700	75.96	92.11	168.07	15.38
180	1	2005	L314000000001500	56.36	76.23	132.59	14.96
181	1	2005	B157006000000500	34.2	46.47	80.67	9.18
182	1	2005	B157006000000500	31.5	42.82	74.32	8.46
183	1	2005	S575001002000600	26.28	31.86	58.14	5.32
184	1	2005	E750000000001500	7.8	12.35	20.15	2.89

185	1	2005	A04550000002000	9.95	12.46	22.41	2.19
186	1	2005	S24500000001200	7.32	10.05	17.37	2.01
187	1	2004	H347500141000000	211.35	264.72	476.07	38.99
188	1	2004	L187000001000500	109.29	165.29	274.58	32.95
189	1	2004	L187000001000500	71.49	108.13	179.62	21.55
190	1	2004	S325500000003200	27.56	47.3	74.86	10.83
191	1	2004	C733000002002700	33.85	50.63	84.48	9.95
192	1	2004	B203500000001800	38.22	47.87	86.09	7.05
193	1	2004	H365003000001100	19.67	28.24	47.91	5.25
194	1	2004	E330000123000100	19.14	26.29	45.43	4.57
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196	1	2004	G160000000003100	20.54	27.36	47.9	4.53
197	1	2004	M015000062000401	12.46	20.34	32.8	4.43
198	1	2004	S110000002002400	13.42	20.56	33.98	4.17
199	1	2004	W010000030000728	12.05	19.13	31.18	4.05
200	1	2004	W380000238000005	11.29	18.39	29.68	4
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202	1	2004	V382000000000100	15.74	19.72	35.46	2.91
203	1	2004	W230000052000300	8.31	13.17	21.48	2.77
204	1	2004	C750006000012100	15.03	18.61	33.64	2.68
205	1	2004	D81000000002000	11.41	14.29	25.7	2.1
206	1	2004	V382000000000100	11.16	13.99	25.15	2.06
207	1	2004	V370002004002100	1.38	1.88	3.26	0.33
208	1	2004	H520003000005600	1.09	1.62	2.71	0.31
209	1	2003	L187000001000500	164.34	268.28	432.62	52.51
210	1	2003	L125000003003200	122.55	204.97	327.52	41.36
211	1	2003	C733000002002700	103.79	167.71	271.5	32.38
212	1	2003	C175000000001200	87.57	120.19	207.76	17.73
213	1	2003	P200000019001800	47.31	77.05	124.36	15.04
214	1	2003	P200000011000400	50.05	78.54	128.59	14.56
215	1	2003	M515000000004700	33.94	52.01	85.95	9.32
216	1	2003	M265095005000100	9.84	17.41	27.25	3.75
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218	1	2003	W220000003001100	7.96	11.57	19.53	1.9
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220	1	2003	B505000015000600	6.55	8.97	15.52	1.32
221	1	2003	B496504000032900	3.47	6.07	9.54	1.29
222	1	2003	J183503000005700	6.61	8.8	15.41	1.22
223	1	2003	S244002000003500	4.07	5.58	9.65	0.82
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225	1	2002	L187000001000500	166.92	292.52	459.44	56.34
226	1	2002	C733000002002700	105.93	183.88	289.81	34.96
227	1	2002	G570000003000200	44.55	70.65	115.2	11.69
228	1	2002	E150000002000600	46.05	64.6	110.65	8.29
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230	1	2002	C960002004000900	18.66	27.85	46.51	4.12
231	1	2002	E080000000000400	4.55	8.86	13.41	1.93

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234	1	2002	C690000001000700	3.91	6.15	10.06	1
235	1	2001	B157006000000500	170.45	313.48	483.93	58.04
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237	1	2001	S436000000000500	110.31	177.88	288.19	26.31
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239	1	2001	T706000000000200	6.18	9.6	15.78	1.31
240	1	2001	L187000001000500	2.47	4.62	7.09	0.88
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242	1	2000	B157006000000500	59.62	116.81	176.43	21.37
243	1	2000	F765000004000900	80.95	133.75	214.7	17.84
244	1	2000	S436000000000500	66.74	115.63	182.37	17.12
245	1	2000	L187000001000500	42.98	85.64	128.62	16.05
246	1	2000	H265000006002000	13.37	23.69	37.06	3.67
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248	1	2000	M687000000002600	2.34	4.14	6.48	0.64
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254	1	1998	S165000000001600	7.35	13.83	21.18	1.85
255	1	1997	B158003004001400	19.7	46.44	66.14	8.46
256	1	1997	H347500141000000	20.8	43.53	64.33	6.46
257	1	1997	B010000003000300	15.24	33.22	48.46	5.33
258	1	1997	E140000001000600	10.02	22.16	32.18	3.65
259	1	1997	M368000000004100	5.34	13.35	18.69	2.64
260	1	1997	M368000000004100	5.34	13.35	18.69	2.64
261	1	1997	L205000051000500	8.35	17.13	25.48	2.44
262	1	1996	B158003004001400	26.27	65.03	91.3	11.74
263	1	1995	E810000007000800	10.46	25.21	35.67	4
264	1	1995	B158003004001400	1.62	4.2	5.82	0.75
265	1	1994	S100000012002300	6.75	17.99	24.74	3.11
266	1	1994	C120002000002600	4.31	11.11	15.42	1.81
267	1	1984	G080000003002100	15.57	56.25	71.82	8.2
268	1	1983	G080000003002100	21.58	80.55	102.13	11.75
269	1	2011	L473500004000100	31.55	27.41	58.96	8.33
270	1	2010	L473500004000100	32	31.65	63.65	9.02
271	1	2015	L670000004001800	9.61	3.58	13.19	1.77
272	1	2009	H284000000013400	1.21	1.1	2.31	0.25
273	1	2005	E540000045000300	3.8	5.75	9.55	1.28
274	1	2002	W380000515000005	8.54	15.54	24.08	3.15
275	1	1996	L665000001000000	246.12	592.94	839.06	102.63
276	1	1996	L665000001000000	-246.12	-591.92	-838.04	-102.63
277	1	1995	L665000001000000	143.86	363.84	507.7	62.58
278	1	1995	L665000001000000	-188.4	-475.71	-664.11	-81.95

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

May 2, 2019

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Re: Santana Textiles, LLC 2019 Tax Abatement Report No. 2019-47

Dear Mr. Garza:

We completed a limited scope review of the tax abatement agreement between Hidalgo County and Santana Textiles, LLC. The objective of the review was to determine whether Santana Textiles, LLC qualifies for a tax abatement for the 2019 tax year.

Santana Textiles, LLC does not qualify for a tax abatement for the 2019 tax year since information, required by the agreement, to certify a tax abatement percent to the Hidalgo County Appraisal District was not received.

If you have any questions, please feel free to call Reynaldo Cantu III, Compliance Audit Supervisor, at 318-2511 ext. 4654, Letty Chavez, Director of Audit Division, ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,

Maria Arcilia Duran, CPA
Hidalgo County Auditor

Cc: The Honorable Richard F. Cortez, Hidalgo County Judge
Roberto Cantu, CEO, Santana Textiles, LLC
Ms. Blanca Perez, Supervisor-Property Records, Hidalgo County Appraisal District

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 2 ND D.C.	FERNANDO NANCAS JUDGE, 4 TH D.C.	J. R. "BOBBY" FLORES JUDGE, 13 TH D.C.	ROSE GUERRA REYNA JUDGE, 26 TH D.C.	MARLA CUELLAR JUDGE, 37 TH D.C.	MARIO E. RAMIREZ, JR. JUDGE, 32 ND D.C.	NOE GONZALEZ JUDGE, 37 TH D.C. CLERK	LETICIA LOPEZ JUDGE, 38 TH D.C.	L. XENO VASQUEZ JUDGE, 38 TH D.C.	ISRAEL RAMON, JR. JUDGE, 43 RD D.C.	RENEE R. BETANCOURT JUDGE, 44 TH D.C.	JAI ME TIERINA JUDGE, 46 TH D.C.
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