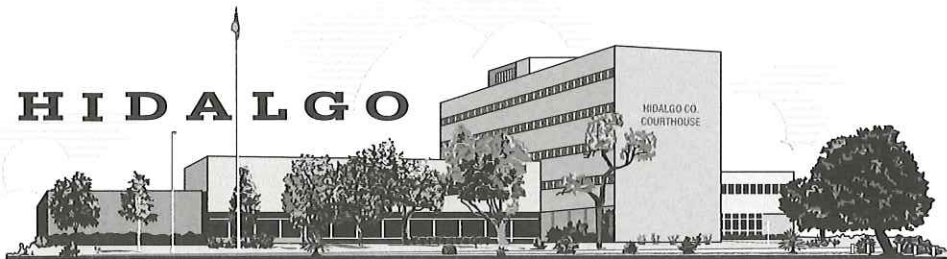


COUNTY of HIDALGO

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

July 27, 2021

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 Everardo Villarreal, 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. Ellie Torres, Commissioner Precinct No. 4 | Sanitation Program Monthly Fee Report for July 2020 through March 2021 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | Fee Account Monthly Fees Report for August 2020 through February 2021 |
| Mr. T.J. Arredondo, Director Planning Department | Monthly Fees Report for January 2021 through March 2021 |
| The Hon. Ricardo Rodriguez, Jr., Criminal District Attorney Hidalgo County Office of Criminal District Attorney | Hot Checks Processing Fees Report for January 2021 and February 2021 |
| Ms. Angie Chapa, Law Librarian | Monthly Fees Report for February 2021 through May 2021 |
| The Hon. Daniel Marichalar, Constable Precinct No. 5 | Monthly Fees Report for February 2021 through June 2021 |
| The Hon. Ricardo Rodriguez, Jr., Criminal District Attorney Hidalgo County Office of Criminal District Attorney | District Attorney's Office 2020 Equitable Sharing Agreement and Certification Audit No. 2021-12 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | Sheriff's Office 2020 Equitable Sharing Agreement and Certification Audit No. 2021-13 |
| The Hon. Atanacio Gaitan Jr., Constable Precinct No. 4 | Constable Precinct No. 4 2020 Equitable Sharing Agreement and Certification Audit No. 2021-17 |
| The Hon. Lazaro Gallardo, Constable Precinct No. 3 | Constable Precinct No. 3 2020 Equitable Sharing Agreement and Certification Audit No. 2021-16 |
| Mr. Rolando Garza, Chief Appraiser Hidalgo County Appraisal District | Hidalgo Wind Farm, LLC-Phase I and Phase II 2021 Tax Abatement Report No. 2021-20 and 2021-21 |
| The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector | April 2021 DTA Payment Request Report No. 2021-48 |
| The Hon. Celestino Avila, Jr., Constable Precinct No. 1 | Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-05 |
| The Hon. Celestino Avila, Jr., Constable Precinct No. 1 | Constable Precinct No. 1 2020 Equitable Sharing Agreement and Certification Audit No. 2021-14 |
| The Hon. Martin Cantu, Constable Precinct No. 2 | Constable Precinct No. 2 2020 Equitable Sharing Agreement and Certification Audit No. 2021-15 |
| Mr. Rolando Garza, Chief Appraiser Hidalgo County Appraisal District | Wonderful Citrus Packing, LLC 2021 Tax Abatement Report No. 2021-22 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-03 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | "B" Account Financial Statements for June 2020 through April 2021 |

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, 204TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

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

NOE GONZALEZ
JUDGE, 316TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 399TH D.C.

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


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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

| | |
|--|--|
| The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector | May 2021 DTA Payment Request Report No. 2021-51 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | Regular Trust Financial Statements for June 2020 through March 2021 |
| The Hon. Atanacio Gaitan Jr., Constable Precinct No. 4 | Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-08 |
| The Honorable J.E. "Eddie" Guerra, Sheriff Hidalgo County Sheriff's Office | Inmate Trust Financial Statements for August 2020 through December 2020 |
| The Hon. Ricardo Rodriguez, Jr., Criminal District Attorney Hidalgo County Office of Criminal District Attorney | H.B. 65 Financial Statements for January 2021 |
| The Hon. Celestino Avila, Constable Precinct No. 1 | Monthly Fees Report for December 2020 and February 2021 through May 2021 |
| Mr. Rolando Garza, Chief Appraiser Hidalgo County Appraisal District | United Parcel Service, Inc. 2021 Tax Abatement Report No. 2021-42 |
| Mr. Roy Rodriguez, City Manager City of McAllen | McAllen TIRZ No. 1 (Tres Lagos) Report No. 2021-36 |
| The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector | Hidalgo County Tax Collected Reports for March 2021 |
| The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector | Hidalgo County Tax Collected Reports for April 2021 |
| The Hon. Pablo Villarreal, Jr., RTA Hidalgo County Tax Assessor/Collector | Hidalgo County Tax Collected Reports for May 2021 |
| The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk | Fee Monthly Report for January 2021 through March 2021 |
| The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk | Civil and Probate Court Cost Monthly Reports for January 2021 through March 2021 |
| The Hon. Arturo Guajardo, Jr., Hidalgo County Clerk | Criminal Fees Monthly Report for January 2021 through March 2021 |
| The Hon. Laura Hinojosa, Hidalgo County District Clerk | Monthly Fees Report for January 2021 through March 2021 |
| Ms. Yvonne Ramon, Elections Administrator | Monthly Fees Reports for April 2021 and May 2021 |
| The Hon. Gilberto Saenz, Justice of the Peace Pct. 1 Pl. 1 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Jesus Morales, Justice of the Peace Pct. 1 Pl. 2 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Bobby Contreras, Justice of the Peace Pct. 2 Pl.1 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Jaime J. Munoz, Justice of the Peace Pct. 2 Pl. 2 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Sonia "Dr." Trevino, Justice of the Peace Pct. 3 Pl. 1 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Juan "J.J." Pena, Justice of the Peace Pct. 3 Pl. 2 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Charlie Espinoza, Justice of the Peace Pct. 4 Pl. 1 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Homero A. Jasso, Justice of the Peace Pct. 4 Pl. 2 | Monthly Fines and Fees Reports for January 2021 through March 2021 |
| The Hon. Jason Pena, Justice of the Peace Pct. 5, Pl. 1 | Monthly Fines and Fees Reports for January 2021 through March 2021 |

Respectfully,


 Maria Arcilia Duran, CPA
 Hidalgo County Auditor

Attachments

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

June 15, 2021

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

Re: Sanitation Program *Monthly Fee Report* for July 2020 through March 2021

Dear Commissioner Torres:

We conducted a limited scope review of the Sanitation Program *Monthly Fee Report* and supporting documentation for the months of July 2020 through March 2021 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.

Executive Summary:

Fees collected were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvement, as follows:

1. The July 6, 2020 collections were short \$5.00 and the July 9, 2020, July 15, 2020, July 16, 2020, and July 30, 2020 collections were over in the amounts of \$100.00, \$25.00, \$25.00, and \$100.00, respectively.
2. The collections on the November 2020 Monthly Sanitation Collection Report were overstated by \$1,800.00. The amounts reported on the Monthly Sanitation Report were not reconciled to receipts issued, Close-out reports, and to bank deposits.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fee Report* for the months of July 2020 through March 2021. The 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 *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."

HIDALGO COUNTY DISTRICT JUDGES

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

FRANCISCO MAMCAB
JUDGE, 99TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 260TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

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

NOE GONZALEZ
JUDGE, 375TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

- 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.

Conclusion:

Collections for the months of July 2020 through March 2021 totaled \$58,825.00, \$53,450.00, \$46,150.00, \$48,850.00, \$43,475.00, \$46,350.00, \$55,450.00, \$44,200.00, and \$73,725.00 respectively. Based on the 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 observations 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 the July 6, 2020 collections were short \$5.00. The shortage resulted from a check that was prepared in error. The numeric amount was made for \$75.00 and the written amount was made for \$70.00. The check cleared the bank for \$70.00 causing the \$5.00 shortage. The shortage was not recorded on the *Monthly Fee Report*.

In addition, we noted overages in the collections made on July 9, 2020, July 15, 2020, July 16, 2020, and July 30, 2020 in the amounts of \$100.00, \$25.00, \$25.00, and \$100.00, respectively. The overages were not recorded on the *Daily Close-out Reports* and the *Monthly Fee Report*.

The Cash Handling Guidelines and Procedures require cashiers to confirm that the numeric and written dollar amounts agree and are for the exact amount due. In addition, the cashier must reconcile the cash drawer against receipts issued and the change fund using the *Daily Close-out Reports*. Any shortages or overages must be documented on the *Daily Close-out Report*. The reconciliation must be witnessed by another person. Both the cashier and the witness must verify that the *Daily Close-out Report* is completed in its entirety and must sign to document their responsibility for this verification. After the deposit has been made, the County official or his/her designee must verify that the total amount on the bank validated deposit and County Treasurer receipt agrees to the total amount on the *Daily Close-out Report*. The County official or his/her designee must sign the *Daily Close-out Report* to document responsibility for reviewing and approving the *Daily Close-Out Report*. Furthermore, on a monthly basis, the department must prepare a *Monthly Fee Report*. Total collections on the report must be reconciled to total receipts issued, *Daily Close-Out Reports*, and the deposits.

Failure to ensure that the numeric and written amounts on checks agree and that *Daily Close-out reports* and *Monthly Fee Reports* are reconciled to collections and deposits may increase the risk of loss of County funds.

Recommendation:

Management should ensure that the numeric and written amounts on checks agree and that *Daily Close-out reports* and *Monthly Fee Reports* are reconciled to collections and deposits. At a minimum, the procedures noted above should be implemented.

HIDALGO COUNTY DISTRICT JUDGES

In addition, management should 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. The shortage of \$5.00 should be replenished and deposited with the County Treasurer.

Observation No. 2:

We noted that the November 2020 Monthly Sanitation Report was not reconciled to receipts issued, Close-out reports, and to bank deposits. The November 2020 collections were overstated by \$1,800.00. Precinct No. 4 staff confirmed that the prior year templet was used to record the November 2020 collections and an entry made in the prior year was left on the report, in error. A revised monthly report was requested; however, the revised monthly report was not submitted by Precinct No. 4. The County Auditor's Office made the necessary adjustments to the report (see Exhibit A).

The County Auditor's Office requires that a Monthly Sanitation Report of collections be properly prepared and reconciled to the total Sanitation Program receipts issued, *Daily Close-out Reports*, and to the deposits made at the bank or County Treasurer's Office, as applicable. The Monthly Sanitation Report must be properly prepared by a designated employee and the County official or his/her designee must sign the Monthly Sanitation Report to document responsibility for reviewing and approving the Monthly Sanitation Report.

Failure to ensure that the Monthly Sanitation Reports are accurately reported may result in an overstatement of collection or loss of County funds.

Recommendation:

Management should ensure that employees are properly reporting Sanitation Program collections on the monthly Sanitation Report. At a minimum, the procedures noted above should be implemented by management.

Please provide a written management response to the observations noted above by June 25, 2021.

If you have any questions, please contact Enrique Leal, Internal Auditor I, at 318-2511, ext. 4641, 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

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

BERNARDO MANIATE
JUDGE, 88TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 204TH D.C.

MARLA CUELLAR
JUDGE, 216TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 325TH 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, 430TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
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Edinburg, Texas 78539-6243
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

June 15, 2021

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 August 2020 through February 2021

Dear Sheriff Guerra:

We conducted a limited scope review of the Fee Account *Monthly Fees Report* for the months of August 2020 through February 2021 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.

Executive Summary:

Fees collected were generally properly accounted and reported; however, the system of internal controls for the collection of proper fees requires improvement. More specifically, we noted that the Sheriff's Office allows for the collection of partial payments. In addition, the remaining balance was not invoiced or collected by the Sheriff's Office.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of August 2020 through February 2021. The 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 *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 to determine if proper fee amounts were collected and reported.
- Verified that procedures for voiding receipts were properly followed.
- Verified that the collections per the *Monthly Fees Report* agreed to: 1.) total receipts issued per the Receipt Journal Report generated from *Odyssey*; 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.

BERNARDO MANCIA
JUDGE, 41ST D.C.

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

ROSE GUERRA REYNA
JUDGE, 209TH D.C.

MARLA CUELLAR
JUDGE, 274TH D.C.

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

NOE GONZALEZ
JUDGE, 379TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

L. KEND VASQUEZ
JUDGE, 381ST D.C.

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

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

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

- Verified that receipts were issued in sequential order.
- Verified that receipts and the *Monthly Fees Report* were properly completed.

Conclusion:

Collections for the months of August 2020 through February 2021 totaled \$23,523.83, \$31,628.19, \$23,561.86, \$29,878.50, \$26,261.00, \$28,509.50, and \$23,133.02, respectively. Based on the review, we concluded that fees were generally properly accounted and reported; however, we noted that the system of internal controls for the collection of proper 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 partial fee amounts were collected in the month of August 2020 (receipt no. SO-2020-02096) and October 2020 (receipt no. 2020-02813). In addition, the remaining balance was not invoiced or collected by the Sheriff's Office. According to staff, the Sheriff's Office management approved the collection of partial payments.

Pursuant Local Government Code §118.131 (a), Commissioners Court of a county may set reasonable fees to be charged for services by the offices of the sheriff. On September 15, 2020, Commissioners Court approved the Sheriff and Constable Fee Schedule. The schedule details the amounts that must be collected. Partial payments or waiver of fees are not authorized.

Failure to ensure that fees are collected as approved by Commissioners Court may result in the loss of County funds.

Recommendation:

The Sheriff's Office should collect the remaining balance from the payors. In addition, management should develop and implement formal procedures to ensure that fees are collected as approved by Commissioners Court. Furthermore, the Sheriff's Office should develop procedures for returning payments that are received for amounts inconsistent with the approved fee schedule.

Please provide a management response to the observation noted above by June 25, 2021.

If you have any questions, please contact Aaron Robledo, Internal Auditor I, at 318-2511, ext. 4694, 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

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES



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

AUDITEE: The Honorable J.E. "Eddie" Guerra, Sheriff **AUDIT NO.:** _____
Fee Account Monthly Fees Report
AUDIT: August 2020 through February 2021 **MANAGEMENT RESPONSE DUE:** June 25, 2021
FINDING No.: 1 **RECOMMENDATION:** 1

The Sheriff's Office should collect the remaining balance from the payors. In addition, management should develop and implement formal procedures to ensure that fees are collected as approved by Commissioners Court. Furthermore, the Sheriff's Office should develop procedures for returning payments that are received for amounts inconsistent with the approved fee schedule.

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)**

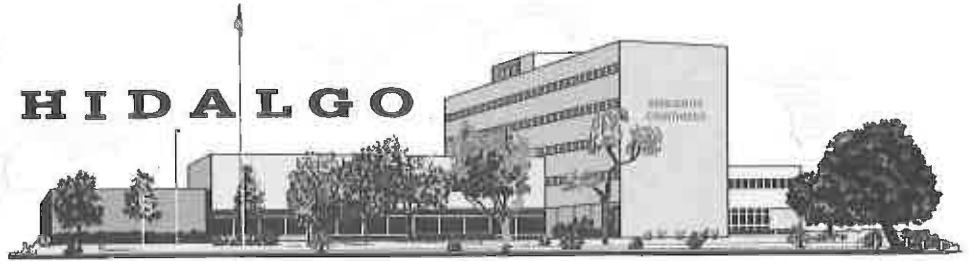
Management Comments (Attach additional page(s) if necessary):

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

July 19, 2021

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

Re: *Monthly Fees Report* for January 2021 through March 2021

Dear Mr. Arredondo:

We conducted a limited scope review of the *Monthly Fees Report* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Fees collected were generally properly accounted and reported.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of January 2021 through March 2021. The 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 *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.

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|---|--|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 82 ND D.C. | FERNANDO MANOAS JUDGE, 89 TH D.C. | J.R. "BOBBY" FLORES JUDGE, 136 TH D.C. | ROSE GUERRA REYNA JUDGE, 208 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 302 ND D.C. | NOE GONZALEZ JUDGE, 370 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 385 TH D.C. | L. KENO VASQUEZ JUDGE, 388 TH D.C. | ISRAEL RAMON, JR. JUDGE, 430 TH D.C. | RENEE R. BETANCOURT JUDGE, 441 ST D.C. | JOSE "JOE" RAMIREZ JUDGE, 484 TH D.C. |
|---|---|--|--|--|--|---|--|--|--|--|---|

- Verified that receipts and the *Monthly Fees Report* were properly completed.

Conclusion:

Collections for the months of January 2021, February 2021, and March 2021 were \$34,541.98, \$138,688.52, and \$32,509.80, respectively. Based on the review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Michael Ramos, Internal Auditor I, at 318-2511, ext. 4644, 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

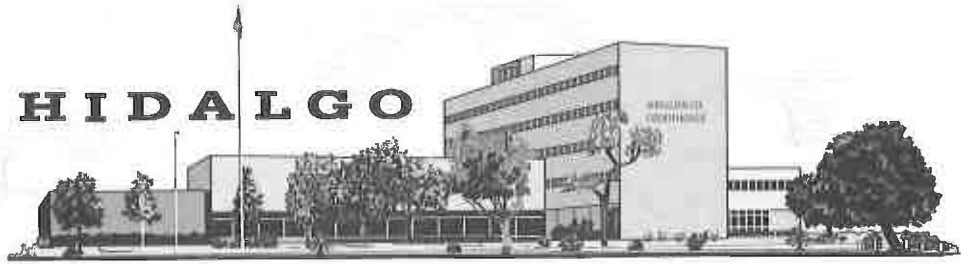
cc: Mr. Valde Guerra, County Executive Officer



HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 82 ND D.C. | FERNANDO MANCERA JUDGE, 87 TH D.C. | J. R. "BOBBY" FLORES JUDGE, 139 TH D.C. | ROSE GUERRA REYNA JUDGE, 208 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C. | ROE GONZALEZ JUDGE, 370 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 389 TH D.C. | L. KENO VASQUEZ JUDGE, 398 TH D.C. | ISRAEL RAMON, JR. JUDGE, 450 TH D.C. | RENEE R. BETANCOURT JUDGE, 469 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH 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

July 19, 2021

The Honorable Ricardo Rodriguez, Jr., Criminal District Attorney
Hidalgo County Office of Criminal District Attorney
100 E. Cano, 2nd Floor
Edinburg, Texas 78539

Re: Hot Checks Processing Fees Report for January 2021 and February 2021

Dear Mr. Rodriguez:

We conducted a limited scope review of the Hot Checks Processing Fees Report (*Processing Fees Report*) and supporting documentation for the months of January 2021 and February 2021 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.

Executive Summary:

Based on the review, we concluded that collections were properly accounted and reported.

Scope:

The scope of the review was limited to collections reported by your office on the *Processing Fees Report* for the months of January 2021 and February 2021. The 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 *Processing 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 *Processing Fees Report* was signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Processing Fees Report* by footing and cross-footing the report.
- Verified that the sequence of receipts and checks issued per the *Processing Fees Report* agreed to *Odyssey's DA Receipt Journal Report* and *Check Transaction Register Report*. In addition, verified that receipts and checks were issued in sequential order.
- Verified collections and disbursements per the *Processing Fees Report* agreed to *Odyssey's Hot Checks Receipt Journal Report*.

HIDALGO COUNTY DISTRICT JUDGES

LUIS N. SINGLETERY
JUDGE, 2ND D.C.

FERNANDO MARRAS
JUDGE, 3RD 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, 33RD D.C.

NOE GONZALEZ
JUDGE, 37TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 38TH D.C.

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

ISRAEL RAMON, JR.
JUDGE, 45TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 48TH D.C.

- Verified that collections received from the Community Supervision and Corrections Department were receipted and included on the *Processing Fees Report*.
- Verified that the collections per the *Processing Fees Report* agreed to total receipts issued and the deposits made to the Hot Check bank account.
- Verified that the processing fees per the *Processing Fees Report* were remitted to the County Treasurer's Office in a timely manner.
- Verified that procedures for voiding receipts and checks were properly followed.
- Randomly selected receipts to determine if court costs were remitted to the applicable Justice of the Peace courts.
- Randomly selected receipts to determine if the restitution, processing fee, and merchant fee were properly collected and reported as required by Code of Criminal Procedures §102.007 and Business and Commerce Code §3.506 (b).

Conclusion:

Collections for the months of January 2021 and February 2021 totaled \$53,108.71 and \$49,657.83, respectively. Based on the review, we concluded that collections were properly accounted and reported.

If you have any questions, please contact Carlos Alvarez, Internal Auditor I, at (956) 318-2511, ext. 4667, 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 Office



HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MATEOS
JUDGE, 63RD D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 279TH D.C.

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

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

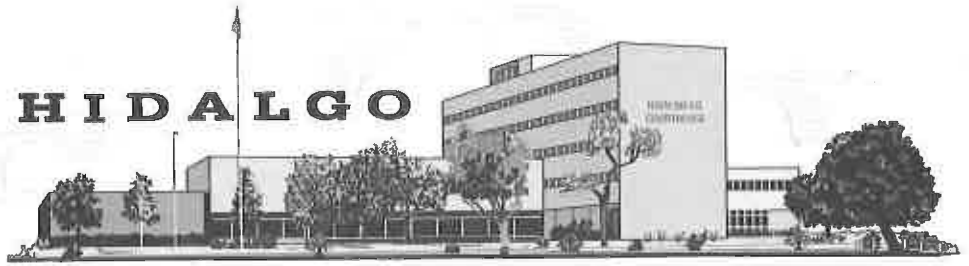
ISRAEL RAMON, JR.
JUDGE, 450TH D.C.

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

JOSE "JOE" RAMIREZ
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

July 19, 2021

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

Re: *Monthly Fees Report* for February 2021 through May 2021

Dear Ms. Chapa:

We conducted a limited scope review of the *Monthly Fees Report* and supporting documentation for the months of February 2021 through May 2021 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.

Executive Summary:

Fees collected were generally properly accounted and reported.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of February 2021 through May 2021. The 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 *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 voiding 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 Fees Report* agreed to total receipts issued and the deposits made with the County Treasurer.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCINI
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, 352ND D.C.

NOE GONZALEZ
JUDGE, 379TH 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, 448TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

- Verified that receipts, *Daily Remittance/Close-out Forms*, and the *Monthly Fees Report* were properly completed.

Conclusion:

Collections for the months of February 2021 through May 2021 totaled \$139.00, \$574.50, \$375.00, and \$374.25, respectively. Based on the review, we concluded that fees collected were properly accounted and reported.

If you have any questions, please contact Karen Ramirez, at 318-2511 ext. 4606, 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

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

FERDANDO BARRERA
JUDGE, 91ST D.C.

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

ROSE GUERRA REYNA
JUDGE, 204TH D.C.

MARLA CUELLAR
JUDGE, 215TH 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, 388TH D.C.

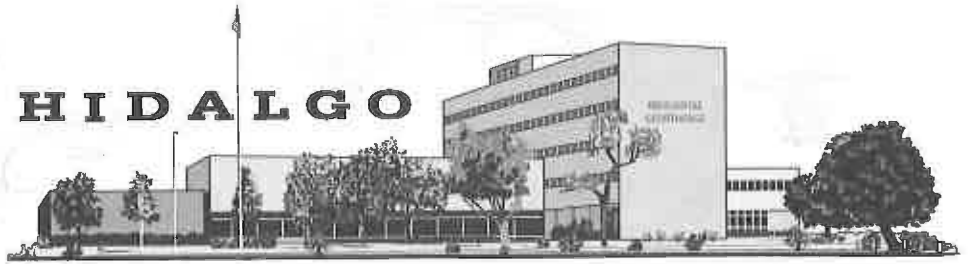
ISRAEL RAMON, JR.
JUDGE, 439TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 66TH 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

July 19, 2021

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

Re: *Monthly Fees Report* for February 2021 through June 2021

Dear Constable Marichalar:

We conducted a limited scope review of the Constable Precinct No. 5 *Monthly Fees Report* and supporting documentation for the months of February 2021 through June 2021 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.

Executive Summary:

We noted that the Constable Precinct 5 Office incorrectly invoiced the Attorney General's Office for citations served in the months of January 2020, February 2020, March 2020, and July 2020 and collected on February 2021, April 2021, and May 2021.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of February 2021 through June 2021. The 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 *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 voiding 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.

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 92 ND D.C. | FERNANDO MANCIAS JUDGE, 49 TH D.C. | J. R. "BOBBY" FLORES JUDGE, 159 TH D.C. | ROSE GUERRA REYNA JUDGE, 208 TH D.C. | MARLA CUELLAR JUDGE, 316 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C. | NOE DONZALEZ JUDGE, 321 ST D.C. OVERSEER | LEYICIA LOPEZ JUDGE, 382 ND D.C. | L. KEYO VASQUEZ JUDGE, 386 TH D.C. | ISRAEL RAMON, JR. JUDGE, 470 TH D.C. | RENEE R. BETANCOURY JUDGE, 449 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH D.C. |
|---|--|---|--|--|--|---|--|--|--|--|---|

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

Conclusion:

Collections for the months of February 2021 through June 2021 totaled \$1,586.00, \$100.00, \$1,208.50, \$2,726.50, and \$300.00, respectively. Based on the review, we concluded that not all fees collected were generally properly accounted and reported, as noted on 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 the Constable Precinct 5 Office incorrectly invoiced the Attorney General's Office for citations served in the months of January 2020, February 2020, March 2020, and July 2020 and collected on February 2021, April 2021, and May 2021. The Constable Precinct 5 Office invoiced the Attorney General \$75.00 for each citation instead of \$100.00; therefore, the Attorney General paid the incorrect amounts. According to the Constable Precinct 5 staff, they were not aware that the fee increased. The amount under collected was invoiced and collected from the Attorney General's Office.

Pursuant Local Government Code §118.131 (a), Commissioners Court of a county may set reasonable fees to be charged for services by the offices of the Constable. On September 17, 2019, Commissioners Court approved the Sheriff and Constable Fee Schedule effective January 2020. The schedule details the amounts that must be collected.

Failure to ensure that fees are properly invoiced and collected as approved by Commissioners Court may result in the loss of County funds.


Recommendation:

Management should develop and implement formal procedures to ensure that fees are properly invoiced and collected as approved by Commissioners Court.

Please provide a written management response to the observation noted above by July 30, 2021 using the attached Management Response Form.

If you have any questions, please contact Karen Ramirez, Internal Auditor I, at 318-2511 ext. 4606, 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

Attachment: Management Response Form

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

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

May 20, 2021

The Honorable Ricardo Rodriguez, Jr., Criminal District Attorney
Hidalgo County Criminal District Attorney's Office
100 E. Cano, 2nd Floor
Edinburg, TX 78539

Ref: District Attorney's Office 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-12

Dear Mr. Rodriguez:

We conducted a limited scope review of the District Attorney's Office Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. All expenditures from the Justice Fund were for permissible expenses incurred for law enforcement purposes. However, an impermissible expenditure was made using the Treasury Fund as noted in detail in the observation below.
3. Formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (District Attorney's Office) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that the District Attorney's Office must agree to account separately for Federal equitable sharing funds received from

HIDALGO COUNTY DISTRICT JUDGES

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|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 92 ND D.C. | FERNANDO MANCIAS JUDGE, 89 TH D.C. | J. R. "BOBBY" FLORES JUDGE, 138 TH D.C. | ROSE GUERRA REYNA JUDGE, 206 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 352 ND D.C. | HOE GONZALEZ JUDGE, 372 ND 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, 448 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH D.C. |
|---|--|---|--|--|--|---|--|--|--|--|---|

the Department of Justice and the Department of Treasury. Funds from state and local forfeitures and other sources must not be commingled with Federal equitable sharing funds. Actual signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the agencies must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. The use of Department of Treasury funds to support community-based organizations is prohibited.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Pursuant to the *Guide*, Section V.B.2 (i), "shared funds may not be used to purchase equipment or other impermissible items for other law enforcement agencies."

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the guidelines to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

District Attorney's Office Policy for Approved Use of Forfeited Funds

The District Attorney's Office is responsible for the administration and expenditure of forfeited funds, will ensure that forfeited funds are used only for authorized purposes, and comply with policy and any applicable state and federal legal requirements for the approved use of forfeited funds. Forfeited funds may be used only for approved statutory purposes and as budgeted and approved by the Hidalgo County Commissioner's Court.

Any forfeited funds received by the District Attorney's Office through the Equitable Sharing of Federally Forfeited Property shall be administered in accordance with applicable state and federal law and U.S. Department of Justice or U.S. Department of Treasury guidelines as appropriate.

Unless otherwise required by law or by order of a court, all forfeited money, financial instruments including but not limited to securities, negotiable instruments, stocks, or bonds, or things of value or funds from the sale of those items, shall be deposited to the appropriate Hidalgo County Special Revenue Account designated for such purposes, and thereafter expended only for law enforcement purposes in accordance with state law and any applicable federal guidelines. Forfeited funds must be administered in accordance with accepted accounting practices and in accordance with the provisions of any local agreement regarding the sharing and use of forfeited funds entered into between the attorney representing the state and law enforcement agencies. Failure to properly account for, administer, or expend forfeited funds could result in disciplinary action, up to and including termination, and could result in civil or criminal penalties.

All requests for the expenditure of forfeited funds must be documented and approved by the Hidalgo County Commissioners' Court. All requests must document a detailed list of categories for expenditure; include backup information for expenditure, if required; be reviewed to ensure the proposed use of funds complies with applicable state and federal requirements regarding the use of forfeited funds; and be reviewed to ensure that the use of forfeited funds supports the District Attorney's Office strategic plan.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the District Attorney's Office Equitable Sharing Agreement and Certification for the year ended December 31, 2020. Our review was not designed

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, 268TH D.C.

MARLA CUELLAR
JUDGE, 279TH D.C.

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

ROE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

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

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

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

JOSÉ "JOE" RAMÍREZ
JUDGE, 444TH D.C.

nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the District Attorney's Office Justice and Treasury Funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the District Attorney's Office Justice and Treasury Funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written procedures governing the District Attorney's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that all revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*; Formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*; All expenditures from the Justice Fund were for permissible expenses incurred for law enforcement purposes. However, an impermissible expenditure was made using the Treasury Fund as noted in detail in the observation below.

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

Observation No. 1:

The District Attorney's Office used Treasury Funds to purchase equipment for Constable Precinct. No. 1. According to staff, the expenditure was made in error. The expenditure was reclassified by the Auditor's Office.

Pursuant to the *Guide*, Section V.B.2 (i), "shared funds may not be used to purchase equipment or other impermissible items for other law enforcement agencies."

Failure to ensure that expenses using Treasury Funds are permissible may result in the inability to receive equitable sharing funds.

Recommendation:

Management should ensure all expenses using Treasury Funds are permissible pursuant to the *Guide*.

Please provide a management response to the observation above by Friday, May 28, 2021.

If you have any questions, please contact Carlos Alvarez, Internal Auditor I, at 318-2511 ext. 4667, Reynaldo Cantu III, Compliance Audit Supervisor, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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



EDINBURG, TEXAS 78539

May 20, 2021

The Honorable J.E. "Eddie" Guerra, Sheriff
Hidalgo County Sheriff's Office
711 El Cibolo Rd.
Edinburg, TX 78539

Ref: Sheriff's Office 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-13

Dear Sheriff Guerra:

We conducted a limited scope review of the Sheriff's Office Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. All expenditures from the Justice and Treasury Funds were for permissible expenses incurred for law enforcement purposes.
3. Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide* as noted in detail in the observation below.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (Sheriff's Office) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that the Sheriff's Office must agree to account separately for Federal equitable sharing funds received from the Department of Justice and the Department of Treasury. Funds from state and local forfeitures

HIDALGO COUNTY DISTRICT JUDGES

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|---|---|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 92 ND D.C. | BERNARDO MARRAS JUDGE, 43 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 139 TH D.C. | ROSE GUERRA REYNA JUDGE, 206 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C. | NOR BONZALEZ JUDGE, 371 ST D.C. OVERSEER | LETICIA LOPEZ JUDGE, 383 RD D.C. | L. KENO VASQUEZ JUDGE, 398 TH D.C. | ISRAEL RAMON, JR. JUDGE, 470 TH D.C. | RENEE R. BETANCOURT JUDGE, 448 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 444 TH D.C. |
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and other sources must not be commingled with Federal equitable sharing funds. Actual signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the agency must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. This community-based organization provision does not apply to the of Department of Treasury equitable sharing funds; therefore, agencies may not use Department of Treasury Funds to support community-based organizations.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the *Guide* to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the Sheriff's Equitable Sharing Agreement and Certification for the year ended December 31, 2020. 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 letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the Sheriff's Justice and Treasury funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the Sheriff's Justice and Treasury funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written policies and procedures governing the Sheriff's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that the revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice Fund and Treasury Fund agreed to those recorded in *Alio*; Expenditures from the Justice and Treasury Funds were for permissible expenses incurred for law enforcement purposes. However, formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

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

Observation No. 1:

Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

HIDALGO COUNTY DISTRICT JUDGES

The Honorable J.E. Guerra
May 20, 2021
Page 3 of 3

Pursuant to the *Guide*, Section VI, participating law enforcement agencies must implement accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing; therefore, failure to ensure that the Sheriff's Office develops and implements accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property may result in the inability to participate in the equitable sharing program.

Recommendation:

Management should develop and implement formal procedures to track equitably shared funds and tangible property. At a minimum, procedures developed should be consistent with the *Guide* (see pg.21, Section VI).

Please provide a management response to the observation above by Friday, May 28, 2021.

If you have any questions, please contact Aaron Robledo, Internal Auditor I, at 318-2511 ext. 4694, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 92 ND D.C. | FERNANDO MANCIAS JUDGE, 93 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 130 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, 370 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 380 TH D.C. | L. KENO VASQUEZ JUDGE, 385 TH D.C. | ISRAEL RAMON, JR. JUDGE, 450 TH D.C. | RENEE R. BETANCOURT JUDGE, 445 TH D.C. | JOSE "JOE" RAMIREZ 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 21, 2021

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

Ref: Constable Precinct No. 4 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-17

Dear Constable Gaitan:

We conducted a limited scope review of the Constable Precinct No. 4 Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. All expenditures from the Justice Fund (expenditures were not made using the Treasury Fund) were for permissible expenses incurred for law enforcement purposes.
3. Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide* as noted in detail in the observation below.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (Constable Precinct No. 4) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that Constable Precinct No. 4 must agree to account separately for Federal equitable sharing funds received from the Department of Justice and the Department of Treasury. Funds from state and

HIDALGO COUNTY DISTRICT JUDGES

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| LUIS M. SINGLETERY JUDGE, 52 ND D.C. | FERNANDO MANCIAS JUDGE, 41 ST D.C. | J. R. "BOBBY" FLORES JUDGE, 158 TH D.C. | ROSE GUERRA REYNA JUDGE, 204 TH D.C. | MARLA CUELLAR JUDGE, 276 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 352 ND D.C. | NOE GONZALEZ JUDGE, 371 ST D.C. OVERSEER | LETICIA LOPEZ JUDGE, 389 TH D.C. | L. KENO VASQUEZ JUDGE, 395 TH D.C. | ISRAEL RAMON, JR. JUDGE, 430 TH D.C. | RENEE R. BETANCOURT JUDGE, 448 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH D.C. |
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local forfeitures and other sources must not be commingled with Federal equitable sharing funds. Actual signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the agency must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. This community-based organization provision does not apply to the Department of Treasury equitable sharing funds; therefore, agencies may not use Department of Treasury Funds to support community-based organizations.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the guidelines to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the Constable's Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The review was not designated nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the Constable's Justice and Treasury Funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the Constable's Justice and Treasury Funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written policies and procedures governing the Constable's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that the revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice Fund and Treasury Fund agreed to those recorded in *Alio*. Expenditures from the Justice Fund were for permissible expenses incurred for law enforcement purposes. However, formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

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 lost from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCAS
JUDGE, 83RD D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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

NOS GONZALEZ
JUDGE, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Pursuant to the *Guide*, Section VI, participating law enforcement agencies must implement accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property.

At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing; therefore, failure to ensure that Constable Precinct No. 4 develops and implements accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property may result in the inability to participate in the equitable sharing program.

Recommendation:

Management should develop and implement formal procedures to track equitably shared funds and tangible property. At a minimum, procedures developed should be consistent with the *Guide* (see pg.21, Section VI).

Please provide a management response to the observation above by Friday, May 28, 2021.

If you have any questions, please contact Aaron Robledo, Internal Auditor I, at 318-2511 ext. 4694, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 89TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 119TH 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, 398TH D.C.

L. KENO VASQUEZ
JUDGE, 384TH D.C.

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

RENEE R. BETANCOURT
JUDGE, 468TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

COUNTY of HIDALGO

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FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 21, 2021

The Honorable Lazaro Gallardo
Hidalgo County Constable Precinct No. 3
730 N. Breyfogle Ste. B
Mission, TX 78572

Ref: Constable Precinct No. 3 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-16

Dear Constable Gallardo:

We conducted a limited scope review of the Constable Precinct No. 3 Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. All expenditures from the Justice Fund (expenditures were not made using the Treasury Fund) were for permissible expenses incurred for law enforcement purposes.
3. Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide* as noted in detail in the observation below.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (Constable Precinct No. 3) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that Constable Precinct No. 3 must agree to account separately for Federal equitable sharing funds received from the Department of Justice and the Department of Treasury. Funds from state and local forfeitures and other sources must not be commingled with Federal equitable sharing funds. Actual

HIDALGO COUNTY DISTRICT JUDGES

LUB H. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 81ST D.C. J. R. "BOBBY" FLORES JUDGE, 151ST D.C. ROSE OUBERA REYNA JUDGE, 206TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NDE DONZALEZ JUDGE, 370TH D.C. LETICIA LOPEZ JUDGE, 388TH D.C. L. KENO VASQUEZ JUDGE, 388TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 448TH D.C. JOSE "JOE" RAMIREZ JUDGE, 464TH D.C.

signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the agency must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. This community-based organization provision does not apply to the Department of Treasury equitable sharing funds; therefore, agencies may not use Department of Treasury Funds to support community-based organizations.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the guidelines to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the Constable's Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The review was not designated nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the Constable's Justice and Treasury Funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the Constable's Justice and Treasury Funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written policies and procedures governing the Constable's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that the revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice Fund and Treasury Fund agreed to those recorded in *Alio*. Expenditures from the Justice Fund were for permissible expenses incurred for law enforcement purposes. However, formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*. According to staff, they are in the process of developing the procedures.

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 lost from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

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, 266TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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

NOE GONZALEZ
JUDGE, 375TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 399TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

Pursuant to the *Guide*, Section VI, participating law enforcement agencies must implement accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property.

At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing; therefore, failure to ensure that Constable Precinct No. 3 develops and implements accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property may result in the inability to participate in the equitable sharing program.

Recommendation:

Management should develop and implement formal procedures to track equitably shared funds and tangible property. At a minimum, procedures developed should be consistent with the *Guide* (see pg.21, Section VI).

Please provide a management response to the observation above by Friday, May 28, 2021.

If you have any questions, please contact Karen Ramirez, Internal Auditor I, at 318-2511 ext. 4606, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 83RD D.C.

J.R. "BOBBY" FLORES
JUDGE, 119TH D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

MARLA CUELLAR
JUDGE, 276TH D.C.

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

NOE GONZALEZ
JUDGE, 372ND D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 454TH D.C.

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
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PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 24, 2021

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Re: Hidalgo Wind Farm, LLC- Phase I and Phase II 2021 Tax Abatement Report No. 2021-20 and 2021-21

Dear Mr. Garza:

We 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 if Hidalgo Wind Farm, LLC qualifies for a tax abatement for the 2021 tax year.

Conclusion:

Based on the 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 2021 tax year based on the capital improvement cost.

Scope and Methodology:

The scope of the review was limited to a review of the tax abatement agreement between Hidalgo County and Hidalgo Wind Farm, LLC-Phase I and Hidalgo Wind Farm, LLC-Phase II, correspondence received from Hidalgo Wind Farm, LLC, and compliance verification letter from Hidalgo Wind Farm LLC regarding compliance with terms of the tax abatement agreements.

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. 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

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANIACAS
JUDGE, 95TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 215TH D.C.

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

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 398TH D.C.

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

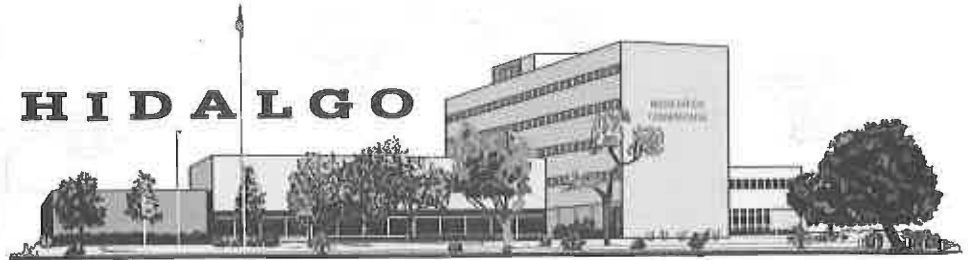
ISRAEL RAMON, JR.
JUDGE, 450TH D.C.

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

JOSE "JOE" RAMIREZ
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 24, 2021

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

Re: April 2021 DTA Payment Request Report No. 2021-48

Dear Mr. Villarreal:

We completed a limited scope review of the April 2021 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 results of the review revealed that the payment request was generally accurate and properly authorized. We will proceed to process the April 2021 DTA payment request in the amount of \$183,815.04 to LGBS.

The scope of the 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 April 30, 2021. The 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 the 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 April 2021."
- Reviewed the "Hidalgo County Tax Office Collection Reports" to determine if the DTA fees were collected at the 15% rate specified in the contract.
- Reviewed the "Hidalgo County Tax Office Collection Reports" to determine if the total amount of DTA fees collected agreed to the amount transferred to the Hidalgo County Treasurer's Office.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCINI
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, 332ND D.C.

NOE GONZALEZ
JUDGE, 379TH 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, 448TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Based on the review, 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 April 2021."
- Although DTA fees for 388 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 (384 tax accounts) and small amounts collected (4 tax accounts) (see Exhibit A). The small amounts collected on the tax accounts resulted in a net shortage of \$0.02.
- The total amount of DTA fees collected on the "Hidalgo County Tax Office Collection Reports" agreed to the amount transferred to the Hidalgo County Treasurer's Office.

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
Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCINI
JUDGE, 94TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

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JUDGE, 275TH D.C.

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JUDGE, 432ND D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Exhibit A

| | Tax Unit | Year | Account No. | Levy Paid | Penalty/Interest Paid | Subtotal Paid | Attorney Paid |
|----|----------|------|-------------|-----------|-----------------------|---------------|---------------|
| 1 | 1 | 2020 | W3400990 | 0.88 | 0.1 | 0.98 | 0.14 |
| 2 | 1 | 2020 | R30529900 | 0.12 | 0.02 | 0.14 | 0.03 |
| 3 | 1 | 2019 | T82300000 | 0.12 | 0.03 | 0.15 | 0.02 |
| 4 | 1 | 2018 | V05000000 | 159 | 43.46 | 202.46 | 28.38 |
| 5 | 1 | 2018 | S10000002 | 41.77 | 11.66 | 53.43 | 7.51 |
| 6 | 1 | 2018 | W38000007 | 34.59 | 9.86 | 44.45 | 6.28 |
| 7 | 1 | 2018 | A30000001 | 25.82 | 7.51 | 33.33 | 4.72 |
| 8 | 1 | 2018 | B19003800 | 21.72 | 5.94 | 27.66 | 3.88 |
| 9 | 1 | 2018 | R04100100 | 13.95 | 4.31 | 18.26 | 2.62 |
| 10 | 1 | 2018 | C73300000 | 11.58 | 3.43 | 15.01 | 2.14 |
| 11 | 1 | 2018 | G08000000 | 0.41 | 0.16 | 0.57 | 0.09 |
| 12 | 1 | 2018 | E82500300 | 0.17 | 0.07 | 0.24 | 0.03 |
| 13 | 1 | 2018 | O09000000 | 0.07 | 0.03 | 0.1 | 0.01 |
| 14 | 1 | 2017 | S00100000 | 542.09 | 198.31 | 740.4 | 103.27 |
| 15 | 1 | 2017 | S17000201 | 309.67 | 114.58 | 424.25 | 58.99 |
| 16 | 1 | 2017 | E40000000 | 212.4 | 77.7 | 290.1 | 40.46 |
| 17 | 1 | 2017 | P23000000 | 206.23 | 71.5 | 277.73 | 38.05 |
| 18 | 1 | 2017 | V30000000 | 206.46 | 65.55 | 272.01 | 36.54 |
| 19 | 1 | 2017 | B25500000 | 150.98 | 62.9 | 213.88 | 30.57 |
| 20 | 1 | 2017 | C74000000 | 166.69 | 55.84 | 222.53 | 30.25 |
| 21 | 1 | 2017 | W7360050 | 134.37 | 59.12 | 193.49 | 28.01 |
| 22 | 1 | 2017 | W2930000 | 133.09 | 50.01 | 183.1 | 25.55 |
| 23 | 1 | 2017 | R14200100 | 109.93 | 38.75 | 148.68 | 20.45 |
| 24 | 1 | 2017 | L18100000 | 89.15 | 36.11 | 125.26 | 17.79 |
| 25 | 1 | 2017 | L18100000 | 89.16 | 36.11 | 125.27 | 17.79 |
| 26 | 1 | 2017 | C74000000 | 58.38 | 19.56 | 77.94 | 10.6 |
| 27 | 1 | 2017 | C07000010 | 54.74 | 18.02 | 72.76 | 9.85 |
| 28 | 1 | 2017 | W7360050 | 37.77 | 16.62 | 54.39 | 7.88 |
| 29 | 1 | 2017 | J52200000 | 33.89 | 14.52 | 48.41 | 6.96 |
| 30 | 1 | 2017 | V02500000 | 31.5 | 12.02 | 43.52 | 6.09 |
| 31 | 1 | 2017 | V30000000 | 34.21 | 10.86 | 45.07 | 6.05 |
| 32 | 1 | 2017 | C74000000 | 32.31 | 10.81 | 43.12 | 5.86 |
| 33 | 1 | 2017 | C15350200 | 24.26 | 10.11 | 34.37 | 4.91 |
| 34 | 1 | 2017 | C15350200 | 23.98 | 9.99 | 33.97 | 4.85 |
| 35 | 1 | 2017 | V38000201 | 16.11 | 5.86 | 21.97 | 3.04 |
| 36 | 1 | 2017 | W6896010 | 8.43 | 2.97 | 11.4 | 1.57 |
| 37 | 1 | 2017 | S51000000 | 5.02 | 1.59 | 6.61 | 0.89 |
| 38 | 1 | 2017 | W2930000 | 2.6 | 0.98 | 3.58 | 0.5 |
| 39 | 1 | 2017 | W3800005 | 0.34 | 0.17 | 0.51 | 0.08 |
| 40 | 1 | 2017 | H12000007 | 0.24 | 0.12 | 0.36 | 0.05 |
| 41 | 1 | 2017 | W3800005 | -0.34 | -0.17 | -0.51 | -0.08 |
| 42 | 1 | 2016 | C94000000 | 480.97 | 184.37 | 665.34 | 85.85 |
| 43 | 1 | 2016 | C79000000 | 335.12 | 130.7 | 465.82 | 60.83 |
| 44 | 1 | 2016 | N10700000 | 174.95 | 82.66 | 257.61 | 35.69 |
| 45 | 1 | 2016 | L13650000 | 115.14 | 53.73 | 168.87 | 23.31 |
| 46 | 1 | 2016 | L10690600 | 98.63 | 39.69 | 138.32 | 18.34 |
| 47 | 1 | 2016 | R14200100 | 90.27 | 33.63 | 123.9 | 17.06 |
| 48 | 1 | 2016 | R14200100 | 90.26 | 31.81 | 122.07 | 16.79 |
| 49 | 1 | 2016 | C74000000 | 75.82 | 34.5 | 110.32 | 15.13 |
| 50 | 1 | 2016 | W2930000 | 71.06 | 35.23 | 106.29 | 14.92 |
| 51 | 1 | 2016 | S17000201 | 77.41 | 28.64 | 106.05 | 14.75 |

| | | | | | | | |
|-----|---|------|------------|--------|--------|--------|-------|
| 52 | 1 | 2016 | V30000000 | 75.33 | 32.96 | 108.29 | 14.69 |
| 53 | 1 | 2016 | L10690600 | 78.84 | 31.73 | 110.57 | 14.67 |
| 54 | 1 | 2016 | T21000025 | 70.35 | 32.01 | 102.36 | 14.03 |
| 55 | 1 | 2016 | C58300000 | 64.76 | 31.35 | 96.11 | 13.4 |
| 56 | 1 | 2016 | B31500100 | 35.67 | 14.98 | 50.65 | 6.79 |
| 57 | 1 | 2016 | S17000201 | 32.23 | 12.57 | 44.8 | 6.24 |
| 58 | 1 | 2016 | S72800200 | 32.93 | 12.52 | 45.45 | 5.83 |
| 59 | 1 | 2016 | O79000000 | 24.66 | 10.21 | 34.87 | 4.66 |
| 60 | 1 | 2016 | P84000000 | 16.62 | 8.16 | 24.78 | 3.49 |
| 61 | 1 | 2016 | D06000100 | 15.31 | 6.7 | 22.01 | 2.99 |
| 62 | 1 | 2016 | C47000001 | 11.85 | 6.03 | 17.88 | 2.54 |
| 63 | 1 | 2016 | A21000007 | 10.97 | 4.93 | 15.9 | 2.17 |
| 64 | 1 | 2016 | S29500000 | 9 | 3.67 | 12.67 | 1.69 |
| 65 | 1 | 2016 | T61000000 | 7.88 | 3.18 | 11.06 | 1.47 |
| 66 | 1 | 2016 | T67000000 | 3.64 | 1.95 | 5.59 | 0.8 |
| 67 | 1 | 2016 | P77900000 | 0.03 | 0.01 | 0.04 | 0.01 |
| 68 | 1 | 2015 | C94000000 | 391.48 | 197.05 | 588.53 | 76.93 |
| 69 | 1 | 2015 | M0542000 | 389.95 | 189.78 | 579.73 | 73.7 |
| 70 | 1 | 2015 | C79000000 | 334.55 | 170.61 | 505.16 | 66.74 |
| 71 | 1 | 2015 | T67000000 | 111.64 | 73.31 | 184.95 | 26.63 |
| 72 | 1 | 2015 | C74000000 | 121.41 | 69.81 | 191.22 | 26.41 |
| 73 | 1 | 2015 | T22000000 | 73.48 | 42.69 | 116.17 | 16.1 |
| 74 | 1 | 2015 | B31500100 | 70 | 37.8 | 107.8 | 14.6 |
| 75 | 1 | 2015 | S42550000 | 64.58 | 32.5 | 97.08 | 12.69 |
| 76 | 1 | 2015 | T21000025 | 49.54 | 28.48 | 78.02 | 10.77 |
| 77 | 1 | 2015 | L67250000 | 52.87 | 25.2 | 78.07 | 9.75 |
| 78 | 1 | 2015 | I223000001 | 50.77 | 23.86 | 74.63 | 9.22 |
| 79 | 1 | 2015 | J57000000 | 37.2 | 18.11 | 55.31 | 7.03 |
| 80 | 1 | 2015 | L10690600 | 32.28 | 16.87 | 49.15 | 6.59 |
| 81 | 1 | 2015 | M0542000 | 32.14 | 15.65 | 47.79 | 6.08 |
| 82 | 1 | 2015 | J57000000 | 23.95 | 11.66 | 35.61 | 4.53 |
| 83 | 1 | 2015 | C47000001 | 17.33 | 10.9 | 28.23 | 4.03 |
| 84 | 1 | 2015 | W23000000 | 17.98 | 8.82 | 26.8 | 3.43 |
| 85 | 1 | 2015 | G75650000 | 16.53 | 8.1 | 24.63 | 3.15 |
| 86 | 1 | 2015 | H12000005 | 15.34 | 7.26 | 22.6 | 2.81 |
| 87 | 1 | 2015 | H18500017 | 1.06 | 0.54 | 1.6 | 0.21 |
| 88 | 1 | 2015 | T61000000 | 0.45 | 0.23 | 0.68 | 0.09 |
| 89 | 1 | 2014 | L58300300 | 403.46 | 227.28 | 630.74 | 75.65 |
| 90 | 1 | 2014 | L22000100 | 171.83 | 106.54 | 278.37 | 36.6 |
| 91 | 1 | 2014 | L62350000 | 122.36 | 66.88 | 189.24 | 22.02 |
| 92 | 1 | 2014 | A55300000 | 81.3 | 63.62 | 144.92 | 20.98 |
| 93 | 1 | 2014 | N50000000 | 75.93 | 42.27 | 118.2 | 14.01 |
| 94 | 1 | 2014 | V08900000 | 66.19 | 40.37 | 106.56 | 13.8 |
| 95 | 1 | 2014 | T21000026 | 53.48 | 37.18 | 90.66 | 12.59 |
| 96 | 1 | 2014 | W3800005 | 39.64 | 30.78 | 70.42 | 10.17 |
| 97 | 1 | 2014 | W0100000 | 36.07 | 22.85 | 58.92 | 7.9 |
| 98 | 1 | 2014 | C74000000 | 21.66 | 15.06 | 36.72 | 5.1 |
| 99 | 1 | 2014 | T67000000 | 19.04 | 14.79 | 33.83 | 4.88 |
| 100 | 1 | 2014 | H12000005 | 15.34 | 9.11 | 24.45 | 3.08 |
| 101 | 1 | 2014 | C47000001 | 10.02 | 7.5 | 17.52 | 2.51 |
| 102 | 1 | 2014 | B15850400 | 0.56 | 0.32 | 0.88 | 0.11 |
| 103 | 1 | 2013 | L22000100 | 171.83 | 127.16 | 298.99 | 39.69 |
| 104 | 1 | 2013 | L31300200 | 202.32 | 126.78 | 329.1 | 36.42 |
| 105 | 1 | 2013 | T12500200 | 166.33 | 105.34 | 271.67 | 30.44 |
| 106 | 1 | 2013 | P10000000 | 118.83 | 77.24 | 196.07 | 22.64 |
| 107 | 1 | 2013 | V08900000 | 49.05 | 35.82 | 84.87 | 11.11 |
| 108 | 1 | 2013 | R11500000 | 58.17 | 36.98 | 95.15 | 10.82 |

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|-----|---|------|-----------|--------|--------|--------|-------|
| 109 | 1 | 2013 | E54000004 | 28.47 | 23.38 | 51.85 | 7.26 |
| 110 | 1 | 2013 | L50500000 | 20.45 | 13.83 | 34.28 | 4.14 |
| 111 | 1 | 2013 | F51009800 | 19.96 | 12.44 | 32.4 | 3.56 |
| 112 | 1 | 2013 | H12000005 | 15.34 | 10.95 | 26.29 | 3.36 |
| 113 | 1 | 2013 | L67000000 | 12.8 | 10.74 | 23.54 | 3.32 |
| 114 | 1 | 2013 | H28400000 | 7.73 | 5.08 | 12.81 | 1.5 |
| 115 | 1 | 2013 | B15850400 | 0.43 | 0.29 | 0.72 | 0.09 |
| 116 | 1 | 2012 | L62350000 | 210.17 | 165.33 | 375.5 | 45.4 |
| 117 | 1 | 2012 | L31300200 | 204.75 | 152.89 | 357.64 | 40.54 |
| 118 | 1 | 2012 | L22000100 | 133.95 | 115.2 | 249.15 | 33.35 |
| 119 | 1 | 2012 | L47350000 | 135.57 | 95.36 | 230.93 | 24.2 |
| 120 | 1 | 2012 | P10000000 | 106.71 | 82.17 | 188.88 | 22.25 |
| 121 | 1 | 2012 | F51009800 | 61.4 | 45.63 | 107.03 | 12.06 |
| 122 | 1 | 2012 | R11500000 | 58.31 | 44.08 | 102.39 | 11.9 |
| 123 | 1 | 2012 | L67000000 | 26.5 | 25.4 | 51.9 | 7.35 |
| 124 | 1 | 2012 | S44701A00 | 37.06 | 26.94 | 64 | 7.01 |
| 125 | 1 | 2012 | S44700400 | 28.63 | 21.29 | 49.92 | 5.63 |
| 126 | 1 | 2012 | E85000000 | 16.09 | 13.51 | 29.6 | 3.86 |
| 127 | 1 | 2012 | H18500018 | 17.9 | 13.97 | 31.87 | 3.82 |
| 128 | 1 | 2012 | S16000000 | 15.52 | 13.05 | 28.57 | 3.73 |
| 129 | 1 | 2012 | H12000005 | 15.34 | 12.79 | 28.13 | 3.64 |
| 130 | 1 | 2012 | M5942020 | 13.72 | 10.01 | 23.73 | 2.64 |
| 131 | 1 | 2012 | N76000000 | 5.84 | 4.2 | 10.04 | 1.09 |
| 132 | 1 | 2012 | K28000000 | 4.59 | 3.72 | 8.31 | 1.04 |
| 133 | 1 | 2011 | L31300200 | 207.18 | 179.56 | 386.74 | 44.75 |
| 134 | 1 | 2011 | W0100000 | 122.9 | 111.03 | 233.93 | 28.57 |
| 135 | 1 | 2011 | P10000000 | 108.01 | 96.13 | 204.14 | 24.47 |
| 136 | 1 | 2011 | E65000000 | 85.28 | 75.02 | 160.3 | 18.92 |
| 137 | 1 | 2011 | J18390100 | 81.15 | 68.18 | 149.33 | 16.55 |
| 138 | 1 | 2011 | F51009800 | 64.27 | 55.49 | 119.76 | 13.79 |
| 139 | 1 | 2011 | R11500000 | 58.52 | 51.25 | 109.77 | 12.99 |
| 140 | 1 | 2011 | K24000000 | 58.97 | 46.99 | 105.96 | 10.88 |
| 141 | 1 | 2011 | L33550000 | 45.17 | 40.2 | 85.37 | 10.23 |
| 142 | 1 | 2011 | S32550000 | 30.37 | 29.75 | 60.12 | 8.11 |
| 143 | 1 | 2011 | C07000010 | 45.19 | 35.4 | 80.59 | 8.07 |
| 144 | 1 | 2011 | L04500002 | 40.67 | 32.53 | 73.2 | 7.56 |
| 145 | 1 | 2011 | N86130100 | 33.21 | 28.89 | 62.1 | 7.22 |
| 146 | 1 | 2011 | A21000005 | 30.85 | 27.56 | 58.41 | 7.03 |
| 147 | 1 | 2011 | A21000005 | 30.85 | 27.56 | 58.41 | 7.03 |
| 148 | 1 | 2011 | N76000000 | 26.61 | 22.36 | 48.97 | 5.43 |
| 149 | 1 | 2011 | G15000000 | 24.13 | 20.69 | 44.82 | 5.11 |
| 150 | 1 | 2011 | C07000010 | 27.79 | 21.78 | 49.57 | 4.96 |
| 151 | 1 | 2011 | L62350000 | 19.89 | 18.04 | 37.93 | 4.65 |
| 152 | 1 | 2011 | C07000010 | 22.6 | 17.7 | 40.3 | 4.03 |
| 153 | 1 | 2011 | N86130100 | 17.88 | 15.56 | 33.44 | 3.89 |
| 154 | 1 | 2011 | E65000000 | 15.28 | 13.45 | 28.73 | 3.39 |
| 155 | 1 | 2011 | H12000005 | 12.72 | 12.12 | 24.84 | 3.24 |
| 156 | 1 | 2011 | G59009800 | 15.24 | 12.64 | 27.88 | 3.06 |
| 157 | 1 | 2011 | G59009800 | 15.2 | 12.68 | 27.88 | 3.06 |
| 158 | 1 | 2011 | L37500000 | 10.53 | 10.92 | 21.45 | 3 |
| 159 | 1 | 2011 | C53530000 | 11.41 | 9.17 | 20.58 | 2.14 |
| 160 | 1 | 2011 | H18500018 | 5.42 | 4.88 | 10.3 | 1.25 |
| 161 | 1 | 2010 | L04500002 | 241.04 | 221.75 | 462.79 | 49.17 |
| 162 | 1 | 2010 | P10000000 | 109.3 | 110.4 | 219.7 | 26.72 |
| 163 | 1 | 2010 | C63000000 | 104.33 | 93.56 | 197.89 | 20.19 |
| 164 | 1 | 2010 | L33550000 | 78.49 | 79.27 | 157.76 | 19.19 |
| 165 | 1 | 2010 | F51009800 | 65.7 | 64.61 | 130.31 | 15.28 |

| | | | | | | | |
|-----|---|------|-----------|--------|--------|--------|-------|
| 166 | 1 | 2010 | V38000201 | 45.58 | 53.82 | 99.4 | 14.09 |
| 167 | 1 | 2010 | R11500000 | 58.65 | 58.4 | 117.05 | 14.08 |
| 168 | 1 | 2010 | M2650950 | 45.93 | 47.47 | 93.4 | 11.71 |
| 169 | 1 | 2010 | E81000000 | 57.02 | 50.37 | 107.39 | 10.69 |
| 170 | 1 | 2010 | E81000000 | 34.3 | 32.83 | 67.13 | 7.57 |
| 171 | 1 | 2010 | L60500000 | 24.34 | 24.26 | 48.6 | 5.81 |
| 172 | 1 | 2010 | B19002500 | 27.72 | 24.41 | 52.13 | 5.16 |
| 173 | 1 | 2010 | E81000000 | 25.54 | 22.57 | 48.11 | 4.79 |
| 174 | 1 | 2010 | B29300000 | 26.81 | 23.05 | 49.86 | 4.74 |
| 175 | 1 | 2010 | L37500000 | 9.88 | 11.44 | 21.32 | 2.99 |
| 176 | 1 | 2010 | M0590020 | 10.92 | 10.09 | 21.01 | 2.25 |
| 177 | 1 | 2010 | P32000200 | 0.56 | 0.62 | 1.18 | 0.16 |
| 178 | 1 | 2009 | L31300200 | 212.04 | 234.66 | 446.7 | 53.43 |
| 179 | 1 | 2009 | P10000000 | 110.6 | 124.97 | 235.57 | 29.03 |
| 180 | 1 | 2009 | C67600000 | 139.24 | 135.99 | 275.23 | 26.94 |
| 181 | 1 | 2009 | M2650950 | 83.95 | 96.82 | 180.77 | 22.92 |
| 182 | 1 | 2009 | V38000201 | 66.87 | 86.99 | 153.86 | 21.87 |
| 183 | 1 | 2009 | P55000000 | 94.49 | 96.62 | 191.11 | 20.41 |
| 184 | 1 | 2009 | C16450000 | 92.38 | 87.46 | 179.84 | 16.63 |
| 185 | 1 | 2009 | D43500000 | 75.68 | 73.16 | 148.84 | 14.3 |
| 186 | 1 | 2009 | A63000000 | 73.23 | 70.55 | 143.78 | 13.73 |
| 187 | 1 | 2009 | R28450300 | 36.35 | 41.18 | 77.53 | 9.59 |
| 188 | 1 | 2009 | R02630000 | 39.88 | 40.69 | 80.57 | 8.49 |
| 189 | 1 | 2009 | R02630000 | 39.88 | 40.68 | 80.56 | 8.49 |
| 190 | 1 | 2009 | L68500000 | 30.32 | 30.63 | 60.95 | 6.32 |
| 191 | 1 | 2009 | N58000000 | 12.39 | 12.37 | 24.76 | 2.52 |
| 192 | 1 | 2009 | F51009800 | 9.21 | 10.17 | 19.38 | 2.31 |
| 193 | 1 | 2008 | L31300200 | 224.19 | 275.01 | 499.2 | 60.53 |
| 194 | 1 | 2008 | P10000000 | 115.86 | 144.83 | 260.69 | 32.5 |
| 195 | 1 | 2008 | M2650950 | 87.44 | 111.33 | 198.77 | 25.44 |
| 196 | 1 | 2008 | D15000000 | 86.7 | 107.22 | 193.92 | 23.8 |
| 197 | 1 | 2008 | P93400000 | 103.6 | 112.24 | 215.84 | 21.29 |
| 198 | 1 | 2008 | V06300200 | 87.08 | 90.28 | 177.36 | 16.07 |
| 199 | 1 | 2008 | J57000000 | 61.29 | 64.15 | 125.44 | 11.58 |
| 200 | 1 | 2008 | B48200000 | 46.66 | 54.75 | 101.41 | 11.48 |
| 201 | 1 | 2008 | P64000002 | 53.43 | 55.93 | 109.36 | 10.1 |
| 202 | 1 | 2008 | S47700000 | 31.25 | 35.1 | 66.35 | 6.98 |
| 203 | 1 | 2008 | G13000000 | 14.65 | 15.83 | 30.48 | 2.99 |
| 204 | 1 | 2008 | C67600000 | 10.65 | 11.69 | 22.34 | 2.25 |
| 205 | 1 | 2008 | B50500001 | 6.79 | 7.2 | 13.99 | 1.33 |
| 206 | 1 | 2008 | P32000200 | 1.89 | 2.54 | 4.43 | 0.61 |
| 207 | 1 | 2008 | H35000000 | 0.92 | 0.96 | 1.88 | 0.17 |
| 208 | 1 | 2007 | L04500010 | 230.9 | 334.8 | 565.7 | 77.24 |
| 209 | 1 | 2007 | P32000200 | 164.75 | 241.08 | 405.83 | 56.1 |
| 210 | 1 | 2007 | L31300200 | 152.87 | 205.87 | 358.74 | 44.03 |
| 211 | 1 | 2007 | G69000000 | 227.31 | 253.83 | 481.14 | 41.94 |
| 212 | 1 | 2007 | L47000000 | 151.31 | 188.13 | 339.44 | 36.54 |
| 213 | 1 | 2007 | C13700000 | 125.71 | 153.36 | 279.07 | 29.04 |
| 214 | 1 | 2007 | M2650950 | 91.27 | 127.17 | 218.44 | 28.2 |
| 215 | 1 | 2007 | D15000000 | 62.25 | 84.46 | 146.71 | 18.21 |
| 216 | 1 | 2007 | M6250000 | 51.46 | 73.94 | 125.4 | 16.91 |
| 217 | 1 | 2007 | E43100000 | 47.68 | 69.76 | 117.44 | 16.23 |
| 218 | 1 | 2007 | V06300200 | 51.11 | 59.12 | 110.23 | 10.35 |
| 219 | 1 | 2007 | P10000000 | 30.65 | 41.99 | 72.64 | 9.15 |
| 220 | 1 | 2007 | M5150000 | 41.82 | 48.38 | 90.2 | 8.47 |
| 221 | 1 | 2007 | H35000000 | 32.2 | 37.35 | 69.55 | 6.57 |
| 222 | 1 | 2007 | L20500005 | 28.26 | 31.17 | 59.43 | 5.04 |

| | | | | | | | |
|-----|---|------|-----------|--------|--------|--------|-------|
| 223 | 1 | 2007 | R18200000 | 19.17 | 23 | 42.17 | 4.25 |
| 224 | 1 | 2007 | P92790100 | 6.63 | 8.94 | 15.57 | 1.91 |
| 225 | 1 | 2007 | M47500000 | 2.55 | 3.03 | 5.58 | 0.55 |
| 226 | 1 | 2006 | G69000000 | 193.73 | 239.59 | 433.32 | 39.23 |
| 227 | 1 | 2006 | B15700600 | 74.59 | 100.2 | 174.79 | 18.69 |
| 228 | 1 | 2006 | R28480500 | 40.64 | 68.22 | 108.86 | 15.67 |
| 229 | 1 | 2006 | W3800005 | 82.18 | 98.34 | 180.52 | 15.16 |
| 230 | 1 | 2006 | R18200000 | 58.4 | 77.08 | 135.48 | 14.02 |
| 231 | 1 | 2006 | E81000000 | 55.8 | 71.99 | 127.79 | 12.64 |
| 232 | 1 | 2006 | C13700000 | 47.78 | 64.02 | 111.8 | 11.9 |
| 233 | 1 | 2006 | O33000002 | 23.66 | 30.29 | 53.95 | 5.25 |
| 234 | 1 | 2006 | M0150000 | 15.07 | 22.55 | 37.62 | 4.81 |
| 235 | 1 | 2006 | L20500005 | 21.43 | 25.65 | 47.08 | 3.96 |
| 236 | 1 | 2006 | S24500000 | 7.78 | 10.54 | 18.32 | 1.99 |
| 237 | 1 | 2006 | L63130200 | 4.88 | 6.36 | 11.24 | 1.13 |
| 238 | 1 | 2005 | H14000000 | 104.19 | 176.79 | 280.98 | 38.92 |
| 239 | 1 | 2005 | H14000000 | 92.76 | 157.38 | 250.14 | 34.64 |
| 240 | 1 | 2005 | L59650200 | 128.53 | 167.11 | 295.64 | 25.07 |
| 241 | 1 | 2005 | W3800005 | 93.76 | 123.46 | 217.22 | 18.99 |
| 242 | 1 | 2005 | I20000100 | 46.86 | 79.81 | 126.67 | 17.64 |
| 243 | 1 | 2005 | B15850400 | 48.5 | 77.92 | 126.42 | 16.15 |
| 244 | 1 | 2005 | S57500100 | 74.12 | 97.59 | 171.71 | 15.01 |
| 245 | 1 | 2005 | D60090100 | 25.78 | 38.51 | 64.29 | 7.27 |
| 246 | 1 | 2005 | J57000000 | 21.41 | 28.17 | 49.58 | 4.33 |
| 247 | 1 | 2005 | L47350000 | 20.3 | 26.73 | 47.03 | 4.11 |
| 248 | 1 | 2005 | G99500000 | 11.95 | 16.23 | 28.18 | 2.64 |
| 249 | 1 | 2005 | B15700600 | 9.07 | 13.28 | 22.35 | 2.44 |
| 250 | 1 | 2005 | E31000003 | 9.68 | 13.1 | 22.78 | 2.12 |
| 251 | 1 | 2005 | E48250100 | 5.41 | 8.02 | 13.43 | 1.51 |
| 252 | 1 | 2005 | E48250100 | 4.91 | 7.3 | 12.21 | 1.37 |
| 253 | 1 | 2005 | E48250100 | 4.91 | 7.3 | 12.21 | 1.37 |
| 254 | 1 | 2005 | H51000000 | 2.97 | 4.34 | 7.31 | 0.79 |
| 255 | 1 | 2005 | L18100000 | 1.88 | 2.8 | 4.68 | 0.52 |
| 256 | 1 | 2005 | L18100000 | 1.88 | 2.8 | 4.68 | 0.52 |
| 257 | 1 | 2004 | S69000000 | 220.9 | 332.09 | 552.99 | 55.34 |
| 258 | 1 | 2004 | H14000000 | 139.27 | 253 | 392.27 | 54.52 |
| 259 | 1 | 2004 | L47350000 | 169.27 | 243.19 | 412.46 | 37.32 |
| 260 | 1 | 2004 | P29700200 | 126.46 | 181.69 | 308.15 | 27.89 |
| 261 | 1 | 2004 | W3800005 | 107.14 | 153.93 | 261.07 | 23.63 |
| 262 | 1 | 2004 | A41300000 | 34.61 | 53.28 | 87.89 | 9.24 |
| 263 | 1 | 2004 | M1900010 | 25.34 | 35.27 | 60.61 | 5.13 |
| 264 | 1 | 2004 | L15500200 | 24.78 | 33.62 | 58.4 | 4.57 |
| 265 | 1 | 2004 | I20000100 | 7.82 | 14.26 | 22.08 | 3.09 |
| 266 | 1 | 2004 | S10000000 | 9.32 | 15.66 | 24.98 | 3.08 |
| 267 | 1 | 2004 | W2300000 | 8.04 | 13.54 | 21.58 | 2.68 |
| 268 | 1 | 2004 | M5200000 | 6.35 | 10.75 | 17.1 | 2.15 |
| 269 | 1 | 2004 | O24450000 | 8.9 | 12.65 | 21.55 | 1.9 |
| 270 | 1 | 2004 | R47000001 | 6.63 | 9.53 | 16.16 | 1.46 |
| 271 | 1 | 2004 | S00400100 | 3.39 | 4.88 | 8.27 | 0.75 |
| 272 | 1 | 2004 | E54000002 | 2.9 | 3.93 | 6.83 | 0.53 |
| 273 | 1 | 2004 | E54000002 | 0.86 | 1.17 | 2.03 | 0.16 |
| 274 | 1 | 2003 | S69000000 | 336.39 | 546.07 | 882.46 | 90.32 |
| 275 | 1 | 2003 | W3800006 | 221.22 | 325.75 | 546.97 | 44.8 |
| 276 | 1 | 2003 | M5830030 | 160.64 | 251.65 | 412.29 | 39.03 |
| 277 | 1 | 2003 | L47350000 | 156.26 | 243.24 | 399.5 | 37.27 |
| 278 | 1 | 2003 | W3800005 | 100.65 | 156.68 | 257.33 | 24 |
| 279 | 1 | 2003 | B15850400 | 52.39 | 96.75 | 149.14 | 19.33 |

| | | | | | | | |
|-----|---|------|-----------|--------|--------|--------|-------|
| 280 | 1 | 2003 | M2650950 | 41.74 | 78.2 | 119.94 | 15.9 |
| 281 | 1 | 2003 | H26500000 | 48.2 | 76 | 124.2 | 11.93 |
| 282 | 1 | 2003 | T79000000 | 40.86 | 63.6 | 104.46 | 9.74 |
| 283 | 1 | 2003 | O24450000 | 38.56 | 59.38 | 97.94 | 8.91 |
| 284 | 1 | 2003 | B15800300 | 21.58 | 37.55 | 59.13 | 6.93 |
| 285 | 1 | 2003 | L15500200 | 24.78 | 36.59 | 61.37 | 5.02 |
| 286 | 1 | 2003 | G04000000 | 9.65 | 17.33 | 26.98 | 3.34 |
| 287 | 1 | 2003 | W0100000 | 6.97 | 10.29 | 17.26 | 1.41 |
| 288 | 1 | 2003 | B49650400 | 3.35 | 6.2 | 9.55 | 1.24 |
| 289 | 1 | 2003 | G80500000 | 1.89 | 2.94 | 4.83 | 0.45 |
| 290 | 1 | 2002 | L47350000 | 158 | 264.91 | 422.91 | 40.53 |
| 291 | 1 | 2002 | R11500000 | 101.54 | 198.59 | 300.13 | 38.99 |
| 292 | 1 | 2002 | W3800005 | 104.93 | 175.93 | 280.86 | 26.91 |
| 293 | 1 | 2002 | G80500000 | 83.05 | 139.23 | 222.28 | 21.3 |
| 294 | 1 | 2002 | L15500200 | 68.35 | 109.13 | 177.48 | 15.07 |
| 295 | 1 | 2002 | W0100000 | 39.24 | 69.74 | 108.98 | 11.84 |
| 296 | 1 | 2002 | S24000000 | 51.07 | 82.23 | 133.3 | 11.57 |
| 297 | 1 | 2002 | O24450000 | 39.57 | 65.69 | 105.26 | 9.85 |
| 298 | 1 | 2002 | A26550200 | 22.78 | 36.44 | 59.22 | 5.06 |
| 299 | 1 | 2002 | G39000000 | 13.64 | 26.09 | 39.73 | 4.95 |
| 300 | 1 | 2002 | S39750300 | 19.46 | 31.83 | 51.29 | 4.64 |
| 301 | 1 | 2002 | G80500000 | 9.21 | 15.45 | 24.66 | 2.36 |
| 302 | 1 | 2002 | L00700100 | 4.74 | 9.13 | 13.87 | 1.74 |
| 303 | 1 | 2002 | T70600000 | 6.1 | 9.38 | 15.48 | 1.19 |
| 304 | 1 | 2001 | P55000000 | 92.33 | 183.04 | 275.37 | 33.24 |
| 305 | 1 | 2001 | L47350000 | 108.23 | 194.45 | 302.68 | 29.71 |
| 306 | 1 | 2001 | W3800005 | 91.5 | 164.4 | 255.9 | 25.12 |
| 307 | 1 | 2001 | M5830030 | 52.49 | 94.83 | 147.32 | 14.64 |
| 308 | 1 | 2001 | H49500000 | 20.29 | 45.18 | 65.47 | 9.38 |
| 309 | 1 | 2001 | O24450000 | 28.53 | 50.78 | 79.31 | 7.62 |
| 310 | 1 | 2001 | L15500200 | 28.87 | 49.56 | 78.43 | 6.89 |
| 311 | 1 | 2001 | W0100000 | 10.47 | 19.86 | 30.33 | 3.35 |
| 312 | 1 | 2000 | P55000000 | 124.44 | 261.63 | 386.07 | 47.04 |
| 313 | 1 | 2000 | R11500000 | 97.77 | 214.69 | 312.46 | 41.06 |
| 314 | 1 | 2000 | W3800005 | 91.63 | 175.62 | 267.25 | 26.8 |
| 315 | 1 | 2000 | B15700500 | 53.49 | 93.09 | 146.58 | 11.4 |
| 316 | 1 | 2000 | L60500000 | 25.08 | 55.09 | 80.17 | 10.5 |
| 317 | 1 | 2000 | L60500000 | 21.65 | 42.37 | 64.02 | 6.72 |
| 318 | 1 | 2000 | B01000000 | 20.96 | 40.31 | 61.27 | 6.19 |
| 319 | 1 | 2000 | D29000000 | 16.92 | 29.05 | 45.97 | 3.43 |
| 320 | 1 | 2000 | D29000000 | 16.93 | 29.05 | 45.98 | 3.43 |
| 321 | 1 | 1999 | R11500000 | 87.22 | 201.98 | 289.2 | 38.2 |
| 322 | 1 | 1999 | W3800005 | 75.75 | 154.28 | 230.03 | 23.52 |
| 323 | 1 | 1999 | G20500000 | 28.89 | 57.67 | 86.56 | 8.45 |
| 324 | 1 | 1999 | B15700500 | 34.35 | 63.9 | 98.25 | 7.94 |
| 325 | 1 | 1999 | O24450000 | 24.53 | 49.55 | 74.08 | 7.43 |
| 326 | 1 | 1999 | A13000000 | 18.09 | 36.18 | 54.27 | 5.32 |
| 327 | 1 | 1998 | R11500000 | 87.22 | 212.45 | 299.67 | 39.77 |
| 328 | 1 | 1998 | W3800005 | 75.75 | 163.37 | 239.12 | 24.88 |
| 329 | 1 | 1998 | G33000000 | 27.88 | 64.78 | 92.66 | 11.25 |
| 330 | 1 | 1998 | O24450000 | 24.13 | 51.64 | 75.77 | 7.75 |
| 331 | 1 | 1998 | A13000000 | 9.06 | 19.2 | 28.26 | 2.83 |
| 332 | 1 | 1998 | S16500000 | 5.7 | 11.3 | 17 | 1.43 |
| 333 | 1 | 1997 | R11500000 | 86.37 | 220.75 | 307.12 | 40.94 |
| 334 | 1 | 1997 | W3800005 | 74.04 | 168.56 | 242.6 | 25.65 |
| 335 | 1 | 1997 | C95500000 | 73.12 | 157.69 | 230.81 | 21.39 |
| 336 | 1 | 1997 | L47000000 | 55.85 | 127.17 | 183.02 | 19.36 |

| | | | | | | | |
|-----|----|------|-----------|--------|--------|--------|-------|
| 337 | 1 | 1997 | C17600000 | 46.07 | 101.37 | 147.44 | 14.38 |
| 338 | 1 | 1997 | E81000000 | 23.04 | 52.46 | 75.5 | 7.98 |
| 339 | 1 | 1997 | L20500003 | 4.41 | 9.69 | 14.1 | 1.37 |
| 340 | 1 | 1996 | W3800005 | 68.76 | 164.8 | 233.56 | 25.06 |
| 341 | 1 | 1996 | C17600000 | 55.38 | 128.49 | 183.87 | 18.28 |
| 342 | 1 | 1996 | C95500000 | 58.53 | 133.26 | 191.79 | 18.17 |
| 343 | 1 | 1996 | S68300000 | 39.02 | 91.96 | 130.98 | 13.52 |
| 344 | 1 | 1996 | B19000400 | 14.76 | 35.98 | 50.74 | 5.65 |
| 345 | 1 | 1996 | W0100000 | 8.42 | 22.35 | 30.77 | 4.04 |
| 346 | 1 | 1996 | H12000012 | 13.38 | 29.02 | 42.4 | 3.51 |
| 347 | 1 | 1996 | R11500000 | 3.27 | 8.75 | 12.02 | 1.61 |
| 348 | 1 | 1995 | W3800005 | 65.9 | 165.85 | 231.75 | 25.21 |
| 349 | 1 | 1995 | K24000000 | 90.29 | 205.54 | 295.83 | 24.78 |
| 350 | 1 | 1995 | I70800000 | 30.62 | 83.99 | 114.61 | 14.84 |
| 351 | 1 | 1995 | E54000000 | 32.86 | 80.09 | 112.95 | 11.39 |
| 352 | 1 | 1995 | C65500000 | 24 | 58.48 | 82.48 | 8.32 |
| 353 | 1 | 1995 | W3800005 | 9.07 | 24.42 | 33.49 | 4.19 |
| 354 | 1 | 1995 | C65500000 | -24.05 | -58.53 | -82.58 | -8.34 |
| 355 | 1 | 1994 | K24000000 | 173.09 | 414.85 | 587.94 | 50.63 |
| 356 | 1 | 1994 | W3800005 | 98.55 | 259.85 | 358.4 | 39.47 |
| 357 | 1 | 1994 | V38000200 | 66.75 | 190.27 | 257.02 | 33.15 |
| 358 | 1 | 1994 | I70800000 | 38.99 | 111.65 | 150.64 | 19.59 |
| 359 | 1 | 1994 | C65500000 | 26.39 | 67.47 | 93.86 | 9.62 |
| 360 | 1 | 1994 | C12000200 | 4.21 | 11.27 | 15.48 | 1.76 |
| 361 | 1 | 1994 | C29500200 | 1.85 | 5.14 | 6.99 | 0.86 |
| 362 | 1 | 1994 | V38000200 | 0.46 | 1.31 | 1.77 | 0.23 |
| 363 | 1 | 1994 | C65500000 | -26.39 | -67.36 | -93.75 | -9.62 |
| 364 | 1 | 1993 | K24000000 | 211.62 | 532.57 | 744.19 | 65.71 |
| 365 | 1 | 1993 | I70800000 | 13.17 | 39.3 | 52.47 | 6.86 |
| 366 | 1 | 1993 | J57000000 | 11.75 | 30.68 | 42.43 | 4.15 |
| 367 | 1 | 1992 | K24000000 | 217.1 | 572.42 | 789.52 | 71.32 |
| 368 | 1 | 1992 | D78000000 | 14.73 | 42.26 | 56.99 | 6.37 |
| 369 | 1 | 1991 | K24000000 | 99.6 | 274.57 | 374.17 | 34.51 |
| 370 | 1 | 1991 | A08000000 | 8.81 | 28.2 | 37.01 | 4.82 |
| 371 | 1 | 1991 | D78000000 | 8.6 | 25.68 | 34.28 | 3.87 |
| 372 | 1 | 1990 | K24000000 | 27.31 | 78.56 | 105.87 | 9.95 |
| 373 | 1 | 1984 | B50500000 | 3.49 | 13.15 | 16.64 | 1.91 |
| 374 | 12 | 1999 | G20500000 | 0.69 | 1.39 | 2.08 | 0.21 |
| 375 | 12 | 1996 | B19000400 | 0.8 | 1.93 | 2.73 | 0.3 |
| 376 | 12 | 1996 | W0100000 | 0.45 | 1.2 | 1.65 | 0.22 |
| 377 | 17 | 1993 | I70800000 | 0.17 | 0.51 | 0.68 | 0.09 |
| 378 | 17 | 1993 | J57000000 | 0.15 | 0.38 | 0.53 | 0.05 |
| 379 | 17 | 1984 | B50500000 | 0.58 | 2.15 | 2.73 | 0.31 |
| 380 | 1 | 2009 | N80000200 | 28.77 | 30.29 | 59.06 | 6.56 |
| 381 | 1 | 2004 | F67500600 | 35.8 | 54.88 | 90.68 | 9.45 |
| 382 | 1 | 2001 | W0100000 | 10.35 | 22.49 | 32.84 | 4.6 |
| 383 | 1 | 2018 | W3800003 | 0.13 | 0.04 | 0.17 | 0.02 |
| 384 | 1 | 2016 | A18000003 | 373.53 | 148.17 | 521.7 | 68.92 |
| 385 | 1 | 2006 | E54000004 | 3.94 | 5.9 | 9.84 | 1.26 |
| 386 | 1 | 2002 | D60000100 | 249.6 | 440.13 | 689.73 | 73.76 |
| 387 | 1 | 1999 | F51000000 | 22.57 | 51.92 | 74.49 | 9.68 |
| 388 | 1 | 1998 | F51000000 | 0.76 | 1.84 | 2.6 | 0.34 |

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 26, 2021

The Honorable Celestino Avila, Jr., Constable
Hidalgo County Precinct No. 1
1900 Joe Stephens
Weslaco, TX 78596

Re: Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-05

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, 2020 pursuant to Code of Criminal Procedure §59.06 (g)(1) and Local Government Code §115.001 and §115.0035. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Executive Summary:

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.

The Constable Precinct No. 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.

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 §59.05 (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).

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 92ND D.C.

J. R. "BOBBY" FLORES
JUDGE, 159TH 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, 379TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

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. In addition, 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 No. 1 Chapter 59 budget for the year ended December 31, 2020 was \$20,029.57 and expenditures totaled \$10,029.57 (i.e., patrol radios).

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.

Pursuant to CCP §59.06 (t)(1), contraband for which forfeiture is authorized with respect to an offense under section 20.05, 20.06, 20.7, 43.04, or 43.05 or Chapter 20A of the Penal Code should be used to provide direct victim services or to cover the costs of a contract with local nonprofit organization to provide direct services to crime victims.

For the year ended December 31, 2020, Constable Precinct No. 1 seized cash totaling \$5,671.00 and 17 motor vehicles. In addition, cash totaling \$3,184.42 and 2 motor vehicles were forfeited (awarded) to the Constable Precinct No. 1. Furthermore, 1 motor vehicle was return to the respondent during the year ended December 21, 2020.

Local Agreement Between District Attorney's Office and Constable Precinct No. 1

On October 23, 2015, the Hidalgo County District Attorney and Constable Precinct No. 1 entered into a local agreement pursuant to CCP §59.06 (b). According to the local agreement, Constable Precinct No. 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 No. 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 No. 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 No. 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,

HIDALGO COUNTY DISTRICT JUDGES

after deductions of sale expenses, shall be divided as follows: 60% to Constable Precinct No. 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 No. 1 Procedures

The Constable Precinct No. 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 No. 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.

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, and 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 No. 1 Office, indicating the status of the property, location, and condition.

Scope and Methodology:

The scope of the 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, 2020 through December 31, 2020.

The 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, 2020 to December 31, 2020 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 No. 1 Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP §59.06 (d-3).
4. Selected 17 vehicles that were seized and/or forfeited during the reporting period and not sold for physical identification.
5. Reviewed the petitions and judgements for property forfeited to Constable Precinct No. 1 to determine if property with respect to an offense under section 20.05, 20.06, 20.7, 43.04, or 43.05 or Chapter 20A of the Penal Code was properly accounted for.
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.

Conclusion:

HIDALGO COUNTY DISTRICT JUDGES

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. 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 Constable Precinct No. 1 seized cash totaling \$5,671.00 and 17 motor vehicles. In addition, cash totaling \$3,184.42 and 2 motor vehicles were forfeited (awarded) to Constable Precinct No. 1. Furthermore, 2 motor vehicles were returned to respondent during the year ended December 31, 2020. All items were properly reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from Constable Precinct No.1 Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (d-3).
4. Of the 17 vehicles, 15 were physically identified. 2 of the 17 vehicles were not located due to a recent release of the vehicles due to a non-suit and judgment issued to exchange vehicle in lieu of forfeiture of the vehicle.
5. There were no petitions or judgments for property related to an offense under section 20.05, 20.06, 20.7, 43.04, or 43.05 or Chapter 20A of the Penal Code.
6. The Constable Precinct No. 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 revising the policies and procedures to address when a forfeited vehicle or property will be put to use. In addition, a pre-numbered form should be developed for controlling seizures. The form should require the signature of the agent counting and witness verifying the seizure and the respondent's signature, if possible.

Please provide a written management response to finding 6 noted in the conclusion section and the recommendation noted above by June 4, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Karen R. Ramirez, Internal Auditor I, at 318-2511 ext. 4606, 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
Mr. Kent Richardson, Assistant Attorney General
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

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

May 27, 2021

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

Ref: Constable Precinct No. 1 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-14

Dear Constable Avila:

We conducted a limited scope review of the Constable Precinct No. 1 Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. There were no expenditures incurred from the Constable's Justice and Treasury Funds.
3. Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (Constable Precinct No. 1) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that Constable Precinct No. 1 must agree to account separately for Federal equitable sharing funds received from the Department of Justice and the Department of Treasury. Funds from state and local forfeitures and other sources must not be commingled with Federal equitable sharing funds. Actual signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 63RD D.C.

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

ROSE GUERRA REYNA
JUDGE, 209TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 522ND D.C.

NOE GONZALEZ
JUDGE, 372ND D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

agency must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. This community-based organization provision does not apply to the Department of Treasury equitable sharing funds; therefore, agencies may not use Department of Treasury Funds to support community-based organizations.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the guidelines to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the Constable's Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The review was not designated nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the Constable's Justice and Treasury Funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the Constable's Justice and Treasury Funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written policies and procedures governing the Constable's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that the revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice Fund and Treasury Fund agreed to those recorded in *Alio*. Expenditures were not incurred from the Constable's Justice and Treasury Funds. However, formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide* 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 lost from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 129TH D.C.

ROSE GUERRA REYRA
JUDGE, 126TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

ISRAEL RAMON, JR.
JUDGE, 438TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Pursuant to the *Guide*, Section VI, participating law enforcement agencies must implement accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property.

At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing; therefore, failure to ensure that Constable Precinct No. 1 develops and implements accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property may result in the inability to participate in the equitable sharing program.

Recommendation:

Management should develop and implement formal procedures to track equitably shared funds and tangible property. At a minimum, procedures developed should be consistent with the *Guide* (see pg.21, Section VI).

Please provide a management response to the observation above by Friday, June 4, 2021.

If you have any questions, please contact Karen Ramirez, Internal Auditor I, at 318-2511 ext. 4606, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|---|---|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 82 ND D.C. | FERMINANDO HANCIAS JUDGE, 83 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 139 TH D.C. | ROSE GUERRA REYNIA JUDGE, 206 TH D.C. | MARLA CUELLAR JUDGE, 276 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 352 ND D.C. | HOE GONZALEZ JUDGE, 379 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 388 TH D.C. | L. KENO VASQUEZ JUDGE, 398 TH D.C. | ISRAEL RAMON, JR. JUDGE, 430 TH D.C. | RENEE R. BETANCOURT JUDGE, 449 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH D.C. |
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COUNTY of HIDALGO

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2808 South Business Highway 281
Edinburg, Texas 78539-6243
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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

May 27, 2021

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

Ref: Constable Precinct No. 2 2020 Equitable Sharing Agreement and Certification
Audit No. 2021-15

Dear Constable Cantu:

We conducted a limited scope review of the Constable Precinct No. 2 Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The objectives of the review were to determine if: 1.) revenues and expenditures reported on the Equitable Sharing Agreement and Certification agreed to those recorded in *Alio*, the County's financial accounting system; 2.) expenditures were permissible and incurred for law enforcement purposes pursuant to the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (*Guide*); and 3.) formal procedures to track equitably shared funds and tangible property have been developed as required by the *Guide*.

Executive Summary:

1. All revenues and expenditures reported on the Equitable Sharing Agreement and Certification for the Justice and Treasury Fund agreed to those recorded in *Alio*.
2. There were no expenditures incurred from the Constable's Justice and Treasury Funds.
3. Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

Background:

The Equitable Sharing Program is a Department of Justice and a Department of Treasury program designed to enhance cooperation among federal, state, and local law enforcement agencies through the sharing of proceeds resulting from Federal forfeitures. In order to become eligible, state or local law enforcement agencies must submit the Equitable Sharing Agreement and Certification through the eShare portal. The submission of the Equitable Sharing Agreement and Certification is a prerequisite to the approval of any equitable sharing request. Noncompliance may result in the denial of the agency's sharing request.

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

The Equitable Sharing Agreement and Certification binds its signatories to the statutes and guidelines that regulate the equitable sharing program and certifies that the agency (Constable Precinct No. 2) will comply with said guidelines and statutes. The Equitable Sharing Agreement and Certification stipulates that shared assets shall be used for law enforcement purposes as set forth in the *Guide*. The Equitable Sharing Agreement and Certification also stipulates that Constable Precinct No. 2 must agree to account separately for Federal equitable sharing funds received from the Department of Justice and the Department of Treasury. Funds from state and local forfeitures and other sources must not be commingled with Federal equitable sharing funds. Actual signatures of approval are not required to be submitted along with the Equitable Sharing Report; however, the

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MARIANS
JUDGE, 89TH D.C.

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

ROSE GUERRA REYRA
JUDGE, 166TH D.C.

MARLA CUELLAR
JUDGE, 215TH D.C.

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

NOE GONZALEZ
JUDGE, 310TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

agency must obtain approval from the governing body. The fully executed Equitable Sharing Agreement must be maintained by the agency.

Equitable sharing funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel, with certain exceptions. The following are examples of permissible uses of equitable sharing funds: a) law enforcement operations and investigations; b) law enforcement training and education; c) law enforcement, public safety, and detention facilities; d) law enforcement equipment; e) joint law enforcement/public safety operations; f) contracts for services; g) law enforcement travel and per diem; h) law enforcement awards and memorials; i) drug, gang, and other prevention or awareness programs; j) matching grants; and k) support of community-based organizations. This community-based organization provision does not apply to the Department of Treasury equitable sharing funds; therefore, agencies may not use Department of Treasury Funds to support community-based organizations.

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. However, equitable sharing funds may be used to pay salaries and benefits of current law enforcement officers and personnel in the following limited situations: 1) matching federal grants; 2) overtime; 3) federal task force replacement salary; and 4) specialized programs.

Participating law enforcement agencies must implement accounting procedures and internal controls that are consistent with the guidelines to track equitably shared funds and tangible property. At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing.

Scope and Methodology:

The scope was limited to a review of the revenues and expenditures reported on the Constable's Equitable Sharing Agreement and Certification for the year ended December 31, 2020. The review was not designated nor intended to be a detailed study of every relevant control system, procedure, or transaction. Accordingly, the opportunities for improvement presented in this letter may not be all-inclusive of areas where improvement could be made.

More specifically, the following procedures were performed:

1. Generated revenue and expenditure reports from *Alio* for the Constable's Justice and Treasury Funds and compared the reports to the Equitable Sharing Agreement and Certification to determine whether the revenues and expenditures reported agreed to those recorded in *Alio*.
2. Reviewed all expenditures from the Constable's Justice and Treasury Funds to determine if the expenditures were incurred for law enforcement purposes pursuant to the *Guide*.
3. Requested written policies and procedures governing the Constable's Justice and Treasury funds.

Conclusion:

Based on the results of the review, we determined that the revenues reported on the Equitable Sharing Agreement and Certification for the Justice Fund and Treasury Fund agreed to those recorded in *Alio*. Expenditures were not incurred from the Constable's Justice and Treasury Funds. However, formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide* 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 lost from unauthorized use or theft, and that transactions are executed in accordance with management's authorization and recorded properly.

Observation No. 1:

Formal procedures to track equitably shared funds and tangible property have not been developed as required by the *Guide*.

Pursuant to the *Guide*, Section VI, participating law enforcement agencies must implement accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property.

HIDALGO COUNTY DISTRICT JUDGES

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

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

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JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 333RD D.C.

NOE GONZALEZ
JUDGE, 378TH D.C.
OVERBEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 454TH D.C.

At any time, the Department of Justice and the Department of Treasury may request documents related to equitable sharing; therefore, failure to ensure that Constable Precinct No. 2 develops and implements accounting procedures consistent with the *Guide* to track equitably shared funds and tangible property may result in the inability to participate in the equitable sharing program.

Recommendation:

Management should develop and implement formal procedures to track equitably shared funds and tangible property. At a minimum, procedures developed should be consistent with the *Guide* (see pg.21, Section VI).

Please provide a management response to the observation above by Friday, June 4, 2021.

If you have any questions, please contact Karen Ramirez, Internal Auditor I, at 318-2511 ext. 4606, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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|---|--|---|--|--|--|---|--|--|--|--|---|
| 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, 208 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C. | NOE GONZALEZ JUDGE, 371 ST D.C. OVERSEER | LETICIA LOPEZ JUDGE, 389 TH D.C. | L. KENO VASQUEZ JUDGE, 368 TH D.C. | ISRAEL RAMON, JR. JUDGE, 435 TH D.C. | KENEE R. BETANCOURT JUDGE, 447 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 484 TH D.C. |
|---|--|---|--|--|--|---|--|--|--|--|---|

COUNTY of HIDALGO

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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

June 7, 2021

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Re: Wonderful Citrus Packing, LLC 2021 Tax Abatement Report No. 2021-22

Dear Mr. Garza:

We completed a limited scope review of the tax abatement agreement between Hidalgo County and Wonderful Citrus Packing, LLC. The objective of the review was to determine if Wonderful Citrus Packing, LLC qualifies for a tax abatement for the 2021 tax year.

Scope and Methodology:

The scope of the review was limited to a review of the tax abatement agreement between Hidalgo County and Wonderful Citrus Packing, LLC, and correspondence received from Wonderful Citrus Packing, LLC regarding compliance with terms of the tax abatement agreement.

Conclusion:

We determined that Wonderful Citrus Packing, LLC qualifies for 50% tax abatement for the 2021 tax year based on the increase in newly created value as reflected in the tax rolls of the Hidalgo County Appraisal District.

If you have any questions, please contact Carlos Alvarez, Internal Auditor I, at 318-2511 ext. 4667, Reynaldo Cantu III, Compliance Audit Supervisor, at ext. 4654, Letty Chavez, Director of Audit Division, ext. 4641, 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

HIDALGO COUNTY DISTRICT JUDGES

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

EDUARDO MANCAS
JUDGE, 63RD D.C.

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

ROSE GUERRA REYNA
JUDGE, 204TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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JUDGE, 322ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

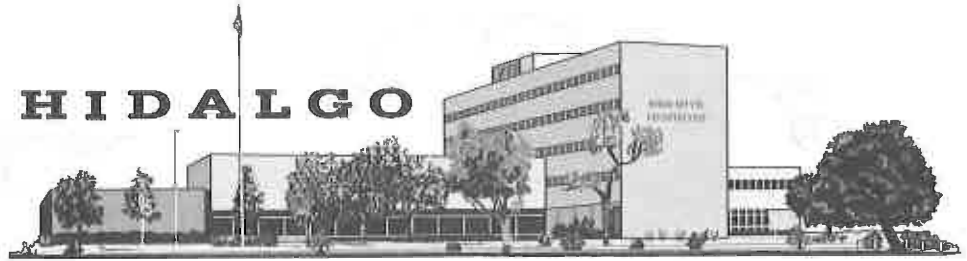
ISRAEL RAMON, JR.
JUDGE, 450TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

COUNTY of HIDALGO

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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

June 17, 2021

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

Re: Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-03

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, 2020 pursuant to Code of Criminal Procedure §59.06 (g)(1) and Local Government Code §115.001 and §115.0035. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Executive Summary:

Based on the results of the 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 and receipts.

More specifically:

1. Seized items were not properly listed on the petitions recorded in *Odyssey*.
2. The Sheriff's Office did not open all CDs within 72 hours of seizure.
3. Not all petitions were filed on or before the 30th day after the date of seizure as required by CCP §59.03 (c) and CCP §59.04 (a) and (b).
4. Pre-numbered official receipt forms were not used to record and control seizures.

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

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO NANCIAS
JUDGE, 93RD D.C.

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JUDGE, 138TH D.C.

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NOE GONZALEZ
JUDGE, 371ST D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 393RD D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

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 (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).

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. In addition, 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 Sheriff's Chapter 59 budget for the year ended December 31, 2020 was \$285,671.97 and expenditures totaled \$226,075.33 (i.e., salary, investigative costs, and facility costs for bus barn project).

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.

Pursuant to CCP §59.06 (t)(1), contraband for which forfeiture is authorized with respect to an offense under section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code should be used to provide direct victim services or to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

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

HIDALGO COUNTY DISTRICT JUDGES

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affirmative relief may file for record with the County Clerk of each county where a part of the property is located a notice (lis pendens) that the action is pending.

For the year ended December 31, 2020, the Sheriff's Office seized cash totaling \$383,957.26; 5 motor vehicles; and other property consisting of 344 computer mother boards. In addition, cash totaling \$61,239.08; 1 motor vehicle; and other property consisting of 337 were forfeited (awarded) to the Sheriff's Office. Furthermore, 2 motor vehicles were returned to the respondent and 1 motor vehicle was put to use during the year ended December 31, 2020.

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, from the final sum received, with the remaining amounts disbursed to 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 establishes the procedures and provides direction 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. A "Financial Seizure Account History" form, which is not pre-numbered, is used by the Sheriff's Office Accountant to maintain the forfeiture and the financial breakdown of seizure.

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.

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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

On July 26, 2019, the Hidalgo County Commissioners Court entered into a contract with AMT Auction Marketing for the provision of auctioneer services. The contract is effective from July 30, 2019 to July 29, 2020, with the option to extend for two (2) one (1) year terms. On June 23, 2020, the Hidalgo County Commissioners Court approved their option to exercise the first of two one-year extension/renewal terms. The contract was extended until July 29, 2021.

Scope and Methodology:

The scope of the 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, 2020 through December 31, 2020.

The 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, 2020 to December 31, 2020 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 Sheriff's Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP §59.06 (d-3).
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. 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 cases that were award over \$3,000 (after costs) for the prevention of drug abuse and for the treatment of persons with drug-related problems pursuant to the resolution dated February 26, 1991.
6. Verified on *Odyssey* if a lis pendens was filed for all real estate property seized by the Sheriff's Office pursuant to Property Code §12.007.
7. 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.
8. Reviewed the petitions and judgements for property forfeited to the Sheriff's Office to determine if property with respect to an offense under section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code was properly accounted for.
9. Selected 4 vehicles and other property consisting of 987 computer mother boards that were seized and/or forfeited and not sold as of December 31, 2020 for physical identification.
10. 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.
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 the 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 9 through 11 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 \$383,957.26; 5 motor vehicles; and other property consisting of 344 computer motherboards. In addition, cash totaling \$61,239.08; 1 motor vehicle; and other property consisting of 337 computer motherboards were forfeited (awarded) to the Sheriff's Office. Furthermore, 2 motor vehicles were returned to respondent and 1 motor vehicle was put to use during the year ended December 31, 2020. 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 (d-3).
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. For 12 judgments awarded over \$3,000 (after cost), the 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.
6. There was no real estate property seized by the Sheriff's Office.
7. There were no auction proceeds according to the revenue reports generated from *Alio* and the "Purchasing Department/Fixed Asset Division Auction Report".
8. There were no petitions or judgments for property related to an offense under section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code.
9. All 4 vehicles selected were physically identified; however, we located computer motherboards that were not properly listed on the petitions recorded in *Odyssey* (see Exhibit A).
10. There were 13 cash seizures made by the Sheriff's Office. Of the 13 cash seizures:
 - 8 certificates of deposit were opened within 72 hours of seizure as required by CCP §59.03 (c).
 - 5 certificates of deposits were opened 1 to 3 days late.

In addition, 22 petitions were filed with the District Clerk's Office. Of the 22 petitions, 21 were filed on or before the 30th day after the date of the seizure as required by CCP §59.04 (a). 1 of 22 petitions was filed on the 33rd day after the date of seizure.

11. Formal policies and procedures have been developed by the Sheriff's Office regarding Chapter 59 seizures and forfeitures; however, pre-numbered official receipt forms are not utilized to record and control seizures.

Recommendation:

In our opinion, the issues noted in finding 9 through 11 could be addressed by developing and implementing formal policies and procedures to ensure:

1. Petitions list the correct items seized. Failure to ensure that the correct items are listed may result in the Sheriff's Office having to return items to the respondent for non-suit. The Sheriff's Office should coordinate with the District Attorney's Office to ensure that the petitions are corrected to list the accurate amount of computer motherboards seized (see Exhibit A).
2. CDs are opened within 72 hours of seizure and petitions are filed on or before the 30th day after the date of seizure as required by CCP §59.03 (c) and CCP §59.04 (a) and (b).

HIDALGO COUNTY DISTRICT JUDGES

3. Pre-numbered forms are used to record and control seizures. The form 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 findings 9 through 11 noted in the conclusion section and the recommendations noted above by June 30, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Aaron Robledo, Internal Auditor I, at 318-2511 ext. 4694, 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

cc: Mr. Valde Guerra, County Executive Officer
Mr. Kent Richardson, Assistant Attorney General
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 83RD D.C.

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JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.



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

AUDITEE: The Honorable J.E. "Eddie" Guerra, Sheriff **AUDIT NO.:** 2021-03

AUDIT: HCSO Chapter 59 Asset Forfeiture Report FY 2020 **MANAGEMENT RESPONSE DUE:** June 30, 2021

FINDING No.: 1 **RECOMMENDATION:** 1

Petitions list the correct items seized. Failure to ensure that the correct items are listed may result in the Sheriff's Office having to return items to the respondent for non-suit. The Sheriff's Office should coordinate with the District Attorney's Office to ensure that the petitions are corrected to list the accurate amount of computer motherboards seized (see Exhibit A).

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:** _____

Exhibit A

| # | Case Number | Original Petition Total | Physically Located | Overage/Shortage Amount |
|---------------|--------------------|--------------------------------|---------------------------|--------------------------------|
| 1 | C-3559-19-L | 93 | 95 | 2 |
| 2 | C-3786-19-F | 113 | 112 | -1 |
| 3 | C-3890-19-E | 91 | 97 | 6 |
| 4 | C-4545-19-L | 103 | 103 | 0 |
| 5 | C-4702-19-I | 75 | 80 | 5 |
| 6 | C-4856-19-I | 93 | 95 | 2 |
| 7 | C-5275-19-D | 75 | 75 | 0 |
| 8 | C-0788-20-H | 134 | 137 | 3 |
| 9 | C-3090-20-C | 51 | 51 | 0 |
| 10 | C-3798-20-E | 78 | 81 | 3 |
| 11 | C-3946-20-A | 81 | 82 | 1 |
| Totals | | 987 | 1008 | 21 |



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

| | | | |
|---------------------|--|-------------------------------------|----------------------|
| AUDITEE: | <u>The Honorable J.E. "Eddie" Guerra, Sheriff</u> | AUDIT NO.: | <u>2021-03</u> |
| AUDIT: | <u>HCSO Chapter 59 Asset Forfeiture Report FY 2020</u> | MANAGEMENT RESPONSE DUE: | <u>June 30, 2021</u> |
| FINDING No.: | <u>2</u> | RECOMMENDATION: | <u>2</u> |

CDs are opened within 72 hours of seizure and petitions are filed on or before the 30th day after the date of seizure as required by CCP §59.03 (c) and CCP §59.04 (a) and (b).

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

June 23, 2021

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

Re: "B" Account Financial Statements for June 2020 through April 2021

Dear Sheriff Guerra:

We conducted a limited scope review of the "B" Account financial statements for the months ended June 2020 through April 2021 pursuant to Local Government Code §112.006 (a), §115.001, §115.002 (b), and §115.901. The objective of the review was to obtain limited assurance that the financial statements are free from material misstatement.

Based on the review, nothing came to our attention that caused us to believe that the financial statements contained any material misstatement.

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 the financial statements are free from material misstatement.

If you have any questions, please contact Enrique Leal, Internal Auditor I, at 318-2511, ext. 4641, 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

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

FERNANDO MANZANO
JUDGE, 81ST D.C.

J. R. "BOBBY" FLORES
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COUNTY *of* HIDALGO

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EDINBURG, TEXAS 78539

June 23, 2021

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

Re: May 2021 DTA Payment Request Report No. 2021-51

Dear Mr. Villarreal:

We completed a limited scope review of the May 2021 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 results of the review revealed that the payment request was generally accurate and properly authorized. We will proceed to process the May 2021 DTA payment request in the amount of \$147,594.77 to LGBS.

The scope of the 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 May 31, 2021. The 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 the 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 May 2021."
- Reviewed the "Hidalgo County Tax Office Collection Reports" to determine if the DTA fees were collected at the 15% rate specified in the contract.
- Reviewed the "Hidalgo County Tax Office Collection Reports" to determine if the total amount of DTA fees collected agreed to the amount transferred to the Hidalgo County Treasurer's Office.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 84TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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

ROE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 789TH D.C.

L. KEVO VASQUEZ
JUDGE, 888TH D.C.

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Based on the review, 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 May 2021."
- Although DTA fees for 283 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 (282 tax accounts) and small amount collected (1 tax account) (see Exhibit A). The small amounts collected on the tax accounts resulted in an average of \$0.01.
- The total amount of DTA fees collected on the "Hidalgo County Tax Office Collection Reports" agreed to the amount transferred to the Hidalgo County Treasurer's Office.

If you have any questions, please contact Aaron Robledo, Internal Auditor I, at 318-2511 ext. 4694, 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: Exhibit A

cc: Ms. Lucy Canales, Linebarger Goggan Blair & Sampson, LLP
Mr. Valde Guerra, County Executive Officer

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MARCHI
JUDGE, 18th 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, 31st D.C.

NOE GONZALEZ
JUDGE, 37th D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 38th D.C.

L. KEND VASQUEZ
JUDGE, 35th D.C.

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

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

JOSE "JOE" RAMIREZ
JUDGE, 48th D.C.

Exhibit A

| | Tax Unit | Year | Account No. | Levy Paid | Penalty/Interest Paid | Subtotal Paid | Attorney Paid |
|----|----------|------|------------------|-----------|-----------------------|---------------|---------------|
| 1 | 1 | 2019 | V434900000000300 | 0.15 | 0.04 | 0.19 | 0.03 |
| 2 | 1 | 2018 | A290000000003100 | 36.91 | 11.32 | 48.23 | 6.86 |
| 3 | 1 | 2018 | S244000000005400 | 22.92 | 4.18 | 27.1 | 3.68 |
| 4 | 1 | 2018 | W380000771000080 | 13.63 | 3.94 | 17.57 | 2.47 |
| 5 | 1 | 2018 | H347500097000005 | 0.69 | 0.27 | 0.96 | 0.15 |
| 6 | 1 | 2018 | R175500000004600 | 0.46 | 0.17 | 0.63 | 0.09 |
| 7 | 1 | 2017 | P760000000003000 | 239.86 | 81.35 | 321.21 | 43.53 |
| 8 | 1 | 2017 | B505000015000100 | 88.4 | 32.05 | 120.45 | 16.58 |
| 9 | 1 | 2017 | B255000000004903 | 77.81 | 32.74 | 110.55 | 15.76 |
| 10 | 1 | 2017 | S244000000005400 | 82.18 | 29.8 | 111.98 | 15.41 |
| 11 | 1 | 2017 | C070000102000740 | 72.78 | 24.27 | 97.05 | 13.1 |
| 12 | 1 | 2017 | R06000000001700 | 40.52 | 17.05 | 57.57 | 8.21 |
| 13 | 1 | 2017 | C153502000001400 | 35.82 | 15.08 | 50.9 | 7.25 |
| 14 | 1 | 2017 | C153502000001400 | 35.76 | 15.05 | 50.81 | 7.24 |
| 15 | 1 | 2017 | J522000000003800 | 33.85 | 14.63 | 48.48 | 6.96 |
| 16 | 1 | 2017 | V356000000006400 | 27.8 | 9.11 | 36.91 | 4.96 |
| 17 | 1 | 2017 | V025000000004300 | 20.94 | 8.08 | 29.02 | 4.05 |
| 18 | 1 | 2017 | Y20000001001200 | 22.23 | 7.15 | 29.38 | 3.93 |
| 19 | 1 | 2017 | C470000013001000 | 12.35 | 4.91 | 17.26 | 2.43 |
| 20 | 1 | 2017 | A210000070000600 | 7.3 | 2.44 | 9.74 | 1.32 |
| 21 | 1 | 2016 | D711902000007100 | 1226.14 | 483.31 | 1709.45 | 222.54 |
| 22 | 1 | 2016 | B505000015000100 | 143.31 | 69.14 | 212.45 | 29.45 |
| 23 | 1 | 2016 | C705000001000300 | 154.68 | 59.93 | 214.61 | 27.61 |
| 24 | 1 | 2016 | S545102000009200 | 136.25 | 53.71 | 189.96 | 24.73 |
| 25 | 1 | 2016 | S606500000000300 | 113.73 | 55.54 | 169.27 | 23.54 |
| 26 | 1 | 2016 | L136500000015400 | 68.91 | 32.45 | 101.36 | 13.95 |
| 27 | 1 | 2016 | S325500000003200 | 44.08 | 16.93 | 61.01 | 7.8 |
| 28 | 1 | 2016 | R297701000006100 | 38.9 | 15.08 | 53.98 | 6.94 |
| 29 | 1 | 2016 | M578500000002000 | 31.52 | 15.76 | 47.28 | 6.62 |
| 30 | 1 | 2016 | D060001000001300 | 30.54 | 13.5 | 44.04 | 5.96 |
| 31 | 1 | 2016 | H220000000002600 | 15.03 | 8.04 | 23.07 | 3.29 |
| 32 | 1 | 2016 | T610000001000200 | 11.79 | 4.8 | 16.59 | 2.19 |
| 33 | 1 | 2016 | P779000000000600 | 8.35 | 3.54 | 11.89 | 1.59 |
| 34 | 1 | 2016 | A210000070000600 | 3.9 | 1.77 | 5.67 | 0.77 |
| 35 | 1 | 2016 | C470000013001000 | 0.56 | 0.29 | 0.85 | 0.12 |
| 36 | 1 | 2016 | E330000168001200 | 0.21 | 0.14 | 0.35 | 0.05 |
| 37 | 1 | 2015 | D711902000007100 | 1469.28 | 755.45 | 2224.73 | 293.12 |
| 38 | 1 | 2015 | C140000041001500 | 289.48 | 138.23 | 427.71 | 52.98 |
| 39 | 1 | 2015 | C705000001000300 | 141.26 | 71.69 | 212.95 | 27.76 |
| 40 | 1 | 2015 | E468004002000900 | 52.81 | 33.67 | 86.48 | 12.28 |
| 41 | 1 | 2015 | W380000529000002 | 46.73 | 30.88 | 77.61 | 11.15 |
| 42 | 1 | 2015 | H220000000002600 | 44.68 | 29.26 | 73.94 | 10.59 |
| 43 | 1 | 2015 | R510000007000500 | 46.31 | 22.58 | 68.89 | 8.68 |
| 44 | 1 | 2015 | B190027000002400 | 35.92 | 18.11 | 54.03 | 7 |
| 45 | 1 | 2015 | C470000013001100 | 27.04 | 17.24 | 44.28 | 6.29 |
| 46 | 1 | 2015 | E170003000003600 | 27.65 | 14.57 | 42.22 | 5.64 |
| 47 | 1 | 2015 | A200000000003400 | 26.73 | 13.11 | 39.84 | 5.1 |
| 48 | 1 | 2015 | L583003000012100 | 23.63 | 12.73 | 36.36 | 4.89 |
| 49 | 1 | 2015 | B255000000016100 | 11.36 | 5.69 | 17.05 | 2.2 |
| 50 | 1 | 2015 | C470000013001100 | 6.77 | 4.29 | 11.06 | 1.58 |
| 51 | 1 | 2014 | A390000000000700 | 153.12 | 95.06 | 248.18 | 32.38 |
| 52 | 1 | 2014 | W010000040001100 | 128.54 | 81.94 | 210.48 | 28.15 |
| 53 | 1 | 2014 | L583003000012100 | 99.74 | 65.67 | 165.41 | 22.45 |
| 54 | 1 | 2014 | L623500000006500 | 122.36 | 66.88 | 189.24 | 22.02 |
| 55 | 1 | 2014 | A390000000000700 | 61.03 | 37.88 | 98.91 | 12.91 |
| 56 | 1 | 2014 | C140000041001500 | 58.78 | 35.12 | 93.9 | 11.82 |
| 57 | 1 | 2014 | A553000000003900 | 16.22 | 12.77 | 28.99 | 4.19 |
| 58 | 1 | 2014 | C161802000001500 | 15.88 | 10.35 | 26.23 | 3.55 |
| 59 | 1 | 2014 | L526003000016500 | 9.54 | 5.79 | 15.33 | 1.96 |
| 60 | 1 | 2014 | S265001000004100 | 8.44 | 5.46 | 13.9 | 1.88 |
| 61 | 1 | 2014 | L583003000012100 | 3.89 | 2.57 | 6.46 | 0.88 |
| 62 | 1 | 2014 | W010000040001100 | 0.13 | 0.08 | 0.21 | 0.03 |
| 63 | 1 | 2014 | L623500000006500 | -122.36 | -66.88 | -189.24 | -22.02 |
| 64 | 1 | 2013 | T110001000000600 | 259.33 | 173.97 | 433.3 | 51.35 |
| 65 | 1 | 2013 | B030000026000501 | 142.87 | 91.56 | 234.43 | 26.36 |
| 66 | 1 | 2013 | E720000015001200 | 95.52 | 82.15 | 177.67 | 25.22 |
| 67 | 1 | 2013 | R418000000000500 | 114.31 | 78.97 | 193.28 | 23.66 |
| 68 | 1 | 2013 | O210000005000035 | 99.47 | 62.01 | 161.48 | 17.76 |

| | | | | | | | |
|-----|---|------|------------------|---------|---------|---------|--------|
| 69 | 1 | 2013 | C140000041001500 | 72.96 | 52.34 | 125.3 | 15.98 |
| 70 | 1 | 2013 | L670000003000400 | 40.68 | 34.27 | 74.95 | 10.56 |
| 71 | 1 | 2013 | B030000026000501 | 55.46 | 35.53 | 90.99 | 10.23 |
| 72 | 1 | 2013 | N480000004000203 | 25.29 | 16.45 | 41.74 | 4.78 |
| 73 | 1 | 2013 | H284000000016500 | 7.72 | 5.1 | 12.82 | 1.49 |
| 74 | 1 | 2013 | R418000000000500 | -114.31 | -78.97 | -193.28 | -23.66 |
| 75 | 1 | 2012 | T110001000000600 | 286.9 | 226.89 | 513.79 | 61.97 |
| 76 | 1 | 2012 | R457003000000800 | 258.87 | 185.73 | 444.6 | 47.37 |
| 77 | 1 | 2012 | B380000000000500 | 195.15 | 140.02 | 335.17 | 35.71 |
| 78 | 1 | 2012 | C705000001000300 | 61.71 | 53.54 | 115.25 | 15.46 |
| 79 | 1 | 2012 | J183901000001700 | 57.4 | 41.57 | 98.97 | 10.68 |
| 80 | 1 | 2012 | B030000026000501 | 51.57 | 39.24 | 90.81 | 10.44 |
| 81 | 1 | 2012 | L590000002003000 | 14.52 | 14.22 | 28.74 | 4.09 |
| 82 | 1 | 2012 | N861301000009900 | 18.46 | 13.93 | 32.39 | 3.68 |
| 83 | 1 | 2012 | M594202000014300 | 13.73 | 10.06 | 23.79 | 2.63 |
| 84 | 1 | 2012 | E720000015001200 | 6.96 | 6.82 | 13.78 | 1.96 |
| 85 | 1 | 2012 | M594202000014300 | 2.68 | 1.98 | 4.66 | 0.51 |
| 86 | 1 | 2012 | L623500000006500 | -210.17 | -165.33 | -375.5 | -45.4 |
| 87 | 1 | 2011 | S655000000001100 | 519.11 | 462.44 | 981.55 | 116.8 |
| 88 | 1 | 2011 | P300001003000300 | 256.77 | 240.71 | 497.48 | 63.17 |
| 89 | 1 | 2011 | D852500000001400 | 88.32 | 89.42 | 177.74 | 24.51 |
| 90 | 1 | 2011 | C715002008002200 | 100.55 | 80.53 | 181.08 | 18.55 |
| 91 | 1 | 2011 | L155002001000500 | 62.67 | 57.92 | 120.59 | 15.04 |
| 92 | 1 | 2011 | C790000000000320 | 50.99 | 50.69 | 101.68 | 13.84 |
| 93 | 1 | 2011 | B010000012000400 | 50.54 | 50.42 | 100.96 | 13.8 |
| 94 | 1 | 2011 | W010000045000300 | 59.24 | 52.18 | 111.42 | 13.06 |
| 95 | 1 | 2011 | L335500000000500 | 53.41 | 47.75 | 101.16 | 12.09 |
| 96 | 1 | 2011 | L335500000000500 | 39.17 | 35.01 | 74.18 | 8.87 |
| 97 | 1 | 2011 | A210000052000600 | 31.41 | 28.19 | 59.6 | 7.16 |
| 98 | 1 | 2011 | A210000052000600 | 30.79 | 27.63 | 58.42 | 7.02 |
| 99 | 1 | 2011 | K240000000007305 | 35.31 | 28.28 | 63.59 | 6.52 |
| 100 | 1 | 2011 | J183901000001700 | 27.38 | 23.12 | 50.5 | 5.59 |
| 101 | 1 | 2011 | G590098004000101 | 15.19 | 12.71 | 27.9 | 3.05 |
| 102 | 1 | 2011 | R420000006000500 | 10.52 | 9.51 | 20.03 | 2.43 |
| 103 | 1 | 2011 | W010000040001100 | 0.13 | 0.12 | 0.25 | 0.03 |
| 104 | 1 | 2011 | L623500000006500 | -19.89 | -18.04 | -37.93 | -4.65 |
| 105 | 1 | 2010 | S655000000001100 | 532.33 | 538.09 | 1070.42 | 129.36 |
| 106 | 1 | 2010 | E540000020004900 | 132.41 | 130.75 | 263.16 | 30.78 |
| 107 | 1 | 2010 | C715002008002200 | 137.22 | 126.36 | 263.58 | 27.79 |
| 108 | 1 | 2010 | B010000012000400 | 70.17 | 78.42 | 148.59 | 20.42 |
| 109 | 1 | 2010 | L205000042001300 | 39.11 | 41.63 | 80.74 | 10.44 |
| 110 | 1 | 2010 | E810000008003100 | 34.25 | 32.9 | 67.15 | 7.55 |
| 111 | 1 | 2010 | V380002010000500 | 23.2 | 27.49 | 50.69 | 7.17 |
| 112 | 1 | 2010 | B158504000009200 | 31.76 | 28.93 | 60.69 | 6.29 |
| 113 | 1 | 2010 | E310000032000100 | 28.52 | 25.12 | 53.64 | 5.26 |
| 114 | 1 | 2010 | H302000000000700 | 25.83 | 22.74 | 48.57 | 4.76 |
| 115 | 1 | 2010 | L155002001000500 | 15.96 | 16.67 | 32.63 | 4.12 |
| 116 | 1 | 2010 | M059002000001100 | 14.34 | 13.3 | 27.64 | 2.95 |
| 117 | 1 | 2010 | B293000000001400 | 3.82 | 3.3 | 7.12 | 0.68 |
| 118 | 1 | 2009 | S655000000001100 | 243.39 | 275.24 | 518.63 | 63.53 |
| 119 | 1 | 2009 | L335500000002000 | 185.33 | 220.07 | 405.4 | 53.1 |
| 120 | 1 | 2009 | E540000020004900 | 155.67 | 172.4 | 328.07 | 39 |
| 121 | 1 | 2009 | L205000042001300 | 112.24 | 132.91 | 245.15 | 31.99 |
| 122 | 1 | 2009 | W380000001000005 | 94.04 | 122.2 | 216.24 | 30.62 |
| 123 | 1 | 2009 | C140000041001500 | 100.04 | 119.8 | 219.84 | 29.11 |
| 124 | 1 | 2009 | B203500000002700 | 64.13 | 62.48 | 126.61 | 12.22 |
| 125 | 1 | 2009 | W010000052000216 | 31.57 | 32.97 | 64.54 | 7.01 |
| 126 | 1 | 2009 | A268000000001900 | 26.92 | 26.77 | 53.69 | 5.37 |
| 127 | 1 | 2009 | O270003000003100 | 27.77 | 26.68 | 54.45 | 5.12 |
| 128 | 1 | 2009 | W010000035000510 | 27.62 | 26.53 | 54.15 | 5.09 |
| 129 | 1 | 2009 | L605000000026900 | 20.86 | 20.53 | 41.39 | 4.07 |
| 130 | 1 | 2009 | A630000000001100 | 14.92 | 16.32 | 31.24 | 3.65 |
| 131 | 1 | 2009 | N580000004001500 | 12.35 | 12.4 | 24.75 | 2.52 |
| 132 | 1 | 2008 | C140000041001500 | 199.61 | 262.99 | 462.6 | 61.68 |
| 133 | 1 | 2008 | V05500000001800 | 255.17 | 274.09 | 529.26 | 50.9 |
| 134 | 1 | 2008 | L205000042001300 | 101.82 | 132.79 | 234.61 | 30.85 |
| 135 | 1 | 2008 | B203500000002700 | 131.68 | 144.09 | 275.77 | 27.46 |
| 136 | 1 | 2008 | P934000000002700 | 103.41 | 112.46 | 215.87 | 21.25 |
| 137 | 1 | 2008 | S477000000016500 | 73.63 | 82.99 | 156.62 | 16.45 |
| 138 | 1 | 2008 | M480000114001200 | 50.38 | 56.82 | 107.2 | 11.26 |
| 139 | 1 | 2008 | E540000020004900 | 36.7 | 45.05 | 81.75 | 9.85 |
| 140 | 1 | 2008 | S622000000001000 | 48.6 | 52.03 | 100.63 | 9.62 |

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|-----|---|------|------------------|--------|--------|--------|-------|
| 141 | 1 | 2008 | S100000005001800 | 40.39 | 43.37 | 83.76 | 8.05 |
| 142 | 1 | 2008 | V057700000000200 | 25.42 | 30.95 | 56.37 | 6.71 |
| 143 | 1 | 2008 | H345002000000200 | 30.72 | 34.23 | 64.95 | 6.68 |
| 144 | 1 | 2008 | E330000124000300 | 11.43 | 16.21 | 27.64 | 3.93 |
| 145 | 1 | 2008 | L672500000014000 | 13.84 | 16.85 | 30.69 | 3.65 |
| 146 | 1 | 2008 | L672500000014000 | 13.84 | 16.85 | 30.69 | 3.65 |
| 147 | 1 | 2008 | B156007000004400 | 16.37 | 16.98 | 33.35 | 3 |
| 148 | 1 | 2008 | M167002000001600 | 12.84 | 14.18 | 27.02 | 2.74 |
| 149 | 1 | 2008 | L045098067000201 | 12.53 | 13.37 | 25.9 | 2.46 |
| 150 | 1 | 2008 | O270003000003100 | 6.21 | 6.71 | 12.92 | 1.26 |
| 151 | 1 | 2008 | L205000042001300 | 0.21 | 0.29 | 0.5 | 0.07 |
| 152 | 1 | 2007 | V055500000001800 | 290.78 | 347.23 | 638.01 | 63.24 |
| 153 | 1 | 2007 | L205000042001300 | 105.17 | 149.78 | 254.95 | 33.76 |
| 154 | 1 | 2007 | V057700000000200 | 119.64 | 160.02 | 279.66 | 33.74 |
| 155 | 1 | 2007 | B203500000002700 | 147.64 | 179.26 | 326.9 | 33.44 |
| 156 | 1 | 2007 | W380000001000005 | 51.07 | 78.61 | 129.68 | 18.46 |
| 157 | 1 | 2007 | E431000000009000 | 50.16 | 73.61 | 123.77 | 17.08 |
| 158 | 1 | 2007 | E540000002000300 | 44.85 | 64.02 | 108.87 | 14.46 |
| 159 | 1 | 2007 | M515000000004700 | 23.49 | 27.26 | 50.75 | 4.76 |
| 160 | 1 | 2007 | M475000002001600 | 2.98 | 3.55 | 6.53 | 0.64 |
| 161 | 1 | 2006 | B203500000002700 | 147.64 | 196.97 | 344.61 | 36.1 |
| 162 | 1 | 2006 | V057700000000200 | 119.64 | 174.38 | 294.02 | 35.89 |
| 163 | 1 | 2006 | L631302000004600 | 111.89 | 146.29 | 258.18 | 26.01 |
| 164 | 1 | 2006 | N860000005003600 | 74.1 | 94.66 | 168.76 | 16.23 |
| 165 | 1 | 2006 | R284805000001000 | 40.59 | 68.3 | 108.89 | 15.65 |
| 166 | 1 | 2006 | H365003000001100 | 56.4 | 73.55 | 129.95 | 13.03 |
| 167 | 1 | 2006 | S100000005001800 | 40.87 | 53.71 | 94.58 | 9.63 |
| 168 | 1 | 2006 | L205000042001300 | 15.41 | 23.8 | 39.21 | 5.22 |
| 169 | 1 | 2006 | M015000062000401 | 15.04 | 22.58 | 37.62 | 4.81 |
| 170 | 1 | 2006 | O330000024001500 | 20.67 | 26.54 | 47.21 | 4.59 |
| 171 | 1 | 2006 | R470000012001300 | 15.74 | 18.9 | 34.64 | 2.9 |
| 172 | 1 | 2006 | V055500000001800 | 9.37 | 12.31 | 21.68 | 2.21 |
| 173 | 1 | 2006 | S245000000001200 | 7.75 | 10.56 | 18.31 | 1.99 |
| 174 | 1 | 2006 | C10000004000900 | 0.26 | 0.38 | 0.64 | 0.08 |
| 175 | 1 | 2005 | B203500000002700 | 147.64 | 214.69 | 362.33 | 38.76 |
| 176 | 1 | 2005 | V057700000000200 | 119.64 | 188.74 | 308.38 | 38.05 |
| 177 | 1 | 2005 | R470000012001300 | 109.17 | 144.2 | 253.37 | 22.11 |
| 178 | 1 | 2005 | S170002037001102 | 39.33 | 57.46 | 96.79 | 10.44 |
| 179 | 1 | 2005 | N860000005003600 | 43.12 | 60.26 | 103.38 | 10.22 |
| 180 | 1 | 2005 | D600901000000100 | 25.75 | 38.56 | 64.31 | 7.26 |
| 181 | 1 | 2005 | L685000000001200 | 15.84 | 23.66 | 39.5 | 4.44 |
| 182 | 1 | 2005 | E310000036001600 | 12.08 | 16.41 | 28.49 | 2.64 |
| 183 | 1 | 2005 | R225001003001900 | 2.39 | 3.99 | 6.38 | 0.86 |
| 184 | 1 | 2005 | H510000001000100 | 2.96 | 4.34 | 7.3 | 0.79 |
| 185 | 1 | 2005 | L181000000028500 | 1.88 | 2.8 | 4.68 | 0.52 |
| 186 | 1 | 2005 | L181000000028500 | 1.88 | 2.8 | 4.68 | 0.52 |
| 187 | 1 | 2004 | L185002000001100 | 281.39 | 416.69 | 698.08 | 67.11 |
| 188 | 1 | 2004 | G57000003000200 | 209.72 | 304.97 | 514.69 | 47.5 |
| 189 | 1 | 2004 | H14000000001100 | 108.29 | 197.18 | 305.47 | 42.4 |
| 190 | 1 | 2004 | B152000000001800 | 97.03 | 133.9 | 230.93 | 18.92 |
| 191 | 1 | 2004 | W010000030000728 | 30.26 | 51.36 | 81.62 | 10.17 |
| 192 | 1 | 2004 | S531000002001000 | 23.47 | 40.47 | 63.94 | 8.17 |
| 193 | 1 | 2004 | C190001002000200 | 39.07 | 53 | 92.07 | 7.21 |
| 194 | 1 | 2004 | V057700000000200 | 15.7 | 26.65 | 42.35 | 5.28 |
| 195 | 1 | 2004 | M190001000003200 | 25.25 | 35.37 | 60.62 | 5.11 |
| 196 | 1 | 2004 | R470000012001300 | 23.02 | 33.17 | 56.19 | 5.08 |
| 197 | 1 | 2004 | B505000015000600 | 26.89 | 36.59 | 63.48 | 4.96 |
| 198 | 1 | 2004 | S531000002001100 | 11.68 | 20.25 | 31.93 | 4.12 |
| 199 | 1 | 2004 | W230000052000300 | 8.02 | 13.56 | 21.58 | 2.67 |
| 200 | 1 | 2004 | R470000013000100 | 7.95 | 11.44 | 19.39 | 1.75 |
| 201 | 1 | 2004 | S477000000013400 | 6.85 | 9.9 | 16.75 | 1.52 |
| 202 | 1 | 2003 | M215000005001800 | 171.71 | 268.01 | 439.72 | 40.95 |
| 203 | 1 | 2003 | H140000000001100 | 94.91 | 184.22 | 279.13 | 38.87 |
| 204 | 1 | 2003 | S735000006000700 | 76.78 | 119.84 | 196.62 | 18.31 |
| 205 | 1 | 2003 | G04000006000100 | 9.63 | 17.35 | 26.98 | 3.34 |
| 206 | 1 | 2003 | M703000000004100 | 14.32 | 21.21 | 35.53 | 2.9 |
| 207 | 1 | 2003 | W380000208000002 | 8.71 | 14.07 | 22.78 | 2.3 |
| 208 | 1 | 2003 | W010000044001052 | 6.96 | 10.3 | 17.26 | 1.41 |
| 209 | 1 | 2003 | B496504000032900 | 3.35 | 6.2 | 9.55 | 1.24 |
| 210 | 1 | 2002 | W010000044001061 | 86.95 | 137.77 | 224.72 | 18.52 |
| 211 | 1 | 2002 | L605000000014430 | 47.58 | 93.31 | 140.89 | 18.2 |
| 212 | 1 | 2002 | G166002000001700 | 40.17 | 84.76 | 124.93 | 17.83 |

| | | | | | | | |
|-----|----|------|-------------------|--------|--------|--------|-------|
| 213 | 1 | 2002 | W475000000006500 | 38.47 | 82.53 | 121 | 17.43 |
| 214 | 1 | 2002 | A265502000000900 | 68.24 | 109.47 | 177.71 | 15.15 |
| 215 | 1 | 2002 | V055500000002600 | 34.61 | 55.41 | 90.02 | 7.63 |
| 216 | 1 | 2002 | G570000001002800 | 14 | 27.72 | 41.72 | 5.48 |
| 217 | 1 | 2002 | T094002000000500 | 12.65 | 24.39 | 37.04 | 4.65 |
| 218 | 1 | 2002 | S397503000037600 | 19.43 | 31.87 | 51.3 | 4.63 |
| 219 | 1 | 2002 | S735000006000700 | 16.43 | 27.62 | 44.05 | 4.22 |
| 220 | 1 | 2002 | C960002004000900 | 18.39 | 29.45 | 47.84 | 4.06 |
| 221 | 1 | 2002 | S237000000003900 | 12.63 | 21.72 | 34.35 | 3.46 |
| 222 | 1 | 2002 | L605000000014430 | 8.24 | 16.15 | 24.39 | 3.15 |
| 223 | 1 | 2002 | B030000004001400 | 14.64 | 22.85 | 37.49 | 2.97 |
| 224 | 1 | 2002 | T706000000000200 | 6.08 | 9.4 | 15.48 | 1.19 |
| 225 | 1 | 2002 | T706000000000200 | 6.08 | 9.4 | 15.48 | 1.19 |
| 226 | 1 | 2001 | B203500000002700 | 110.2 | 213.15 | 323.35 | 36.86 |
| 227 | 1 | 2001 | C211000000005900 | 55.97 | 101.34 | 157.31 | 15.61 |
| 228 | 1 | 2001 | W010000044001061 | 50.55 | 86.15 | 136.7 | 11.68 |
| 229 | 1 | 2001 | S237000000003900 | 22.49 | 41.4 | 63.89 | 6.58 |
| 230 | 1 | 2001 | V055500000002600 | 26.23 | 45.14 | 71.37 | 6.26 |
| 231 | 1 | 2001 | G150000000000100 | 15.85 | 32.67 | 48.52 | 6.21 |
| 232 | 1 | 2000 | S690000003000700 | 85.8 | 170.55 | 256.35 | 27.67 |
| 233 | 1 | 2000 | L605000000014430 | 36.42 | 80.15 | 116.57 | 15.24 |
| 234 | 1 | 2000 | S735000006000700 | 38.74 | 74.41 | 113.15 | 11.33 |
| 235 | 1 | 2000 | B010000003000300 | 20.92 | 40.35 | 61.27 | 6.19 |
| 236 | 1 | 2000 | D290000000001300 | 16.9 | 29.08 | 45.98 | 3.42 |
| 237 | 1 | 2000 | D290000000001300 | 16.9 | 29.08 | 45.98 | 3.42 |
| 238 | 1 | 2000 | 1004100011000007 | 2.39 | 4.5 | 6.89 | 0.66 |
| 239 | 1 | 1999 | B203500000002700 | 95.85 | 208.39 | 304.24 | 35.51 |
| 240 | 1 | 1999 | W740000108000100 | 62.13 | 147.71 | 209.84 | 28.7 |
| 241 | 1 | 1999 | K240000000008026 | 139.01 | 250.33 | 389.34 | 28.14 |
| 242 | 1 | 1999 | 1004100011000007 | 94.62 | 189.32 | 283.94 | 27.68 |
| 243 | 1 | 1999 | W010000030000728 | 40.39 | 92.8 | 133.19 | 17.2 |
| 244 | 1 | 1999 | S735000006000700 | 34.57 | 70.56 | 105.13 | 10.73 |
| 245 | 1 | 1998 | K240000000008026 | 242.57 | 465.94 | 708.51 | 53.49 |
| 246 | 1 | 1998 | S735000006000700 | 30.61 | 66.15 | 96.76 | 10.06 |
| 247 | 1 | 1998 | R021502000006500 | 15.12 | 37.55 | 52.67 | 7.16 |
| 248 | 1 | 1998 | W740000012000200 | 19.4 | 39.39 | 58.79 | 5.24 |
| 249 | 1 | 1998 | H495000004000300 | 7.06 | 18.31 | 25.37 | 3.65 |
| 250 | 1 | 1998 | W740000012000200 | 0.64 | 1.31 | 1.95 | 0.17 |
| 251 | 1 | 1997 | K240000000008026 | 239.14 | 488.04 | 727.18 | 57.03 |
| 252 | 1 | 1997 | M703000000004100 | 49.44 | 108.81 | 158.25 | 15.35 |
| 253 | 1 | 1997 | F810000007000800 | 23.02 | 52.49 | 75.51 | 7.97 |
| 254 | 1 | 1997 | L205000031001000 | 4.41 | 9.69 | 14.1 | 1.37 |
| 255 | 1 | 1997 | S237000000003900 | 2.09 | 4.85 | 6.94 | 0.76 |
| 256 | 1 | 1996 | K240000000008026 | 222.21 | 480.16 | 702.37 | 57 |
| 257 | 1 | 1996 | W3800000619000003 | 79.77 | 200 | 279.77 | 32.9 |
| 258 | 1 | 1996 | E400000011001300 | 41.23 | 91.71 | 132.94 | 11.75 |
| 259 | 1 | 1996 | E540000002002100 | 28.56 | 66.31 | 94.87 | 9.39 |
| 260 | 1 | 1996 | C070000101001409 | 34.92 | 75.69 | 110.61 | 9.06 |
| 261 | 1 | 1996 | W010000030000728 | 18.59 | 49.41 | 68 | 8.92 |
| 262 | 1 | 1996 | H120000121002900 | 33.39 | 72.6 | 105.99 | 8.77 |
| 263 | 1 | 1995 | K240000000008026 | 122.66 | 279.76 | 402.42 | 33.67 |
| 264 | 1 | 1995 | E540000002002100 | 23.46 | 57.25 | 80.71 | 8.13 |
| 265 | 1 | 1995 | E540000002002100 | 0.33 | 0.81 | 1.14 | 0.11 |
| 266 | 1 | 1994 | L205000001001000 | 2.82 | 7.78 | 10.6 | 1.28 |
| 267 | 1 | 1993 | J570000001001034 | 11.73 | 30.69 | 42.42 | 4.15 |
| 268 | 1 | 1992 | D780000005000400 | 17.45 | 50.09 | 67.54 | 7.54 |
| 269 | 1 | 1992 | A08000000114909 | 4.29 | 13.28 | 17.57 | 2.28 |
| 270 | 1 | 1991 | A08000000114909 | 5.9 | 18.93 | 24.83 | 3.23 |
| 271 | 12 | 1999 | T730000000000500 | 1.17 | 2.97 | 4.14 | 0.6 |
| 272 | 12 | 1999 | W010000030000728 | 0.98 | 2.27 | 3.25 | 0.42 |
| 273 | 12 | 1996 | W010000030000728 | 1 | 2.66 | 3.66 | 0.48 |
| 274 | 17 | 1993 | J570000001001034 | 0.15 | 0.37 | 0.52 | 0.05 |
| 275 | 1 | 2001 | W010000031000205 | 10.33 | 22.51 | 32.84 | 4.59 |
| 276 | 1 | 2017 | S170002017000412 | 79.86 | 33.6 | 113.46 | 16.17 |
| 277 | 1 | 2014 | A080000000107609 | 128.47 | 77.62 | 206.09 | 26.21 |
| 278 | 1 | 2013 | A080000000107609 | 219.64 | 159.06 | 378.7 | 48.76 |
| 279 | 1 | 2012 | A080000000107609 | 86.67 | 73.17 | 159.84 | 20.8 |
| 280 | 1 | 2012 | A180000065001445 | 9.62 | 6.88 | 16.5 | 1.75 |
| 281 | 1 | 2009 | L596501000010900 | 144.36 | 140.63 | 284.99 | 27.5 |
| 282 | 1 | 2009 | L136500000010300 | 11.33 | 15.05 | 26.38 | 3.77 |
| 283 | 1 | 1999 | F510000000000704 | 23.35 | 53.79 | 77.14 | 10.02 |

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

June 25, 2021

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 June 2020 through March 2021

Dear Sheriff Guerra:

We conducted a limited scope review of the Regular Trust Fund financial statements for the months ended June 30, 2020 through March 31, 2021 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 the financial statements are free from material misstatements.

Executive Summary:

Based on the 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 improvement. More specifically, we noted that checks issued from *Odyssey* are not appearing on the "Check Register" report generated from *Odyssey*.

Observation No. 1

We noted that check numbers 8250 through 8325 issued in the months of June 2020 through March 2021 were not appearing on the "Check Register" report generated from *Odyssey*, the County's justice information system. The issue has not been addressed with the Information Technology Department (IT) or Tyler Technology.

Checks issued through *Odyssey* should be on the "Check Register" report generated from *Odyssey*.

Failure to ensure that the "Check Register" report generated from *Odyssey* accurately reflects transactions may result in the improper reporting of County funds.

Recommendation:

We recommend that the Sheriff's Office communicate with the IT Department and Tyler Technologies to ensure all checks issued are listed on the "Check Register" report generated through *Odyssey*.

HIDALGO COUNTY DISTRICT JUDGES

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

FERRANDO MANCAS
JUDGE, 87TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 204TH D.C.

MARLA CUELLAR
JUDGE, 213TH D.C.

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

HOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

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

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

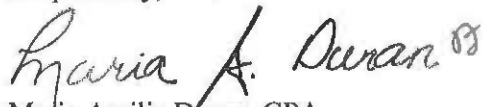
RENEE R. BETANCOURT
JUDGE, 448TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

Please provide a management response to the observation noted above by July 9, 2021 using the attached Management Response Form.

If you have any questions, please contact Enrique Leal, Internal Auditor I, at 318-2511 ext. 4641, 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 Form

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator



HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MENDOZA
JUDGE, 81ST D.C.

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JUDGE, 449TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.



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

AUDITEE: Sheriff's Office AUDIT NO.: _____
Regular Trust Financial
AUDIT: Statements for June 2020 MANAGEMENT
through March 2021 RESPONSE DUE: July 9, 2021
FINDING No.: 1 RECOMMENDATION: 1

We recommend that the Sheriff's Office communicate with the IT Department and Tyler Technologies to ensure all checks issued are listed on the "Check Register" report generated through Odyssey.

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)**

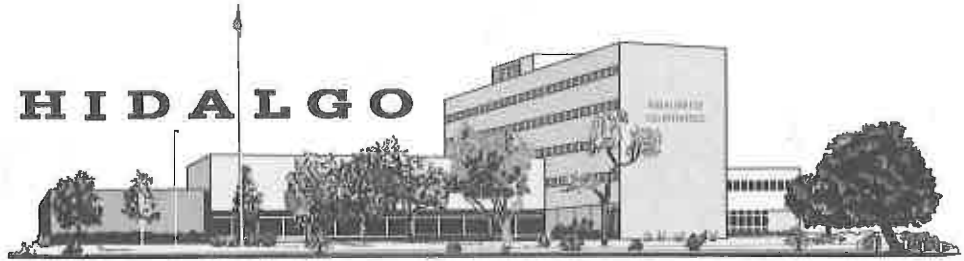
Management Comments (Attach additional page(s) if necessary):

Specify Target Date of Remedial Action (if any):

Signature: _____ **Date:** _____

COUNTY OF HIDALGO

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EDINBURG, TEXAS 78539

June 9, 2021

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

Re: Chapter 59 Asset Forfeiture Report YE 12-31-20 Audit No. 2021-08

Dear Constable Gaitan:

We completed an audit of the Chapter 59 Asset Forfeiture Report by Law Enforcement Agency for the Year Ended December 31, 2020 pursuant to Code of Criminal Procedure §59.06 (g)(1) and Local Government Code §115.001 and §115.0035. The objective of the audit was to determine if Chapter 59 seizures, forfeitures, receipts, and expenditures were properly accounted and reported.

Executive Summary:

Based on the results of the 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.

1. Court costs for 8 cases have not been paid to the District Clerk.
2. The Constable Precinct No. 4 Office policies and procedures regarding Chapter 59 seizures and forfeitures do not include procedures for cash seizures.
3. Pre-numbered official receipt forms were not utilized to record and control seizures.

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 §59.05 (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).

HIDALGO COUNTY DISTRICT JUDGES

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

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

ROSE GUERRA REYNA
JUDGE, 200TH D.C.

MARLA GUELLAR
JUDGE, 273RD D.C.

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JUDGE, 352ND D.C.

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JUDGE, 370TH D.C.
OVERSEER

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JUDGE, 448TH D.C.

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JUDGE, 484TH D.C.

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. In addition, 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 No. 4 Chapter 59 budget for the year ended December 31, 2020 was \$287,011.07 and expenditures totaled \$39,171.80 (i.e., computers, vehicles, gun holsters, and key cabinet for law enforcement vehicles).

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.

Pursuant to CCP §59.06 (t)(1), contraband for which forfeiture is authorized with respect to an offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code should be used to provide direct victim services or to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims. An account in the Constable's CCP 59 fund was created to properly account for these funds.

For the year ended December 31, 2020, Constable Precinct No. 4 had no seizures. In addition, cash totaling \$570.00 and 8 motor vehicles were forfeited (awarded) to the Constable Precinct No. 4. Furthermore, 7 motor vehicles were returned to the respondent during the year ended December 31, 2020.

Local Agreement Between District Attorney's Office and Constable Precinct No. 4

On May 20, 2015, the Hidalgo County District Attorney and Constable Precinct No. 4 entered into a local agreement pursuant to CCP §59.06 (b). According to the local agreement, Constable Precinct No. 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 No. 4 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 No. 4 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 No. 4 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 No. 4 and 40% to the District Attorney.

HIDALGO COUNTY DISTRICT JUDGES

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JUDGE, 138TH D.C.

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JUDGE, 206TH D.C.

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JUDGE, 275TH D.C.

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JUDGE, 312ND D.C.

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OVERSEER

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JUDGE, 464TH D.C.

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 No. 4 Procedures

The Constable Precinct No. 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 No. 4 Office. The Log will indicate the status of the property, location and condition.

If a forfeited vehicle is put 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). The original title is sent to the Purchasing Department Fixed Asset Division to obtain an asset tag and a copy is maintained on file. Insurance coverage is also requested for all vehicles placed in use from the Hidalgo County Safety Division. Proof of insurance is sent to the Purchasing Department.

Scope and Methodology:

The scope of the 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, 2020 through December 31, 2020.

The 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, 2020 to December 31, 2020 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 No. 4 Chapter 59 Forfeiture Fund to determine if expenditures were incurred for law enforcement purposes pursuant to CCP §59.06 (d-3).
4. Reviewed the petitions and judgements for property forfeited to Constable Precinct No. 4 to determine if property with respect to an offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code was properly accounted for.
5. 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.
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.

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

HIDALGO COUNTY DISTRICT JUDGES

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.
2. A review of the "Cases filed" and "Cases disposed" index reports generated from *Odyssey* for the period of review revealed that the Constable Precinct No. 4 had no seizures. In addition, cash totaling \$570.00 and 8 motor vehicles were forfeited (awarded) to Constable Precinct No. 4. Furthermore, 7 motor vehicles were returned to respondent during the year ended December 31, 2020. All items were properly reported on the Chapter 59 Asset Forfeiture Report.
3. All expenditures from Constable Precinct No. 4 Chapter 59 Forfeiture Fund were incurred for law enforcement purposes pursuant to CCP §59.06 (d-3).
4. All petitions or judgments for property related to an offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A of the Penal Code were properly reported on the Chapter 59 Asset Forfeiture Report. Funds totaling \$570.00 were transferred to the proper Constable's CCP 59 Fund account.
5. Court costs were assessed on 29 cases. 8 of the 29 cases were forfeitures greater than \$2,500.00. The court costs for the 8 cases were not paid to the District Clerk. 21 of the 29 cases resulted in forfeitures less than \$2,500.00; therefore, court costs are not due. According to staff, the court costs will be paid for the 8 cases and a list of the 21 cases will be provided to the District Clerk's Office to correct; however, as of June 8, 2021, the fees have not been paid to the District Clerk.
6. The Constable Precinct No. 4 Office policies and procedures regarding Chapter 59 seizures do not include procedures for cash seizures. In addition, pre-numbered official receipt forms were not utilized to record and control seizures.

Recommendation:

We recommend that Constable Precinct 4 pay the District Clerk for the 8 cases for forfeitures greater than \$2,500.00. In addition, the issues noted in finding 6 could be addressed by revising the policies and procedures to include cash seizures. Furthermore, a pre-numbered form should be developed for controlling seizures. The pre-numbered forms will assist management ensure that all the seizures are properly accounted for. The form should require the signature of the agent counting and witness verifying the seizure and the respondent's signature, if possible.

Please provide a written management response to findings 5 and 6 noted in the conclusion section and the recommendations noted above by June 25, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted recommendations, please call Aaron Robledo, Internal Auditor I, at 318-2511 ext. 4694, 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
Mr. Kent Richardson, Assistant Attorney General
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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 FAX: (956) 318-2577
 WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

July 13, 2021

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 August 2020 through December 2020

Dear Sheriff Guerra:

We conducted a limited scope review of the Inmate Trust financial statements and supporting documentation for the months ended August 31, 2020 through December 31, 2020 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 the 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:

The total amounts on the "Inmate Account Journal" generated from *Odyssey* and the "Commissary Sales" report generated from *Odyssey* do not agree.

| Month Ended | Inmate Account Journal | Commissary Sales Report | Variance |
|--------------|------------------------|-------------------------|----------|
| August 31 | \$162,599.87 | \$162,593.51 | \$6.36 |
| September 30 | \$180,665.42 | \$180,661.09 | \$4.33 |
| October 31 | \$183,388.17 | \$183,388.15 | \$0.02 |
| November 30 | \$172,465.66 | \$172,465.68 | \$0.02 |
| December 31 | \$190,923.99 | \$190,874.55 | \$49.44 |

The "Inmate Account Journal" indicates the amount deducted from each inmate for Commissary purchases. The "Commissary Sales" report indicates the amount of purchases made during the month. The total amounts on the "Inmate Account Journal" and the "Commissary Sales" reports should agree. 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; however, the issue has not been resolved.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERY JUDGE, 81ST 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, 273RD D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 378TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 393RD D.C. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 448TH D.C. JOSE "JOE" RAMIREZ JUDGE, 464TH D.C.

Recommendation:

We recommend that the Sheriff's Office continue to communicate with Tyler Technologies and the Information Technology Department to ensure that the issue is resolved.

Please provide a management response to the observation noted above by July 23, 2021 using the attached Management Response Form.

If you have any questions, please contact Aaron Robledo, Internal Auditor I, at 318-2511, ext. 4694, 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.

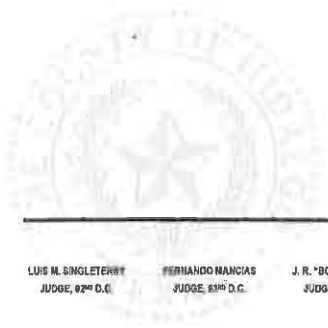
Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

Enclosure: Management Response Form

- cc: Mr. Valde Guerra, County Executive Officer
- Mr. Sergio Cruz, Director, Department of Budget and Management
- Ms. Monica Salinas, Commissioners Court Administrator
- Mr. Daniel Salinas, Director, Information Technology Department



HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERRY JUDGE, 82 ND D.C. | BERNARDO MANCIAS JUDGE, 83 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 139 TH D.C. | ROSE GUERRA REYNA JUDGE, 266 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. OVERSEER | LETICIA LOPEZ JUDGE, 388 TH D.C. | L. KENO VASQUEZ JUDGE, 398 TH D.C. | ISRAEL RAMON, JR. JUDGE, 438 TH D.C. | RENEE R. BETANCOURT JUDGE, 448 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 494 TH D.C. |
|---|--|---|--|--|--|---|--|--|--|--|---|



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

AUDITEE: Sheriff's Office AUDIT NO.: _____

AUDIT: Inmate Trust Financial
Statements for August 2020
through December 2020 MANAGEMENT
RESPONSE DUE: July 23, 2021

FINDING No.: 1 RECOMMENDATION: 1

We recommend that the Sheriff's Office continue to communicate with Tyler Technologies and the Information Technology Department to ensure that the issue is resolved.

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)**

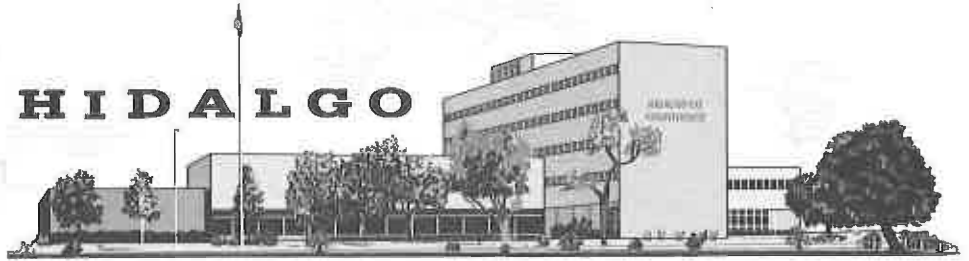
Management Comments (Attach additional page(s) if necessary):

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

July 19, 2021

The Honorable Ricardo Rodriguez, Jr., Criminal District Attorney
Hidalgo County Office of Criminal District Attorney
100 E. Cano, 2nd Floor
Edinburg, Texas 78539

Re: H.B. 65 Financial Statements for January 2021

Dear Mr. Rodriguez:

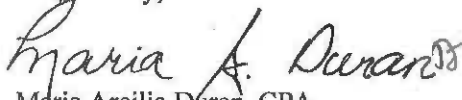
We conducted a limited scope review of the H.B. 65 financial statements for the month ended January 31, 2021 pursuant to Local Government Code §112.006 (b), §115.001, §115.002 (b) and §115.901. The objective of the review was to obtain limited assurance that the financial statements are free from material misstatements.

Based on the review, nothing came to our attention that caused us to believe that the financial statements contained any 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 the financial statements are free from material misstatements.

If you have any questions, please contact Carlos Alvarez, Internal Auditor I, at 318-2511 ext. 4667, 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: Ms. Rosalinda Cantu, Assistant Chief of Staff II, District Attorney's Office
Mr. Valde Guerra, County Executive Officer

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, 238th 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, 389th D.C.

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

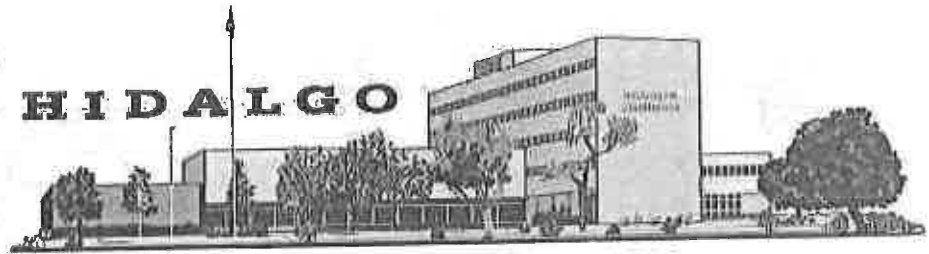
ISRAEL RAMON, JR.
JUDGE, 420th D.C.

RENEE R. BETANCOURT
JUDGE, 468th D.C.

JOSE "JOE" RAMIREZ
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

June 23, 2021

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

Re: *Monthly Fees Report* for December 2020 and February 2021 through May 2021

Dear Constable Avila:

We conducted a limited scope review of the Constable Precinct No. 1 *Monthly Fees Report* and supporting documentation for the months of December 2020 and February 2021 through May 2021 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.

Executive Summary:

Fees collected were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fees requires improvement. More specifically, we noted the following:

1. The December *Monthly Fees Report* was submitted 59 days late.
2. The Daily Close-out Reports are not properly and timely completed. The employees preparing and verifying collections are not confirming amounts deposited agree to *Odyssey*.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of December 2020 and February 2021 through May 2021. The 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 *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.

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|--|---|---|--|---|--|--|--|--|--|---|--|
| LUIS M. BUSTAMANTE JUDGE, 11 th D.C. | FERNANDO BUSTAMANTE JUDGE, 11 th D.C. | A.A. "BOBBY" FLORES JUDGE, 11 th D.C. | EDITH GUERRA ARANA JUDGE, 11 th D.C. | MARLA CORDERO JUDGE, 11 th D.C. | WALTER ANDREZ, JR. ATTORNEY AT LAW, 11 th D.C. | NOE GONZALEZ JUDGE, 11 th D.C. OVERSEER | MIRTHA LOPEZ JUDGE, 11 th D.C. | L. ERIC MARRIOTT JUDGE, 11 th D.C. | RAHEL HANON, JR. JUDGE, 11 th D.C. | KEVIN A. BETHANOURT JUDGE, 11 th D.C. | JOHN "AL" BARRON JUDGE, 11 th D.C. |
|--|---|---|--|---|--|--|--|--|--|---|--|

- Verified that procedures for voiding 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.

Conclusion:

Collections for the months of December 2020 and February 2021 through May 2021 totaled \$18,231.00, \$1,400.00, \$7,079.00, \$17,630.00, and \$775.00, respectively. Based on the 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 observations 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 December 2020 *Monthly Fees Report* and applicable supporting documentation was submitted 59 days late. According to staff, the *Monthly Fees Report* was submitted late due to discrepancies in the collections for the month.

Pursuant to Local Government Code §114.001 (b), *Monthly Fees Report* and supporting documentation must be submitted to the County Auditor's Office within 5 days after the last day of the month.

Failure to ensure that the monthly report is filed with the County Auditor's Office within five days after the last day of the month may result in improper reporting of County revenue.

Recommendation:

Management should ensure that the *Monthly Fees Report* and supporting documentation is filed with the County Auditor's Office within five days after the last day of the month.

Observation No. 2:

We noted that the December 17, 2020 collections were short \$2,739.00. Collections totaled \$6,832.00; however, only \$4,093.00 was deposited. According to staff, the shortage was related to a check received from the Office of the Attorney General (OAG). The amount invoiced did not agree to the amount received; therefore, the check was returned to the OAG. However, staff issued receipts prior to returning the check creating the shortage. The shortage (\$2,739.00) was deposited on March 5, 2021.

In addition, we noted that the shortage was not documented on the Close-out Report. The Close-out Report was completed and all signatures of acknowledgment and approval were documented; however, the recap of receipts issued stated the wrong amount. It appears that the individuals signing the form are not verifying that the Close-out Report recap of receipts issued agrees to the amount of receipts/collections listed in *Odyssey*.

The County Auditor's Office requires that the Close-out Reports be reconciled on a daily basis prior to making a deposit in order to reconcile receipts issued to collections daily. Any shortages or overages must be documented on the Close-out Report. The cashier and the witness must verify that the Close-out Report is completed in its entirety and must sign to document their responsibility for this verification. After the deposit has been made, the County official or his/her designee must verify that the total amount on the bank validated deposit and County Treasurer receipt agrees to the total amount on the Close-out Report.

Failure to ensure that collections agree to deposits may increase the risk of loss of County funds.

HIDALGO COUNTY DISTRICT JUDGES

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|---------------------------------------|-------------------------------------|--|---------------------------------------|----------------------------------|---------------------------------------|---|----------------------------------|------------------------------------|--------------------------------------|-------------------------------------|--------------------------------------|
| LUIS H. VAHLETERA JUDGE, 11th D.C. | ROSALEON RIVERA JUDGE, 11th D.C. | J. R. "BOBBI" FLORES JUDGE, 11th D.C. | WIRE GUERRA REYAN JUDGE, 11th D.C. | ANITA CILLAR JUDGE, 11th D.C. | MARTIN RAMOS, JR. JUDGE, 11th D.C. | BOB VORHALLER ALSO, 11th D.C. CHIEF CLERK | CECILA LOPEZ JUDGE, 11th D.C. | L. NINA VALDEZ JUDGE, 11th D.C. | FRANZ RAMON, JR. JUDGE, 11th D.C. | RENEE H. BISHOP JUDGE, 11th D.C. | JANE "JIM" RAMOS JUDGE, 11th D.C. |
|---------------------------------------|-------------------------------------|--|---------------------------------------|----------------------------------|---------------------------------------|---|----------------------------------|------------------------------------|--------------------------------------|-------------------------------------|--------------------------------------|

The Honorable Celestino Avila
June 23, 2021
Page 3 of 3

Recommendation:

Management should ensure that staff understands the importance of properly completing the Close-out Reports. The employees signing the reports should verify that collections listed in *Odyssey* agree to deposits. In addition, staff should be trained on the proper way to collect checks. If the check is received for less than the amount due, the check should be returned to the sender and no receipts should be issued until the correct amount is received.

Please provide a management response to the observations noted above by July 2, 2021.

If you have any questions, please contact Karen Ramirez, Internal Auditor I, at 318-2511, ext. 4606, 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

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|--|--|---|--|--|---|--|---|---|---|---|--|
| URS H. BALLEGAARD JUDGE, 1 ST D.C. | FRANCO GARCIA JUDGE, 2 ND D.C. | J. R. "MIKEY" FLORES JUDGE, 3 RD D.C. | ROSIE GUEZARA TRUJANO JUDGE, 4 TH D.C. | MARLA CUELLAR JUDGE, 5 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 32 ND D.C. | JOHN DOMINGUEZ JUDGE, 37 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 41 ST D.C. | L. XENIO VARGAS JUDGE, 43 RD D.C. | ISRAEL RAMOS, JR. JUDGE, 46 TH D.C. | RENEE A. BETANCOURT JUDGE, 48 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 49 TH D.C. |
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**HIDALGO COUNTY AUDITOR'S OFFICE
INTERNAL AUDIT DIVISION
MANAGEMENT RESPONSE FORM**

AUDITEE: Constable Precinct 1 AUDIT NO.: _____

AUDIT: Monthly Fees Report for
December 2020 and February
2021 through May 2021 MANAGEMENT
RESPONSE DUE: July 2, 2021

FINDING No.: 1 RECOMMENDATION: 1

Management should ensure that the Monthly Fees Report and supporting documentation is filed with the County Auditor's Office within five days after the last day of the 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: Constable Precinct 1 AUDIT NO.: _____
AUDIT: Monthly Fees Report for MANAGEMENT
December 2020 and February RESPONSE DUE: July 2, 2021
2021 through May 2021
FINDING No.: 2 RECOMMENDATION: 2

Management should ensure that staff understands the importance of properly completing the Close-out Reports. The employees signing the reports should verify that collections listed in Odyssey agree to deposits. In addition, staff should be trained on the proper way to collect checks. If the check is received for less than the amount due, the check should be returned to the sender and no receipts should be issued until the correct amount is received.

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

June 23, 2021

Rolando Garza, Chief Appraiser
Hidalgo County Appraisal District
4405 S. Professional Dr.
Edinburg, Texas 78540-0208

Re: United Parcel Service, Inc. 2021 Tax Abatement Report No. 2021-42

Dear Mr. Garza:

We completed a limited scope review of the tax abatement agreement between Hidalgo County and United Parcel Service, Inc (UPS). The objective of the review was to determine if UPS qualifies for a tax abatement for the 2021 tax year.

The scope of the review was limited to a review of the tax abatement agreement between Hidalgo County and United Parcel Service, Inc., and correspondence received from UPS regarding compliance with terms of the tax abatement agreement.

We determined that United Parcel Service, Inc. qualifies for 80% tax abatement for the 2021 tax year based on the increase in newly created value ascertained from the tax rolls of the Hidalgo County Appraisal District.

If you have any questions, please contact Michael Ramos, Internal Auditor I, at 318-2511 ext. 4644, Reynaldo Cantu III, Compliance Audit Supervisor, at ext. 4654, Letty Chavez, Director of Audit Division, ext. 4641, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,

Maria Arcilia Duran, CPA
Hidalgo County Auditor

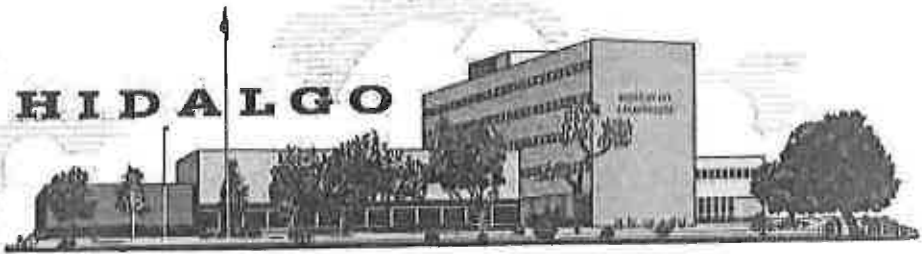
cc: The Honorable Richard F. Cortez, Hidalgo County Judge
Ms. Blanca Perez, Supervisor - Property Records, Hidalgo County Appraisal District

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|---|--|---|--|---|--|---|--|---|--|--|
| LUIS A. NIVALETTI JUDGE, 12 th D.C. | FRANCISCO MURCO JUDGE, 11 th D.C. | J. R. "BOBBY" FLORES JUDGE, 15 th D.C. | ROSE GUERRA REYES JUDGE, 25 th D.C. | MARLA COLLAN JUDGE, 21 st D.C. | PAUL S. MARTEL, JR. JUDGE, 31 st D.C. | ROSE GUZALDE JUDGE, 31 st D.C. DISTRICT | LETICIA LOPES JUDGE, 36 th D.C. | L. KELO WADQUE JUDGE, 36 th D.C. | ISRAEL RAMON, JR. JUDGE, 42 nd D.C. | RENEE R. BISHNOOBY JUDGE, 44 th D.C. | JOSE "JOE" RAMIREZ JUDGE, 46 th 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

July 13, 2021

Roy Rodriguez, City Manager
City of McAllen
1300 Houston Avenue
McAllen, TX 78501

Re: McAllen TIRZ No. 1 (Tres Lagos) Report No. 2021-36

Dear Mr. Rodriguez:

We conducted a limited scope review of the interlocal agreement between the City of McAllen, Hidalgo County, and the City of McAllen TIRZ No. 1. The objectives of the review were to determine the accuracy of the McAllen TIRZ No. 1 2020 payment request, compliance with Section IV (B)(2) and VIII (J) of the interlocal agreement, and Tax Code § 311.016.

The scope of the review was limited to the property tax accounts located within McAllen TIRZ No. 1 for 2020. The 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.

The results of the review revealed the following:

1. A payment request was submitted in the amount of \$450,811.62; however, we determined that the payment amount should be \$437,816.99 (see Exhibit A); and
2. The annual report and annual financial review were submitted in compliance with Tax Code § 311.016 and section IV (B)(2) and VIII (J) of the interlocal agreement.

We will proceed to process the 2020 McAllen TIRZ No. 1 payment in the amount of \$437,816.99.

If you have any questions, please contact Carlos Alvarez, Internal Auditor I, at 318-2511 ext. 4667, 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 A. Duran
Maria Arcilla Duran, CPA
Hidalgo County Auditor

Enclosure: Exhibit A

cc: The Honorable Richard Cortez, Hidalgo County Judge

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|--|--|---|--|---|---|---|--|---|--|
| LISA M. BARNETT JUDGE, 10 th D.C. | PERDACION BRONKHORST JUDGE, 11 th D.C. | J. N. "BIBBY" FLETCHER JUDGE, 12 th D.C. | AZARE GUERRA RAYON JUDGE, 13 th D.C. | MARLA CUELLAR JUDGE, 14 th D.C. | MARILYN R. HARRIS, JR. JUDGE, 15 th D.C. | MEX CORDERO JUDGE, 16 th D.C. | LITICIA LOPEZ JUDGE, 17 th D.C. | L. RAYO YARBORZ JUDGE, 18 th D.C. | TERESA BAUTISTA, JR. JUDGE, 19 th D.C. | REYNOLDO ESTANCOURY JUDGE, 20 th D.C. | JOSE "JOE" RAMIREZ JUDGE, 21 st D.C. |
|---|--|--|--|---|--|---|---|---|--|---|--|

SECRET - SECURITY INFORMATION - TROOP PROGRAM

| Task Description | Start Date | End Date | Status |
|---|------------|----------|-------------|
| 1. Conduct research and analysis on the current state of the TROOP program. | 1/15/73 | 3/15/73 | Completed |
| 2. Develop a plan for the future of the TROOP program. | 3/15/73 | 5/15/73 | In Progress |
| 3. Implement the plan for the future of the TROOP program. | 5/15/73 | 7/15/73 | Not Started |

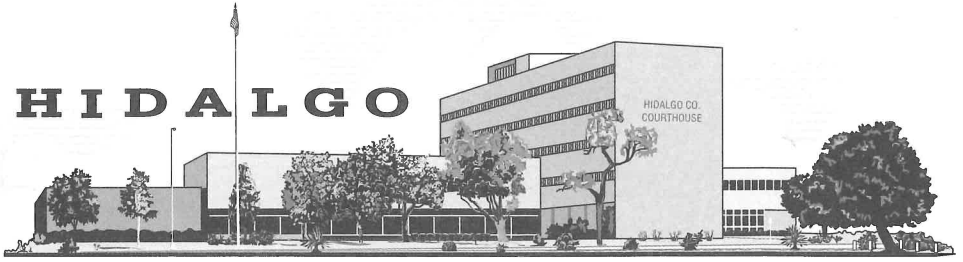
See 2025 Report
 Security Information
 Category 1

| Task Description | Start Date | End Date | Status |
|---|------------|----------|-------------|
| 1. Conduct research and analysis on the current state of the TROOP program. | 1/15/73 | 3/15/73 | Completed |
| 2. Develop a plan for the future of the TROOP program. | 3/15/73 | 5/15/73 | In Progress |
| 3. Implement the plan for the future of the TROOP program. | 5/15/73 | 7/15/73 | Not Started |

| Task Description | Start Date | End Date | Status |
|---|------------|----------|-------------|
| 1. Conduct research and analysis on the current state of the TROOP program. | 1/15/73 | 3/15/73 | Completed |
| 2. Develop a plan for the future of the TROOP program. | 3/15/73 | 5/15/73 | In Progress |
| 3. Implement the plan for the future of the TROOP program. | 5/15/73 | 7/15/73 | Not Started |

SECRET - SECURITY INFORMATION - TROOP PROGRAM

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 27, 2021

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 2021

Dear Mr. Villarreal:

We conducted a limited scope review of the *Hidalgo County Taxes 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 2021 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.

Executive Summary:

1. Total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations*.
2. Collections for 2 days were transferred to the County Treasurer's Office 6 to 7 business days after the day the money was received.

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 Taxes 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 for the month of March 2021.1 The 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 Taxes 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 Taxes Collected Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Hidalgo County Taxes Collected Reports* by footing and cross-footing the reports.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 93RD 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, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

- Verified that taxes collected per the *Hidalgo County Taxes 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 Taxes Collected Reports* agreed to modifications made to the tax levy per *ACT's Tax Collector Monthly Report* (Report No. TC168) for each entity.
- 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 Taxes Collected Reports* and County Treasurer receipts for the month of March 2021 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* 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*.

Conclusion:

Collections for the months of March 2021 as reported on the *Hidalgo County Taxes Collected Report* 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 \$14,587,889.05. Based on the 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 observations 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 total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations*, as follows:

- Deposits were short a total of \$314.33. Some of the significant shortages are as follows:
 - Cash shortage on March 16, 2021 in the amount of \$163.58 at the Pharr Tax Office; and
 - Cash shortage on March 22, 2021 in the amount of \$75.01 at the Edinburg Tax Office.
- Deposits were over a total of \$678.36. The overage was deposited and recorded in the Cashier Over/Short balance sheet account. Some of the significant overages are as follows:
 - Cash overage on March 5, 2021 and March 16, 2021 in the amount of \$200.00 and \$162.68, respectively, at the Pharr Tax Office; and
 - Cash overage on March 2, 2021 and March 3, 2021 in the amount of \$200.00 and \$20.00, respectively, at the Edinburg Tax Office.

The cash shortages were replenished with funds in the Cashier Over/Short balance sheet account. Overages are not remitted to the County Treasurer's Office; instead, they were recorded in the Cashier Over/Short balance sheet account.

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

HIDALGO COUNTY DISTRICT JUDGES

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 cashiers to ensure they 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's 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 for 2 days in the month of March 2021 collections 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 ensure collections are transferred and recorded in accordance with Local Government Code §113.022 will cause revenues to not be recognized in a timely manner and may affect revenue projections.

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 for the observations noted above by June 18, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Abigail Espinoza, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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WEBSITE: www.co.hidalgo.tx.us/auditor



EDINBURG, TEXAS 78539

June 24, 2021

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 April 2021

Dear Mr. Villarreal:

We conducted a limited scope review of the *Hidalgo County Taxes 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 April 2021 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.

Executive Summary:

1. Total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations*.
2. Collections for 2 days were transferred to the County Treasurer's Office 6 and 7 business days after the day the money was received.

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 Taxes 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 for the month of April 2021. The 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 Taxes 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 Taxes Collected Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Hidalgo County Taxes Collected Reports* by footing and cross-footing the reports.

HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|---|---|--|--|--|---|--|--|--|--|---|
| LUIS H. SINGLETERRY JUDGE, 92 ND D.C. | FERNANDO MANCAS JUDGE, 93 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 139 TH D.C. | ROSE GUERRA REYNA JUDGE, 204 TH D.C. | MARLA CUELLAR JUDGE, 275 TH D.C. | MARIO E. RAMIREZ, JR. JUDGE, 332 ND D.C. | NOE GONZALEZ JUDGE, 374 TH D.C. OVERSEER | LETICIA LOPEZ JUDGE, 383 RD 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. | JOSE "JOE" RAMIREZ JUDGE, 464 TH D.C. |
|---|---|---|--|--|--|---|--|--|--|--|---|

- Verified that taxes collected per the *Hidalgo County Taxes 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 Taxes Collected Reports* agreed to modifications made to the tax levy per *ACT's Tax Collector Monthly Report* (Report No. TC168) for each entity.
- 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 Taxes Collected Reports* and County Treasurer receipts for the month of April 2021 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* 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*.

Conclusion:

Collections for the month of April 2021 as reported on the *Hidalgo County Taxes Collected Report* 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 \$7,342,883.24. Based on the 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 observations 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 total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations*, as follows:

- Deposits were short a total of \$135.48. A significant cash shortage occurred on April 5, 2021 in the amount of \$100.00 at the Edinburg Tax Office.
- Deposits were over a total of \$322.37. Some of the significant overages are as follows:
 - Cash overage on April 23, 2021 in the amount of \$100.00 at the Weslaco Tax Office; and
 - Cash overage on April 12, 2021(2) and April 30, 2021 in the amount of \$20.00, \$50.00, and \$100.00, respectively, at the Edinburg Tax Office.

The cash shortages were replenished with funds in the Cashier Over/Short balance sheet account. Overages are not remitted to the County Treasurer's Office; instead, they were recorded in the Cashier Over/Short balance sheet account.

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 cashiers to ensure they 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's 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:

On April 16, 2021, \$5.00 was found in the Edinburg Tax Office lobby. The money was deposited and recorded in the Cashier Over/Short balance sheet account.

The County Auditor's Office recommends that miscellaneous overages should be recorded as Due to Treasurer's and remitted to the County Treasurer's Office as miscellaneous revenue. If anyone returns to claim the funds, the Treasurer's Office will issue a check to the individual. The funds should not be used to replenish the Cashier Over/Short balance sheet account.

Failure to ensure that miscellaneous overages are recorded properly will result in a misstatement of the Tax General financial statement.

Recommendation:

Management should correct the financials to record the \$5.00 as Due to Treasurer's and remit the amount to the Treasurer's Office as miscellaneous revenue. In addition, management should develop and implement formal monitoring procedures to ensure that miscellaneous overages are properly accounted and reported.

Please provide a written management response for the observations noted above by July 9, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Abigail Espinoza, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO



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FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

EDINBURG, TEXAS 78539

June 30, 2021

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 May 2021

Dear Mr. Villarreal:

We conducted a limited scope review of the *Hidalgo County Taxes 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 May 2021 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.

Executive Summary:

We concluded that taxes, penalties, interest, and fees collected were not properly accounted and reported. Total deposits did not agree to the amount collected per the *Deposit Status Report - All Locations*.

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 Taxes 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 for the month of May 2021. The 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 Taxes 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 Taxes Collected Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Hidalgo County Taxes Collected Reports* by footing and cross-footing the reports.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 89TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

MARLA CUELLAR
JUDGE, 216TH D.C.

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

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 380TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

- Verified that taxes collected per the *Hidalgo County Taxes 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 Taxes Collected Reports* agreed to modifications made to the tax levy per *ACT's Tax Collector Monthly Report* (Report No. TC168) for each entity.
- 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 Taxes Collected Reports* and County Treasurer receipts for the month of May 2021 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* 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*.

Conclusion:

Collections for the month of May 2021 as reported on the *Hidalgo County Taxes Collected Report* 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 \$27,979,991.24. Based on the review, we concluded that taxes, penalties, interest, and fees collected were not properly accounted and reported (see Observation No. 1).

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*.

- Deposits were short a total of \$128.68. Some significant shortages are as follows:
 - Cash shortage on May 14, 2021 in the amount of \$50.00 at the Edinburg Tax Office; and
 - Cash shortage on May 20, 2021 in the amount of \$47.53 at the Elsa Tax Office.
- Deposits were over a total of \$148.11. A significant cash overage occurred on May 27, 2021 in the amount of \$100.00 at the Edinburg Tax Office.

The cash shortages were replenished with funds in the Cashier Over/Short balance sheet account. The overage was not remitted to the County Treasurer's Office; instead, it was recorded in the Cashier Over/Short balance sheet account.

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.

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

HIDALGO COUNTY DISTRICT JUDGES

Recommendation:


Management should retrain cashiers to ensure they 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's 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.

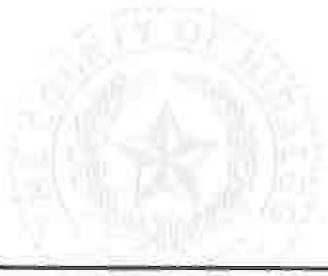
Please provide a written management response for the observations noted above by July 16, 2021.

If you have any questions or would like to schedule a meeting to discuss the above noted observation, please contact Abigail Espinoza, 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator



HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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WEBSITE: www.co.hidalgo.tx.us/auditor



June 16, 2021

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

Re: *Fee Monthly Report* for January 2021 through March 2021

Dear Mr. Guajardo:

We conducted a limited scope review of the *Fee Monthly Report (Monthly Report)* for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the review, we concluded that fees 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. More specifically, we noted that 15 of 59 *Revenue Remittance Reports* submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 10 days after the bank deposit was made.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 *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 voiding 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 order numbers per the *Monthly Report* agreed to order numbers issued in *Kofile*. In addition, verified that order numbers were issued in sequential order.
- Reviewed *Revenue Remittance Reports (Close-out Report)* 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.

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, 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, 448TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$492,123.72, \$439,186.35, and \$643,337.70, respectively. Based on the review, we concluded that fees 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 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 15 of 59 Close-out Reports submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 10 days after the bank deposit was made. According to the Internal Auditor, the Close-out Reports were being sent to the County Treasurer's Office at the end of the week instead of the day the validated deposit slip was received from the bank causing the delay. The County Clerk's Office has corrected the process and are now submitting the Close-out Reports to the Treasurer's Office on a daily basis.

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. Once 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 on a daily basis. 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 Reports continue to be submitted to the County Treasurer's Office on a daily basis after the daily deposit has been made or on the day the bank validated deposit slip is received.

If you have any questions or would like to schedule a meeting, 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

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

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



June 16, 2021

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

Re: *Civil and Probate Court Cost Monthly Reports* for January 2021 through March 2021

Dear Mr. Guajardo:

We conducted a limited scope review of the *Civil and Probate Court Cost Monthly Report (Monthly Report)* for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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 fines, fees, and court costs requires improvement. More specifically, we noted that 13 of 64 *Cashier's Daily Fund Reports* submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 26 days after the bank deposit was made.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 *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 voiding 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 (Close-out 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, 139th 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, 398th D.C.

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464th D.C.

- Reviewed *Revenue Remittance Reports* and County Treasurer receipts to determine if collections were deposited with the County Treasurer in a timely manner.
- 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 months of January 2021 through March 2021 totaled \$165,484.95, \$160,986.64, and \$199,718.32, respectively. Based on the 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 fines, fees, and court costs 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 13 of 64 Close-out Reports submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 26 days after the bank deposit was made. According to the Internal Auditor, staff attempts to submit the Close-out Reports to the County Treasurer's Office timely; however, there are delays in the submittal since the validated deposit slips are not received immediately after the bank deposit is made.

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. Once 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 on a daily basis. 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 or on the day the bank validated deposit slip is received.

Please provide a written management response for the observation noted above by July 2, 2021.

If you have any questions, 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,



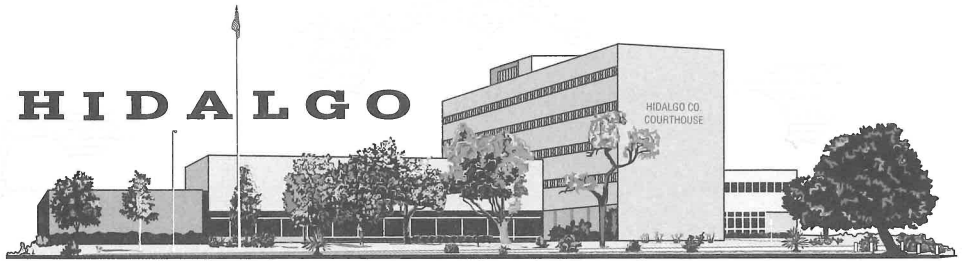
Maria Arcilia Duran, CPA
Hidalgo County Auditor

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Annette Muniz, Hidalgo County Clerk Chief Deputy
Ms. Berenize Alvarado, Hidalgo County Clerk Internal Auditor
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

June 16, 2021

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

Re: *Criminal Fees Monthly Report* for January 2021 through March 2021

Dear Mr. Guajardo:

We conducted a limited scope review of the *Criminal Fees Monthly Report (Monthly Report)* for the months of January 2021 through March 2021 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.

Executive Summary

Based on the 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.

1. 73 of 332 randomly selected receipts during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The County Clerk's Office was notified of the required adjustments; however, the adjustments have not been completed.
2. 13 of 59 *Cashier's Daily Fund Reports* submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 26 days after the bank deposit was made.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 *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 voiding 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.

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 89TH 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, 352ND 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, 446TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

- 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* (Close-out Report) 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.
- 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 months of January 2021 through March 2021 totaled \$82,234.02, \$78,769.15, and \$145,655.24, respectively. Based on the 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 observations 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 73 of 332 randomly selected receipts during the months of January 2021 through March 2021 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 have not been completed. According to the County Clerk's Office Internal Auditor, they are reviewing the adjustments.

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 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.
- 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 13 of 59 Close-out Reports submitted to the County Treasurer's Office for the months of January 2021 through March 2021 were submitted 6 to 26 days after the bank deposit was made. According to the Internal Auditor, staff attempts to submit the Close-out Reports to the County Treasurer's Office timely; however, there are delays in the submittal since the validated deposit slips are not received immediately after the deposit is made.

HIDALGO COUNTY DISTRICT JUDGES

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. Once 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 on a daily basis. 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 or on the day the bank validated deposit slip is received.

Please provide a written management response to the observations noted above by July 2, 2021.

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: 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
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

Based on Judgment date, EFCC (\$5.00) should be assessed.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment | Received | EFCC | TP | TP-RF | TPCO | TPST | VRF-RF |
|----------------|-----------|--------------|--------------|----------------------------|---------------|----------|------|------|-------|-------|-------|--------|
| | | | | | Date | Amount | | | | | | |
| COL-2021-00452 | 1/11/2021 | CR-11-7754-A | 6/19/2011 | POSS MARIJ <2OZ | 11/4/2013 | 579.00 | - | 2.50 | - | 10.00 | 12.50 | - |

Based on Judgment date, TP should not be assessed at \$25.00. Please use fee codes TP, TPST, and TPCO to properly assess the time payment.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment | Received | EFCC | TP | TP-RF | TPCO | TPST | VRF-RF |
|----------------|-----------|---------------|--------------|----------------------------|---------------|----------|------|----|-------|------|------|--------|
| | | | | | Date | Amount | | | | | | |
| COL-2021-00682 | 1/15/2021 | CR-18-15421-G | 9/25/2018 | POSS CS PG 3 < 28G | 11/13/2019 | 147.00 | - | - | 15.00 | - | - | - |
| COL-2021-00683 | 1/15/2021 | CR-19-05272-G | 4/10/2019 | POSS CS PG 3 < 28G | 11/13/2019 | 127.00 | - | - | 15.00 | - | - | - |

Persuant to Senate Bill 346, reimbursement fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020. If the conviction is ofr an offense that occurred before January 1 ,2020, VRF fee should not be assessed for the following cases. In addition, based on judgment date, TP should be assessed at \$15.00.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment | Received | EFCC | TP | TP-RF | TPCO | TPST | VRF-RF |
|----------------|-----------|---------------|--------------|----------------------------|---------------|----------|------|------|-------|------|------|--------|
| | | | | | Date | Amount | | | | | | |
| COL-2021-00865 | 1/21/2021 | CR-18-11251-E | 6/5/2018 | DRIVING WHILE INTOXICATED | 1/28/2020 | 15.00 | - | 0.08 | - | 0.31 | 0.42 | 0.50 |

Persuant to Senate Bill 346, reimbursement fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020. If the conviction is ofr an offense that occurred before January 1 ,2020, VRF fee should not be assessed for the following cases.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment | Received | EFCC | TP | TP-RF | TPCO | TPST | VRF-RF |
|----------------|-----------|---------------|--------------|---------------------------------------|---------------|----------|------|----|-------|------|------|--------|
| | | | | | Date | Amount | | | | | | |
| COL-2021-00892 | 1/21/2021 | CR-19-02828-F | 12/2/2018 | DRIVING WHILE INTOXICATED | 2/4/2020 | 494.00 | - | - | 11.23 | - | - | 22.46 |
| COL-2021-00194 | 1/5/2021 | CR-19-02487-D | 11/1/2018 | DRIVING WHILE INTOXICATED BAC >= 0.15 | 2/19/2020 | 100.00 | - | - | 2.17 | - | - | 2.17 |
| COL-2021-00974 | 1/25/2021 | CR-20-00972-A | 11/17/2019 | DRIVING WHILE INTOXICATED | 3/5/2020 | 200.00 | - | - | 15.00 | - | - | 0.68 |
| COL-2021-01126 | 1/28/2021 | CR-19-13224-H | 10/12/2019 | DRIVING WHILE INTOXICATED | 1/29/2020 | 50.00 | - | - | 1.91 | - | - | 1.91 |
| COL-2021-00926 | 1/22/2021 | CR-19-02979-G | 1/2/2019 | DRIVING WHILE INTOXICATED | 3/9/2020 | 624.00 | - | - | 13.05 | - | - | 26.11 |
| COL-2021-00724 | 1/19/2021 | CR-19-13114-B | 8/24/2019 | DRIVING WHILE INTOXICATED | 1/22/2020 | 60.00 | - | - | 2.29 | - | - | 4.58 |
| COL-2021-00168 | 1/5/2021 | CR-19-11051-A | 7/1/2019 | DRIVING WHILE INTOXICATED 2ND | 3/12/2020 | 32.00 | - | - | 1.25 | - | - | 2.50 |

As confirmed with the Collections Department, the following cases were eligible for scofflaw fee. However, fee was not assessed. Scofflaw fee should be assessed to a case that has a balance after the 90th day of the judgment date.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|-----------|---------------|--------------|-------------------------------------|-----------------|---------------|------|------|---------|----|-------|------|------|--------|------|
| COL-2021-01657 | 2/9/2021 | CR-18-03863-A | 10/3/2017 | ASSAULT CAUSES BODILY INJURY FAMILI | 9/29/2020 | 317.00 | - | - | - | - | - | - | - | - | - |
| COL-2021-01775 | 2/12/2021 | CR-20-01062-H | 11/26/2019 | TERRORISTIC THREAT OF FAMILY/HOUS | 10/6/2020 | 327.00 | - | - | - | - | - | - | - | - | - |
| COL-2021-02047 | 2/23/2021 | CR-17-06282-E | 5/29/2017 | DRIVING WHILE INTOXICATED | 11/24/2020 | 327.00 | - | - | - | - | - | - | - | - | - |
| COL-2021-02027 | 2/23/2021 | CR-19-03541-H | 8/14/2018 | THEFT PROP >=\$750-<\$2,500 | 9/17/2020 | 327.00 | - | - | - | - | - | - | - | - | - |
| COL-2021-02093 | 2/24/2021 | CR-19-09030-H | 11/19/2017 | ASSAULT CAUSES BODILY INJ | 11/12/2020 | 317.00 | - | - | - | - | - | - | - | - | - |

As confirmed with the Collections Department, the following cases were eligible for scofflaw fee. However, fee was not assessed. Scofflaw fee should be assessed to a case that has a balance after the 90th day of the judgment date. In addition, Pursuant to Senate Bill 346, reimbursements fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020. If the conviction is for an offense that occurred before January 1, 2020, VRF fee should not be assessed for the following cases

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|----------|---------------|--------------|-------------------------------|-----------------|---------------|------|------|---------|----|-------|------|------|--------|------|
| COL-2021-01589 | 2/8/2021 | CR-19-16102-G | 11/5/2019 | DRIVING WHILE INTOXICATED 2ND | 3/12/2020 | 610.00 | - | - | - | - | 15.00 | - | - | 15.00 | - |
| COL-2021-01590 | 2/8/2021 | CR-19-16144-G | 12/18/2019 | DRIVING WHILE INTOXICATED 2ND | 3/12/2020 | 610.00 | - | - | - | - | 15.00 | - | - | 15.00 | - |

Based on judgment date, EFCC (\$5.00) should be assessed.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|----------|---------------|--------------|----------------------------|-----------------|---------------|------|-------|---------|------|-------|-------|-------|--------|------|
| COL-2021-01408 | 2/3/2021 | CR-13-05392-H | 12/30/2012 | ASSAULT CAUSES BODILY INJ | 11/13/2013 | 1,069.00 | - | 20.00 | - | 2.50 | - | 10.00 | 12.50 | - | - |

Pursuant to Senate Bill 346, reimbursements fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020.

If the conviction is for an offense that occurred before January 1, 2020, VRF fee should not be assessed for the following cases

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|----------|---------------|--------------|-------------------------------|-----------------|---------------|------|------|---------|----|-------|------|------|--------|------|
| COL-2021-01472 | 2/4/2021 | CR-19-11051-A | 7/1/2019 | DRIVING WHILE INTOXICATED 2ND | 3/12/2020 | 32.00 | - | - | - | - | 1.25 | - | - | 2.50 | - |

Based on judgment date, TP should be assessed at \$25.00. Please use fee code TP, TPST, and TPCO to assess the time payment for the following cases.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|-----------|---------------|--------------|------------------------------|-----------------|---------------|------|------|---------|----|-------|------|------|--------|------|
| COL-2021-01741 | 2/11/2021 | CR-18-05958-A | 1/20/2018 | ASSAULT CAUSES BODILY INJ | 8/2/2018 | 370.88 | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-01985 | 2/22/2021 | CR-17-13255-H | 5/15/2017 | POSS MARIJUANA <2 OZ DFZ IAT | 10/11/2018 | 50.00 | 0.66 | - | 2.65 | - | 1.99 | - | - | - | - |

Based on judgment date, TP should be assessed at \$15.00

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment C | Receipted Amo | EFCC | SCOF | SCOF-RF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|----------|---------------|--------------|----------------------------|-----------------|---------------|------|------|---------|------|-------|------|------|--------|------|
| COL-2021-01224 | 2/1/2021 | CR-20-06593-G | 8/28/2019 | POSS MARIJ <2OZ | 12/10/2020 | 117.00 | - | - | - | 0.45 | - | 1.80 | 2.25 | - | - |

Delinquent Fees were assessed for the following cases. However, Perdue Brandon Law Firm confirmed the cases were not referred. Please allocate delinquent fee collections to case balance or to refund.

| Receipt Number | Date | Case Number | Offense Date | Party | DEL | DEL-RF | TOTAL |
|----------------|-----------|---------------|--------------|-------------------------------------|--------|--------|--------|
| COL-2021-00109 | 1/4/2021 | CR-14-7817-F | 7/27/2014 | ASSAULT CAUSES BODILY INJ | 7.09 | - | 7.09 |
| COL-2021-00211 | 1/5/2021 | CR-15-06866-H | 7/6/2015 | INTERFER W/EMERGENCY CALL | - | 23.66 | 23.66 |
| COL-2021-00398 | 1/8/2021 | CR-16-03204-G | 2/29/2016 | POSS CS PG 2-A <= 2OZ | - | 46.73 | 46.73 |
| COL-2021-01266 | 2/1/2021 | CR-15-11188-B | 5/3/2015 | ACCIDENT INVOLVING DAMAGE TO VEH | - | 186.60 | 186.60 |
| COL-2021-01488 | 2/5/2021 | CR-16-05600-E | 1/31/2016 | DRIVING WHILE INTOXICATED | - | 63.60 | 63.60 |
| COL-2021-01509 | 2/5/2021 | CR-17-11942-G | 7/6/2017 | POSS MARIJ <2OZ | - | 8.43 | 8.43 |
| COL-2021-01647 | 2/9/2021 | CR-15-06866-H | 7/6/2015 | INTERFER W/EMERGENCY CALL | - | 23.66 | 23.66 |
| COL-2021-01754 | 2/12/2021 | CR-14-1400-H | 11/12/2013 | THEFT PROP>=\$50<\$500 | - | 77.22 | 77.22 |
| COL-2021-01756 | 2/12/2021 | CR-17-13205-D | 7/23/2017 | DRIVING WHILE INTOXICATED | 235.82 | - | 235.82 |
| COL-2021-01835 | 2/18/2021 | CR-15-05420-G | 5/14/2015 | ATTEMPT TO COMMIT THEFT PROP>=\$! | 246.05 | - | 246.05 |
| COL-2021-01906 | 2/22/2021 | CR-16-03204-G | 2/29/2016 | POSS CS PG 2-A <= 2OZ | - | 46.72 | 46.72 |
| COL-2021-01909 | 2/22/2021 | CR-17-03706-D | 11/19/2016 | DRIVING WHILE INTOXICATED BAC >= 0 | - | 173.35 | 173.35 |
| COL-2021-01910 | 2/22/2021 | CR-17-03706-D | 11/19/2016 | DRIVING WHILE INTOXICATED BAC >= 0 | - | 220.28 | 220.28 |
| COL-2021-02067 | 2/23/2021 | CR-14-7817-F | 7/27/2014 | ASSAULT CAUSES BODILY INJ | 7.09 | - | 7.09 |
| COL-2021-02185 | 2/26/2021 | CR-14-5602-F | 3/2/2014 | DISPLAY FICTITIOUS MOTOR VEHICLE RI | - | 151.20 | 151.20 |

As confirmed with the Collections Department, the following cases were eligible for scofflaw fee. However, fee was not assessed. Scofflaw fee should be assessed to a case that has a balance after the 90th day of the judgment date.

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|-----------|---------------|--------------|--------------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-----|------|-------|------|----|-------|------|------|--------|------|
| COL-2021-02454 | 3/3/2021 | CR-19-10491-A | 8/12/2018 | DRIVING WHILE INTOXICATED | | 7/2/2020 | 400.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-02575 | 3/5/2021 | CR-19-07402-B | 4/14/2019 | POSS MARIJ <2OZ | | 12/1/2020 | 317.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-02563 | 3/5/2021 | CR-18-06002-F | 1/27/2018 | DRIVING WHILE INTOXICATED | | 10/21/2020 | 327.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-02589 | 3/5/2021 | CR-18-14832-A | 8/3/2018 | DRIVING WHILE INTOXICATED | | 10/22/2020 | 420.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-02772 | 3/10/2021 | CR-17-12180-H | 6/15/2017 | DRIVING WHILE INTOXICATED | | 12/3/2020 | 317.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-02866 | 3/12/2021 | CR-20-00137-G | 10/12/2019 | Criminal Mischief >\$100<\$750 | | 12/1/2020 | 842.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-03072 | 3/16/2021 | CR-20-07427-F | 5/21/2020 | POSS MARIJ <2OZ | | 9/2/2020 | 317.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-03136 | 3/17/2021 | CR-16-03809-H | 12/1/2015 | DRIVING WHILE INTOXICATED | | 10/1/2020 | 327.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-03165 | 3/17/2021 | CR-18-14615-A | 10/21/2018 | DRIVING WHILE INTOXICATED | | 10/22/2020 | 782.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-03234 | 3/18/2021 | CR-20-00941-B | 12/3/2019 | POSS MARIJ <2OZ | | 11/19/2020 | 317.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| COL-2021-03248 | 3/18/2021 | CR-19-04614-F | 1/6/2019 | DRIVING WHILE INTOXICATED | | 10/29/2020 | 632.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-03397 | 3/22/2021 | CR-19-15626-E | 9/29/2019 | DRIVING WHILE INTOXICATED 2N | | 10/22/2020 | 932.00 | - | - | - | - | - | - | - | - | - | - | 15.00 | - | - | - | - |
| COL-2021-03666 | 3/26/2021 | CR-19-05875-A | 2/17/2019 | ASSAULT CAUSES BODILY INJ | | 10/27/2020 | 327.00 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

As confirmed with the Collections Department, the following cases were eligible for scofflaw fee. However, fee was not assessed. Scofflaw fee should be assessed to a case that has a balance after the 90th day of the judgment date. In addition, MVF (\$0.10) should be assessed

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|----------|--------------|--------------|------------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-------|------|-------|------|------|-------|-------|-------|--------|------|
| COL-2021-02316 | 3/1/2021 | CR-11-7807-A | 6/10/2011 | DRIVING WHILE INTOXICATED 2N | | 11/9/2011 | 909.00 | - | - | - | - | - | 22.50 | - | 2.50 | - | 2.50 | - | 10.00 | 12.50 | - | - |

Based on judgment date, EFCC (\$5.00) should be assessed.

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|-----------|--------------|--------------|-----------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-------|------|-------|-------|-------|-------|------|------|--------|------|
| COL-2021-03085 | 3/17/2021 | CR-11-6699-E | 2/1/2011 | THEFT PROP >=\$500 < \$1500 | | 11/20/2013 | 519.00 | - | - | - | - | - | 22.50 | - | 2.50 | 20.00 | 25.00 | - | - | - | - | - |

Based on judgment date, EFCC (\$5.00) should be assessed. In addition, MVF (\$0.10) should be assessed.

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|-----------|---------------|--------------|---------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-------|------|-------|-------|------|-------|-------|-------|--------|------|
| COL-2021-02964 | 3/15/2021 | CR-13-01002-B | 10/28/2012 | DRIVING WHILE INTOXICATED | | 10/10/2013 | 579.00 | - | - | - | - | - | 22.50 | - | 2.50 | 20.00 | 2.50 | - | 10.00 | 12.50 | - | - |

Records Management Preservations fees were incorrectly assessed. RMPPr should be assessed at \$2.50 and RMP should be assessed at \$22.50

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|-----------|---------------|--------------|---------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-------|------|-------|-------|------|-------|-------|-------|--------|------|
| COL-2021-03092 | 3/17/2021 | CR-15-09811-H | 9/18/2015 | PROH WEAPON KNUCKLES | | 11/9/2015 | 499.20 | 5.00 | - | - | - | - | 2.50 | - | 22.50 | - | 2.50 | - | 10.00 | 12.50 | - | - |
| COL-2021-02944 | 3/15/2021 | CR-15-04716-E | 7/27/2014 | THEFT PROP \$50<\$500 ENH | | 8/11/2015 | 720.20 | 5.00 | - | - | - | - | 25.00 | - | - | 20.00 | 2.50 | - | 10.00 | 12.50 | - | - |

Persuant to Senate Bill 346, reimbursements fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020.

If the conviction is for an offense that occurred before January 1, 2020, VRF fee should not be assessed for the following cases

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|-----------|---------------|--------------|-------------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-----|------|-------|------|----|-------|------|------|--------|------|
| COL-2021-02710 | 3/9/2021 | CR-19-11051-A | 7/1/2019 | DRIVING WHILE INTOXICATED 2N | | 3/12/2020 | 32.00 | - | - | - | - | - | - | - | - | - | - | 1.25 | - | - | - | 2.50 |
| COL-2021-02910 | 3/12/2021 | CR-18-15108-E | 9/23/2018 | DRIVING WHILE INTOXICATED | | 3/5/2020 | 100.00 | - | - | - | - | - | - | - | - | - | - | 3.92 | - | - | - | 3.92 |
| COL-2021-03252 | 3/18/2021 | CR-19-02487-D | 11/1/2018 | DRIVING WHILE INTOXICATED B/A | | 2/19/2020 | 124.00 | - | - | - | - | - | - | - | - | - | - | 2.71 | - | - | - | 2.71 |
| COL-2021-03638 | 3/25/2021 | CR-19-14082-A | 8/25/2019 | DRIVING WHILE INTOXICATED | | 1/16/2020 | 20.00 | - | - | - | - | - | - | - | - | - | - | 0.62 | - | - | - | 0.34 |

Persuant to Senate Bill 346, reimbursements fees that were labeled as court cost in 2019 may not be charged for convictions on or after January 1, 2020.

If the conviction is for an offense that occurred before January 1, 2020, VRF fee should not be assessed for the following cases. In addition, based on judgment date, TP should be assessed at \$15.00

| Receipt | Date | Cause # | Offense Date | Charge | Offense Description | Disp/Judgment Date | Received Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRP-RF | VRFr |
|----------------|----------|---------------|--------------|---------------------------|---------------------|--------------------|--------------|------|-----|-----|-----|------|-----|------|-------|------|------|-------|------|------|--------|------|
| COL-2021-02746 | 3/9/2021 | CR-18-11251-E | 6/5/2018 | DRIVING WHILE INTOXICATED | | 1/28/2020 | 30.00 | - | - | - | - | - | - | - | - | - | 0.18 | - | 0.73 | 0.90 | 1.08 | - |

Based on judgment date, TP should be assessed at \$15.00

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment Date | Receipted Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|----------|---------------|--------------|----------------------------|--------------------|---------------|------|-----|-----|-----|------|-----|------|-------|------|------|-------|------|------|--------|------|
| COL-2021-02246 | 3/1/2021 | CR-20-06593-G | 8/28/2019 | POSS MARIJ <2OZ | 12/10/2020 | 100.00 | - | - | - | - | - | - | - | - | - | 0.38 | - | 1.53 | 1.91 | - | - |
| COL-2021-02747 | 3/9/2021 | CR-19-00623-E | 1/12/2019 | DRIVING WHILE INTOXICATED | 1/28/2020 | 50.00 | - | - | - | - | - | - | - | - | - | 0.32 | - | 1.28 | 1.61 | - | - |

Based on judgment date, TP should be assessed at \$25.00. Please use fee code TP, TPST, and TPCO to assess the time payment for the following cases.

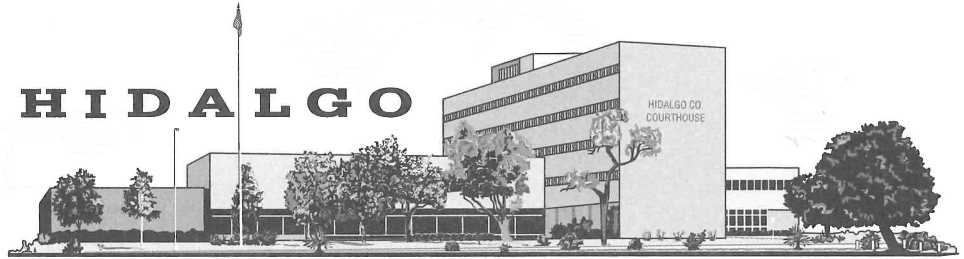
| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment Date | Receipted Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|-----------|---------------|--------------|-------------------------------|--------------------|---------------|------|------|-----|-----|------|-------|------|-------|-------|----|-------|------|------|--------|------|
| COL-2021-02297 | 3/1/2021 | CR-18-14242-G | 8/17/2018 | DRIVING WHILE INTOXICATED | 10/21/2019 | 200.00 | 3.02 | 0.06 | - | - | - | 13.58 | - | 1.50 | - | - | 9.05 | - | - | - | - |
| COL-2021-02389 | 3/2/2021 | CR-19-08083-H | 6/7/2019 | BURGLARY OF VEHICLE | 6/19/2019 | 40.00 | 0.64 | - | - | - | - | 2.89 | - | 0.32 | - | - | 1.93 | - | - | - | - |
| COL-2021-03188 | 3/17/2021 | CR-12-7159-F | 4/18/2012 | SALE TO MINORS - ALCOHOL | 11/19/2013 | 40.00 | - | - | - | - | - | 2.87 | - | 0.32 | 3.18 | - | 2.39 | - | - | - | - |
| COL-2021-03189 | 3/17/2021 | CR-12-10712-F | 11/1/2012 | DRIVING WHILE INTOXICATED B/A | 11/19/2013 | 40.00 | - | - | - | - | - | 1.90 | - | 0.21 | 1.91 | - | 1.44 | - | - | - | - |
| COL-2021-03187 | 3/17/2021 | CR-13-11640-F | 7/4/2013 | DRIVING WHILE INTOXICATED | 11/19/2013 | 40.00 | - | - | - | - | - | - | - | - | 11.69 | - | 8.77 | - | - | - | - |
| COL-2021-03351 | 3/19/2021 | CR-19-12175-B | 9/13/2019 | DRIVING WHILE INTOXICATED | 12/4/2019 | 40.00 | 0.44 | 0.01 | - | - | - | 1.97 | - | 0.22 | - | - | 1.31 | - | - | - | - |
| COL-2021-03632 | 3/25/2021 | CR-17-11710-D | 6/1/2017 | DRIVING WHILE INTOXICATED B/A | 3/5/2018 | 40.00 | 0.36 | 0.01 | - | - | - | 1.63 | - | 0.18 | - | - | 1.09 | - | - | - | 2.17 |

Restitution Fees, RFC (\$6.00) AND RFS (\$6.00), should not be assessed. Please reclassify fees as refunds.

| Receipt | Date | Cause # | Offense Date | Charge Offense Description | Disp/Judgment Date | Receipted Amo | EFCC | MVF | RFC | RFS | RMFP | RMP | RMPC | RMPPr | SCOF | TP | TP-RF | TPCO | TPST | VRF-RF | VRFr |
|----------------|-----------|--------------|--------------|--------------------------------|--------------------|---------------|------|-----|------|------|------|-------|------|-------|------|-------|-------|------|------|--------|------|
| COL-2021-03756 | 3/29/2021 | CR-07-3242-B | 7/23/2005 | CRIMINAL MISCHIEF >=\$50<\$50C | 4/24/2007 | 315.00 | - | - | 6.00 | 6.00 | - | 22.50 | - | 2.50 | - | 25.00 | - | - | - | - | - |

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

June 16, 2021

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

Re: *Monthly Fees Reports* for January 2021 through March 2021

Dear Ms. Hinojosa:

We conducted a limited scope review of the *Monthly Fees Report* and supporting documentation for the months of January 2021 through March 2021 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 the review was limited to collections reported by your office on the *Monthly Fees Report* for the months of January 2021 through March 2021. The 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 the 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.

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
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, 389th D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 484th D.C.

- 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 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 received and deposited.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$332,098.29, \$303,779.50, and \$607,920.62, respectively. Based on the 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 MANCIAS
JUDGE, 83RD D.C.

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

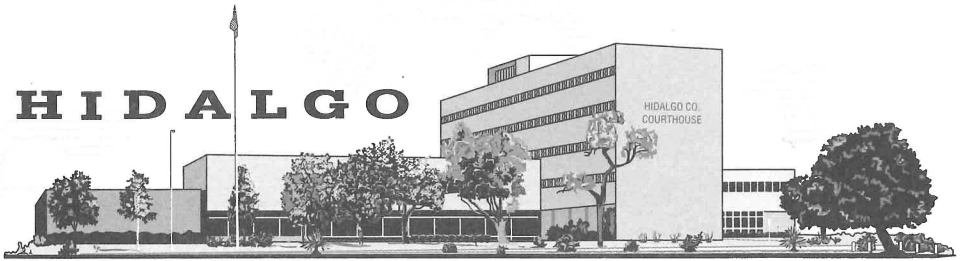
ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

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

JOSE "JOE" RAMIREZ
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

June 16, 2021

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

Re: *Monthly Fees Reports* for April 2021 and May 2021

Dear Ms. Ramon:

We conducted a limited scope review of the *Monthly Fees Reports (Monthly Report)* and supporting documentation for the months of April 2021 and May 2021 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.

Executive Summary:

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.

1. 10 of 11 Cashier's Close-out Reports for the month of April 2021 were missing the County Treasurer's receipt number on *Part IV Summary of Deposits* of the reports
2. Collections for April 9, 2021 and April 12, 2021 were combined and reported on the *same Daily Close-out Report*.
3. Collections for 2 of 11 days in April 2021 were deposited at the County Treasurer's Office 2 and 3 days after collections were received.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of April 2021 and May 2021. The 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 *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.

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.

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JUDGE, 464th D.C.

- Reviewed receipts issued to determine if fees were allocated and reported in the proper amounts.
- Verified that procedures for voiding receipts were properly followed.
- Verified that collections per the *Monthly Report* agreed to: 1.) total receipts issued; and 2.) total deposits made with the County Treasurer.
- 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.

Conclusion:

Collections for the months of April 2021 and May 2021 totaled \$549,487.27 and \$537,151.43, respectively. Based on the review, we have 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 observations below.

Observation No. 1:

We noted that 10 of 11 Cashier's Daily Close-out Reports for the month of April 2021 were missing the County Treasurer's receipt number on *Part IV Summary of Deposits* of the reports. According to Accounting Clerk, the Close-out Reports did not contain the County Treasurer's receipt numbers due to an oversight.

The County Auditor's Office requires that the Close-out Reports be filled out completely to document that the day's collections have been reconciled and remitted to the County Treasurer's Office. The County Treasurer's Office receipt number on the Close-out Report documents that the collections were received by the County Treasurer's Office.

Failure to ensure that the Close-out Reports are completely filled out may result in the inaccurate recording of County funds.

Recommendation:

Management should ensure that the Close-out Reports are completely filled out. Please refer to the "Daily Close-Out" section of the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office.

Observation No. 2:

We noted that collections for April 9, 2021 and April 12, 2021 were combined and reported on the April 13, 2021 Close-out Report. It appears that cash drawer is not being reconciled against receipts issued using the Close-out report. According to Accounting Clerk, the Accountant reported the collections for both days on the same Close-out Report, in error.

Pursuant to the "Cash Handling Guidelines and Procedures" prescribed by the County Auditor's Office, each day the cashier must reconcile the cash drawer against receipts issued and the change fund using the *Daily Close-out Report*.

Failure to ensure that the Close-out Report is processed at the end of each day may increase the risk that an employee could misappropriate funds and inaccurate reporting.

Recommendation:

Management should ensure that a separate Close-out Report is prepared and submitted to the County Treasurer's Office for each day's collections.

Observation No. 3:

We noted that collections for 2 of 11 days in April 2021 were deposited at the County Treasurer's Office 2 and 3 days, after collections were received. According to the Accounting Clerk, the collections were not deposited timely due to being short staffed.

HIDALGO COUNTY DISTRICT JUDGES

The County Auditor's Office requires that all collections be remitted to the County Treasurer's Office on a daily basis, unless the amount collected is less than \$100.00. Collections less than \$100.00 must be deposited by the end of the work week.

Failure to make the deposit to the County Treasurer's Office on a daily basis may result in the loss or misuse of County funds.

Recommendation:

Management should ensure that deposits are made on a daily basis.

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,
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

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June 18, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Saenz:

We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 99 of 1,980 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees and court costs.
2. Procedures for the Scofflaw Program have not been properly implemented.
3. 2 of 75 online credit card transactions for the month of February 2021 and 5 of 180 online credit card transactions for the month of March 2021 were receipted 40 to 41 days and 2 to 3 days, respectively, after the date of transaction.
4. 3 of 15 randomly selected receipts issued during the month of March 2021 did not contain either the correct tender or reference number. In addition, the docket number was not written on the face of a money order and two checks were not listed on the mail log.
5. February 2021 Monthly Report was submitted 11 days after the fifth day following the end of the month.
6. 3 of 22 Close-out Reports for the month of March 2021 were submitted to the County Treasurer's Office 2 to 6 days after the bank deposits were made.

Repeat Observations:

1. Two cash bonds 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.
2. Copies of the May 2013 and August 2013 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to Office of Court Administration (OCA).

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 92nd D.C. FERNANDO MANCIAS JUDGE, 93rd 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, 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, 439th D.C. RENEE R. BETANCOURT JUDGE, 448th D.C. JOSE "JOE" RAMIREZ JUDGE, 454th D.C.

- 4 cases in which the defendant satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail in the months of February 2020 (1), March 2020 (2), and November 2020 (1) did not have the jail time credit applied to the case, the case status was not closed, and Sheriff's "Discharge" receipt number was not referenced on the case.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of January 2021 through March 2021. The 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 *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 voiding 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.
- 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 Reports*, 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.
- Reviewed *Scofflaw Release Forms* submitted by the defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$80,107.60, \$52,961.00, and \$153,140.15, respectively. Based on the 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 observations 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.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 1:

We noted that 99 of 1,980 transactions during the months of January 2021 through March 2021 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, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. According to the Court Coordinator, she will make time to 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.
- 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 reviewed all nine *Scofflaw Release Forms* for the month of March 2021. We noted that procedures for the Scofflaw Program have not been properly implemented as follows:

1. For 4 of 9 forms, the outstanding balance noted on the *Scofflaw Release Form* did not agree to the amount in *Odyssey*.
2. For 4 of 9 forms, the Justice of the Peace exercised his discretion to reduce the outstanding fine; however, the new outstanding balance was not handwritten by the Justice of the Peace and his signature was not provided on the *Scofflaw Release Form* as approval of the change.
3. For 5 of 9 forms, the case disposition in *Odyssey* did not agree with the disposition entered on the *Scofflaw Release Form*.
4. For 1 of 9 forms, the *Scofflaw Release Form* was not sealed by the authorized representative of the court.
5. For 2 of 10 forms, a copy of the official County receipt was not attached to the *Scofflaw Release Form* as proof of payment.
6. For 1 of 9 forms, the approved *Scofflaw Release Form* was not scanned and entered in *Odyssey*.
7. For 4 of 9 forms, the *Scofflaw Release Form* was not signed and sealed (approved) by the authorized representative of the court only after receipt of the "motion/order to dismiss" form.
8. For 4 of 9 forms, a copy of the signed "Motion/Order to Dismiss" Form was not attached to the *Scofflaw Release Form*.
9. For 1 of 10 forms, the outstanding balance was not zeroed out.
10. For 4 of 9 forms, the proof of dismissal was not scanned and entered in *Odyssey*.

According to the Court Coordinator, at the time the payments were made, the Justice of the Peace was not available to sign the *Scofflaw Release Form*. Staff confirms the reduction of the fine with events/notes entered in *Odyssey*, prior to

HIDALGO COUNTY DISTRICT JUDGES

taking the payment. A *Scofflaw Release Form* was signed without payment due to the person's name was the same but the date of birth was completely different.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division and the outstanding balance is paid in full. The following procedures should be implemented:

- a. The amount receipted in *Odyssey* must agree to the outstanding balance noted on the *Scofflaw Release Form*.
- b. If the Justice of the Peace exercises his discretion to reduce the outstanding fine, the new outstanding balance must be handwritten by the Justice of the Peace and his signature provided on the *Scofflaw Release Form* as approval of the change.
- c. The case disposition in *Odyssey* must agree to the disposition entered on the *Scofflaw Release Form*.
- d. The *Scofflaw Release Form* must be sealed by the authorized representative of the court.
- e. A copy of the official County receipt must be attached to the *Scofflaw Release Form*.
- f. The *Scofflaw Release Form* must be scanned and entered in *Odyssey*.
- g. The approved *Scofflaw Release Form* must be signed and sealed (approved) by the authorized representative of the court only after receipt of the "motion/order to dismiss" form.
- h. The "Motion/Order to Dismiss" form must be attached to the *Scofflaw Release Form*.
- i. The outstanding balance must be zeroed out and a case disposition entered in *Odyssey* prior to approving the *Scofflaw Release Form*.
- j. The approved *Scofflaw Release Form* and proof of dismissal (i.e., insurance, inspection certificate, driver's license, motion/order to dismiss form, etc.) must be scanned and attached to *Odyssey*.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Forms* are properly completed and that the procedures for the Scofflaw Release program are properly followed. At a minimum, the procedures noted above should be implemented.

Observation No. 3:

We noted that 2 of 75 online credit card transactions for the month of February 2021 and 5 of 180 online credit card transactions for the month of March 2021 were receipted 40 to 41 days and 2 to 3 days, respectively, after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. In addition, 3 of 100 online credit card transactions for the month of January 2021, 1 of 75 online credit cards for the month of February 2021, and 2 of 180 online credit card transactions for the month of March 2021 were referenced incorrectly and/or receipted with the incorrect method of payment. According to the Court Coordinator, transactions were not receipted on time and/or referenced correctly due to an oversight and/or being short staffed.

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. The case dispositions should be recorded in *Odyssey* upon receipt of payment. In addition, all collections should be referenced correctly.

Failure to ensure that credit card transactions are promptly receipted and correctly referenced 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, referenced correctly, and case dispositions are entered in a timely manner. The Hamer Enterprises' Payment Report should be utilized to reconcile credit card payments receipted in *Odyssey* at the end of the day.

Observation No. 4:

We noted that 3 of 15 randomly selected receipts issued during the month of March 2021 did not contain either the correct tender or reference number. In addition, the docket number was not written on the face of a money order and

HIDALGO COUNTY DISTRICT JUDGES

two checks were not listed on the mail log. According to the Court Coordinator, the receipts were not referenced, correctly, docket number was not noted on the money order, and the checks were not recorded on the mail log 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 with the correct and complete payor information. In addition, all collections received via mail should be listed on the daily mail log.

Failure to ensure that the receipts contain the correct tender and reference number, the docket number is written on the face of money orders, and checks are recorded on the mail log increases the risk of receipting errors not being identified.

Recommendation:

Management should ensure that receipts are issued with the correct tender and reference number, the docket number is written on the face of the money orders, and checks are recorded on the mail log, when applicable. Staff should be re-trained on the proper way to prepare receipts, accept money orders, and prepare mail logs. At a minimum, the procedures noted above should be implemented.

Observation No. 5:

We noted that the February 2021 Monthly Report was submitted 11 days after the fifth day following the end of the month. According to the Court Coordinator, the Monthly Report was not submitted timely due to working on other court items.

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 Report helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

Observation No. 6:

We noted that 3 of 22 Close-out Reports for the month of March 2021 were submitted to the County Treasurer's Office 2 to 6 days after the bank deposits were made. According to the Court Coordinator, the Close-out Reports were not submitted to the County Treasurer's Office daily due an oversight.

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.

The observations below have been previously reported and have not been resolved.

HIDALGO COUNTY DISTRICT JUDGES

Repeat Observation No. 1:

We noted that two cash bonds 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.

Repeat Observation No. 2:

Copies of the May 2013 and August 2013 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to Office of Court Administration (OCA). 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.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and to the County Auditor's Office within 20 days after the last day of each month.

Repeat Observation No. 3:

We noted four cases in which the defendant satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail in the months of February 2020 (1), March 2020 (2), and November 2020 (1) did not have the jail time credit applied to the case, the case status was not closed, and Sheriff's "Discharge" receipt number was not referenced on the case. According to the Court Coordinator, the jail time credit has not been applied due to work scheduling and being short staffed.

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.017, docket books maintained by a justice of the peace court must contain the following information: (1) the style and file number of each criminal action; (2) the nature of the offense charged; (3) the plea offered by the defendant and the date the plea was entered; (4) the date the warrant, if any, was issued and the return made thereon; (5) the date the examination or trial was held, and if a trial was held, whether it was by a jury or by the justice; (6) the verdict of the jury, if any, and the date of the verdict; (7) the judgment and sentence of the court, and the date each was given; (8) the motion for new trial, if any, and the decision thereon; and (9) whether an appeal was taken

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 39TH D.C.

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

ROSE GUERRA REYNA
JUDGE, 264TH D.C.

MARLA CUELLAR
JUDGE, 375TH D.C.

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

NOE GONZALEZ
JUDGE, 375TH D.C.
NW925FR

LETICIA LOPEZ
JUDGE, 389TH D.C.

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

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

and the date of that action. Pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..."

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

Recommendation:

Management should enter the jail time credit and change the case status as soon as possible. Management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

Please provide written management responses for the observations noted above by July 2, 2021.

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

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

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

June 17, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Morales:

We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 15 of 1,427 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. 7 of 97 online credit card transactions for January 2021 and 2 of 198 online credit card transactions for March 2021 were receipted 2 to 22 days after the date of transaction.
3. Procedures for the Scofflaw Program have not been properly implemented.

Repeat Observations:

1. Copies of the April 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of January 2021 through March 2021. The 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 *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.

HIDALGO COUNTY DISTRICT JUDGES

- 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 voiding 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.
- 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$53,968.50, \$37,902.70, and \$102,054.60 respectively. Based on the 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 observations 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 15 of 1,427 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. According to staff, there is insufficient time to verify that fines, fees, 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.

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, 208TH D.C.

MARLA CUELLAR
JUDGE, 278TH D.C.

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

NOE GONZALEZ
JUDGE, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

L. XENO VASQUEZ
JUDGE, 588TH D.C.

ISRAEL RAMON, JR.
JUDGE, 620TH D.C.

RENEE R. BETANCOURT
JUDGE, 648TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 684TH D.C.

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 7 of 97 online credit card transactions for January 2021 and 2 of 198 online credit card transactions for March 2021 were receipted 2 to 22 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 receipted late 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 the Court Coordinator verifies that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner. The Hamer Enterprises' Payment Report should be utilized to reconcile credit card payments receipted in *Odyssey* at the end of each day.

Observation No. 3:

We randomly selected 6 of 15 *Scofflaw Release Forms* for the month of February 2021. We noted that procedures for the Scofflaw Program have not been properly implemented as follows:

1. For 2 of 6 cases, the outstanding fine was reduced; however, the new outstanding balance was not handwritten by the Justice of the Peace and his signature was not provided on the *Scofflaw Release Form* as approval of the change.
2. For 2 of 6 cases, the *Scofflaw Release Forms* Payment Type and/or Case Disposition/Status was not selected.
3. For 1 of 6 cases, the Official County Receipt number was not noted on the *Scofflaw Release Form*.
4. For 1 of 6 cases, the outstanding balance was not paid in full, instead the defendant was placed on a time payment plan.
5. For 2 of 6 cases, the amount receipted in *Odyssey* did not agree to the outstanding balance noted on the *Scofflaw Release Form*.

According to the Court Coordinator, the procedures were not properly completed due to an oversight.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division. The following procedures should be implemented:

- a. If the Justice of the Peace exercises his discretion to reduce the outstanding fine, the new outstanding balance must be handwritten by the Justice of the Peace and his signature provided on the *Scofflaw Release Form* as approval of the change.
- b. The Scofflaw form must be filled out in its entirety.

HIDALGO COUNTY DISTRICT JUDGES

- c. The outstanding balance must be paid in full. Defendants placed on a time payment plan should not be able to register or renew their motor vehicle registration.
- d. The amount received in *Odyssey* must agree to the outstanding balance noted on the *Scofflaw Release Form*.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Form* is properly completed and that the procedures for the Scofflaw program are properly followed. At a minimum, the procedures noted above should be implemented.

The observation below has been previously reported and has not been resolved.

Repeat Observation No. 1:

Copies of the April 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). According to Justice of the Peace staff, copies of the OCA Reports have not been submitted since the amounts identified on the reports are not correct. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding needs of the Hidalgo County court system.


Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Please provide written management responses to the observations noted above by July 2, 2021.

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, Lety 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 Reports*, Exhibit A, and Action Plan Forms.

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

RECEIVED
2.5.21

HIDALGO COUNTY AUDITOR'S OFFICE

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED: January-21

PBC

City: WESLACO, TX
Hidalgo County, Texas

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

Part I: RECAP OF AMOUNT PAYABLE TO THE COUNTY TREASURER

| | | | |
|--|--|-------------------------|-------|
| TOTAL CASH COLLECTED | (Receipt #s) <u>JP12-2021-00001</u> through <u>JP12-2021-00432</u> | \$ 53,968.50 | x9-a1 |
| LESS: COST ON DEPOSIT | | 0.00 | x7 |
| ADD: COST ON DEPOSIT LIQUIDATED | | 0.00 | x7 |
| AMOUNT OWED TO COUNTY (Should Match Amt in Part III) | | \$ 53,968.50 | x3 |
| Less: Total amount of remittances to County Treasurer (From Part II) | | \$ 53,923.50 | A |
| Total funds due to County Treasurer (Overtransfer Made to Co Treas.) | | \$ 45.00 | |
| | | 0.00 | x4-a5 |

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

| DESCRIPTION | AMOUNT | COMMENT |
|---|-----------------------------------|---------|
| Total Collections for the Month (See Schedule of Receipts & Deposits) | \$ 53,923.50 53,968.50 | B1 |
| Add: Previous Month's Bond Overtransfer | | |
| Add: HCSO Monthly "D" Collections Report | \$ - | |
| | | |
| | | |
| | | |
| Total Remittances Made to County Treasurer | \$ 53,923.50 53,968.50 | A |

PREPARED BY: Janet Cardenas

DATE: 2-5-21

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

J&J 3/3/2021

J. Morales
JUSTICE OF THE PEACE

2-5-21
DATE

HIDALGO COUNTY AUDITOR'S OFFICE
APPROVED BY: 2.22.21 ee
DATE: gt 3/1/21

RECEIVED
2.5.21

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED January-21

HIDALGO COUNTY AUDITOR'S OFFICE

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

PBC

City: WESLACO, TEXAS
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, PC 12.23 | | 1100-151-10-067-000-0-000 | 14,770.67 |
| Texas Parks & Wildlife 85% Fine (State Fine) | | TPWC 12.107 | | 1100-207-20-000-012-0-000 | 350.20 |
| No Safety Belt 50% Fine (State Fine) | | TRC 545.412, 545.413 (j) | | 1100-207-20-000-028-0-000 | 50.00 |
| Gross Weight 50% Fine (State Fine) | | TRC Sec 621.906 (g) | | 1100-207-20-000-013-0-000 | - |
| School District 50% Fines | | Educ. Code § 25.093 (d) 1 (A) | | 1100-207-20-000-001-0-000 | - |
| LOCAL COURT COSTS AND FEES: | | | | | |
| Courthouse Security Adm. Fee(\$3) | | C.C.P. Art. 102.017 (b) | 42.50 | 1241-341-10-060-001-0-000 | 185.45 |
| Courthouse Security Fund JP (\$1) | | C.C.P. Art. 102.017 | 70.00 | 1243-341-10-067-000-0-000 | 55.86 |
| Justice Court Technology Fund (\$4) | | C.C.P. Art. 102.0173 | | 1242-341-10-060-000-0-000 | 239.27 |
| Time Payment - @40% OF \$25.00 (\$10.00) | | LGC 133.103 (b) | | 1100-341-10-060-001-0-000 | 34.32 |
| Time Payment - @ 10% of \$25.00 (\$2.50) | | LGC 133.103 (e) | | 1100-341-10-060-002-0-000 | 173.10 |
| Administrative Local Transaction Fee (\$2) | | C.C.P. Art. 102.072 | | 1100-341-10-060-003-0-000 | 498.80 |
| Motor Vehicle Adm. Fee (\$10-\$20) (Optional Fee for Exp. Df.; Exp. Insp. Cert.; Exp. Mv. Reg.) | | TRC Sec 548.605, 521.026, 502.407 | | 1100-341-10-060-004-0-000 | - |
| Special Fees | | | | 1100-341-10-062-000-0-000 | 112.50 |
| Deferred Disposition | | C.C.P. Art. 45.051 | 42.50 | | |
| Administrative Fee - "Drivers Safety Course" (\$10) | | C.C.P. Art. 45.051(f) | 70.00 | | |
| Support of Judiciary Fund (\$60) | | LGC 133.105 | | 1100-341-10-060-009-0-000 | 33.48 |
| Traffic Fee (\$3) | | T.R.C. 542.403 | | 1100-341-10-062-000-0-000 | 381.52 |
| Child Safety (\$20-\$25) | | C.C.P. Art. 102.014 | | 1100-341-10-060-011-0-000 | - |
| Failure to Appear (\$4) | | TC 706.006/TC 706.007(dx)(2) | | 1100-341-10-060-012-0-000 | 44.79 |
| Scowlaw Fee (\$20) | | TRC 502.010(a) | | 1100-341-10-140-049-0-000 | 1,731.09 |
| Truancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-341-10-060-013-0-000 | 43.61 |
| Local Consolidated Court Costs (\$14) | | LGC 134.103 | | 1100-227-30-000-035-0-000 | 2,391.80 |
| 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 | 42.91 |
| Juvenile Crime and Delinquency Fund (____\$25, ____\$50) | | C.C.P. Art. 102.075(m) | | 1100-207-20-000-007-0-000 | 2.00 |
| 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 | 25.00 |
| Consolidated Court Costs Fund (\$17) | | CCP 102.075 (a) 3/ LGC 133.102 | | 1100-207-20-000-015-0-000 | 12,949.97 |
| Compensation Victims Of Crime Fund (____\$3, ____\$5, ____\$15, ____\$35) | | C.C.P. Art. 56.55 (2) & (3) | | 1100-207-20-000-017-0-000 | 75.00 |
| Judicial & Court Personnel Training Fund (____\$1, ____\$2) | | Govt. Code Sec. 56.001 (b) | | 1100-207-20-000-027-0-000 | 10.00 |
| Correcional Management Institute of Texas Fund (\$50) | | CCP Art. 102.075 | | 1100-207-20-000-029-0-000 | 1.50 |
| Indigent Legal Services Fee-JP (\$6) | 156 | Govt. Code Sec. 101.141(2) (B) | | 1100-207-20-000-004-0-000 | 936.00 |
| State Traffic Fee- Subtitle C (\$30) (prior to Sept. 1, 2019) | | TRC Sec 542.4031 | | 1100-207-20-000-035-0-000 | 662.79 |
| State Traffic Fee- Subtitle C (\$50) (Sept. 1, 2019 fwd) | | TRC Sec 542.4031 | | 1100-207-20-000-079-0-000 | 5,627.12 |
| Jury Service Fee (\$4) | | C.C.P. Art. 102.0045 | | 1100-207-20-000-053-0-000 | 227.29 |
| Support of Judiciary Fund (\$5.40) | | LGC 133.105 | | 1100-207-20-000-054-0-000 | 299.47 |
| 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 (a-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 | 109.69 |
| Moving Violation Fee (\$0.10) | | C.C.P. Art. 102.022/GC | | 1100-207-20-000-061-0-000 | 3.56 |
| 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(dx)(2) | | 1100-207-20-000-066-0-000 | 223.96 |
| Electronic Filing Fee - Civil (\$10) | | GC 101.1411/GC 51.851 | | 1100-207-20-000-070-0-000 | 1,560.00 |
| Truancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-207-20-000-073-0-000 | 43.61 |
| 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) | 156 | CC 51.971 (a) | | 1100-207-20-000-076-0-000 | 780.00 |
| ARREST /WARRANT FEES: STATE | | | | | |
| D.P.S. (____\$3, ____\$5, ____\$35, ____\$50) | | C.C.P. Art. 102.011 | | 1100-207-20-000-019-0-000 | 1,268.21 |
| 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 | 10.00 |
| ARREST /WARRANT/SERVICE FEES: COUNTY | | | | | |
| Sheriff Fees: | | LGC 118.131 | | 1100-342-10-060-001-0-000 | 15.00 |
| Constable Fees: | | | | 1100-342-10-291-000-0-000 | 3,730.77 |
| Precinct #1 | | | | 1100-342-10-292-000-0-000 | -3,880.77 |
| 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 | - |
| 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 | | | | 1100-207-30-000-003-0-000 | - |
| Due to Others | | | | 1100-207-00-000-000-0-000 | 208.00 |
| Warrant Fees/Out of County Service Fees DTO: Law Enforcement Agencies | | C.C.P. Art. 102.011 (a) 2 (A) | | 1100-202-00-062-019-0-000 | 67.19 |
| Refund - Overpayments/ Due to Others/ Restitutions | | TRC 706.006/TRC 706.007(dx)(2) | | 1100-202-00-000-004-0-000 | - |
| Failure to Appear- OrnelBase (\$6) | | C.C.P. Art. 103.0031(b) | | 1100-341-10-060-001-0-000 | 3,971.00 |
| Delinquent Attorney Fee | | | | | |
| Justice Fees (Local Fees) | | | | | |
| Small Claims/ Debt Claim Fee/ Landlord & Tenant Eviction (Court Filing \$25) | | LGC 118.121/118.122 | 3,900.00 | | |
| Transcript Fees (\$10) | | LGC 118.121/118.123 (b) | | | |
| Abstract Fees (\$5) | | LGC 118.121/118.123 (c) | 55.00 | | |
| Writ Filing Fee (\$5) | | LGC 118.121/118.123 (d) | 5.00 | | |
| Issuing other Document (\$1 1st pg. .25 for each addtl' pg) | | LGC 118.121/118.123 (e) | 11.00 | | |
| Certified Copies of Court Papers (\$2 1st pg. .25 for each addtl' pg) | | LGC 118.121 | - | | |
| Probable Cause Tow Hearing Fee (\$20) | | LGC 101.141 (a)(4) | - | | |
| Birth Certificates (\$22 each) | | HSC 191.0045 (3)(d) | | 1100-341-10-060-001-0-000 | - |
| Death Certificates (\$20 each, each addtl' \$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) | | 1100-341-10-060-008-0-000 | - |
| 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:

\$ 53,988.50

Z A

JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED: February-21

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>JP12-2021-00433</u> ² through <u>JP12-2021-00712</u> ⁴ | \$ 37,902.70 [✓] | |
| LESS: COST ON DEPOSIT | | 0.00 - [✓] | x7 |
| ADD: COST ON DEPOSIT LIQUIDATED | | 0.00 - [✓] | x7 |
| AMOUNT OWED TO COUNTY (Should Match Amt in Part III) | | \$ 37,902.70 [✓] | x3 |
| Less: Total amount of remittances to County Treasurer (From Part II) | | \$ 37,902.70 [✓] | A |
| Total funds due to County Treasurer (Overtransfer Made to Co Treas.) | | \$ (0.00) [✓] | x4-a5 |
| | | <u>Z A</u> | |

Part II: REMITTANCES MADE TO THE COUNTY TREASURER

| DESCRIPTION | AMOUNT | COMMENT |
|---|---------------------------|---------|
| Total Collections for the Month (See Schedule of Receipts & Deposits) | \$ 37,902.70 [✓] | B1 |
| Add: Previous Month's Bond Overtransfer | 0.00 | |
| Add: HCSO Monthly "D" Collections Report | \$ 0.00 - | |
| | | |
| | | |
| | | |
| Total Remittances Made to County Treasurer | \$ 37,902.70 | A |
| | <u>Z A</u> | |

PREPARED BY: Jane L. Caidenas

DATE: 3-4-21

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

J. Morales
JUSTICE OF THE PEACE

3-5-21
DATE

HIDALGO COUNTY AUDITOR'S OFFICE
APPROVED BY: 3.16.21 ee
DATE: yt 3/29/21 JL
4/5/2021



**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED February-21**

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

PBC

City: WESLACO, TEXAS
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, PC 12.23 | | 1100-131-10-062-000-0-000 | 9,576.87 |
| Texas Parks & Wildlife 85% Fine (State Fine) | | TPWC 12.107 | | 1100-207-20-000-012-0-000 | (108.80) |
| 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 | | Educ. Code § 25.093 (d) 1 (A) | | 1100-347-30-000-003-0-000 | - |
| LOCAL COURT COSTS AND FEES: | | | | | |
| Courthouse Security Adm. Fee(\$3) | | C.C.P. Art. 102.017 (b) | | 1241-341-10-060-001-0-000 | 158.81 |
| Courthouse Security Fund JP (\$1) | | C.C.P. Art. 102.017 | | 1243-341-10-062-004-0-000 | 49.94 |
| Justice Court Technology Fund (\$4) | | C.C.P. Art. 102.0173 | | 1242-341-10-060-000-0-000 | 203.75 |
| Time Payment - @40% OF \$25.00 (\$10.00) | | LGC 133.103 (d) | | 1100-341-10-060-001-0-000 | 71.88 |
| Time Payment - @ 10% of \$25.00 (\$2.50) | | LGC 133.103 (e) | | 1100-341-10-060-002-0-000 | 51.34 |
| Administrative Local Transaction Fee (\$2) | | C.C.P. Art. 102.072 | | 1100-341-10-060-003-0-000 | 396.00 |
| Motor Vehicle Adm. Fee (\$10-\$20) (Checklist For Lic Exp, Dis, Exp Insp, Cont, Exp Mtr Reg.) | | TRC Sec 548.605, 521.026, 502.407 | | 1100-341-10-060-004-0-000 | - |
| Special Fees | | | | 1100-341-10-062-000-0-000 | 225.50 |
| Deferred Disposition | | C.C.P. Art. 45.051 | 205.50 | | |
| Administrative Fee - "Drivers Safety Course" (\$10) | | C.C.P. Art. 45.051(f) | 20.00 | | |
| Support of Judiciary Fund (\$5.60) | | LGC 133.105 | | 1100-341-10-060-009-0-000 | 29.97 |
| Traffic Fee (\$3) | | T.R.C. 542.403 | | 1100-341-10-062-008-0-000 | 358.42 |
| Child Safety (\$20-\$25) | | C.C.P. Art. 102.014 | | 1100-341-10-060-011-0-000 | - |
| Failure to Appear (\$4) | | TC 706.006/TC 706.007(d)(2) | | 1100-341-10-060-012-0-000 | 56.80 |
| Seofflaw Fee (\$20) | | TRC 502.010(a) | | 1100-341-10-140-049-0-000 | 1,524.29 |
| Tuancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-341-10-060-013-0-000 | 29.94 |
| Local Consolidated Court Costs (\$14) | | LGC 134.105 | | 1100-227-30-000-035-0-000 | 1,920.60 |
| 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 | 89.85 |
| Juvenile Crime and Delinquency Fund (\$25, \$50) | | C.C.P. Art. 102.075(m) | | 1100-207-20-000-007-0-000 | 1.00 |
| 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 | 15.00 |
| Consolidated Court Costs Fund (\$17) | | CCP 102.075 (a) 3/ LGC 133.102 | | 1100-207-20-000-015-0-000 | 10,554.09 |
| Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35) | | C.C.P. Art. 56.53 (2) & (3) | | 1100-207-20-000-017-0-000 | 45.00 |
| Judicial & Court Personnel Training Fund (\$1, \$2) | | Govt. Code Sec. 36.001 (b) | | 1100-207-20-000-027-0-000 | 6.00 |
| Correctional Management Institute of Texas Fund (\$50) | | CCP Art. 102.075 | | 1100-207-20-000-029-0-000 | 0.50 |
| Indigent Legal Services Fee-JP (\$6) | | Govt. Code Sec. 101.141(2) (B) | | 1100-207-20-000-004-0-000 | 414.00 |
| State Traffic Fee- Subtitle C (\$30) (prior to Sept. 1, 2019) | | TRC Sec 542.4031 | | 1100-207-20-000-035-0-000 | 669.93 |
| State Traffic Fee- Subtitle C (\$50) (Sept. 1, 2019 fwd) | | TRC Sec 542.4031 | | 1100-207-20-000-079-0-000 | 5,058.06 |
| Jury Service Fee (\$4) | | C.C.P. Art. 102.0045 | | 1100-207-20-000-053-0-000 | 199.75 |
| Support of Judiciary Fund (\$5.40) | | LGC 133.105 | | 1100-207-20-000-054-0-000 | 267.67 |
| 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 (\$2) | | LGC (33.107)GC 102.023 | | 1100-207-20-000-059-0-000 | 97.88 |
| Moving Violation Fee (\$0.10) | | C.C.P. Art. 102.022/GC | | 1100-207-20-000-061-0-000 | 2.85 |
| Safety Seat Violation Fee (\$0.15) | | TRC 345.412 (b-1) | | 1100-207-20-000-062-0-000 | - |
| Failure to Appear (\$20) | | TRC 706.006/TC 706.007(d)(2) | | 1100-207-20-000-066-0-000 | 280.00 |
| Electronic Filing Fee - Civil (\$10) | | GC (01.141)GC 51.851 | | 1100-207-20-000-070-0-000 | 690.00 |
| Tuancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-207-20-000-073-0-000 | 29.94 |
| 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 (a) | | 1100-207-20-000-076-0-000 | 345.00 |
| ARREST /WARRANT FEES: STATE | | | | | |
| D.P.S. (\$3, \$5, \$35, \$50) | | | | 1100-207-20-000-019-0-000 | 880.61 |
| 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 | 10.00 |
| ARREST /WARRANT/SERVICE FEES: COUNTY | | | | | |
| Sheriff Fees: | | LGC 118.131 | | 1100-342-10-060-001-0-000 | 10.00 |
| Constable Fees: | | | | | |
| Precinct #1 | | | | 1100-342-10-291-000-0-000 | 1,822.56 |
| 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 | - |
| 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 DTO: Law Enforcement Agencies | | C.C.P. Art. 102.011 (a) 2 (A) | | 1100-207-30-000-003-0-000 | - |
| Refund - Overpayments/ Due to Others/ Restitutions | | | | 1100-202-00-000-000-0-000 | 30.00 |
| Failure to Appear- OmniBase (\$5) | | TRC 706.006/TC 706.007(d)(2) | | 1100-202-00-062-019-0-000 | 84.00 |
| Delinquent Attorney Fee | | C.C.P. Art. 103.003(b) | | 1100-202-00-000-004-0-000 | - |
| Justice Fees (Local Fees) | | | | 1100-341-10-060-001-0-000 | 1,750.00 |
| Small Claims/ Debt Claim Fee/ Landlord & Tenant Eviction (Court Filing \$25) | | LGC 118.121/18.122 | 1,725.00 | | |
| Transcript Fees (\$10) | | LGC 118.121/18.123 (b) | | | |
| Abstract Fees (\$5) | | LGC 118.121/18.123 (c) | 10.00 | | |
| Write Filing Fee (\$5) | | LGC 118.121/18.123 (d) | 15.00 | | |
| Issuing other Document (\$1 1st pg., .25 for each add'l pg) | | LGC 118.121/18.123 (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 (g) | - | | |
| 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)(2) | | 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 | | 1100-341-10-060-006-0-000 | - |
| TOTAL AMOUNT DUE TO THE COUNTY TREASURER: | | | | | 37,901.70 |

**JUSTICE OF THE PEACE
MONTHLY FINES AND FEES COLLECTED
FOR THE MONTH ENDED March-21**

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

PBC

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

Part III: SUMMARY OF COLLECTIONS PAYABLE TO THE COUNTY TREASURER

PAGE 2 OF 2

| Name of Fine, Fee, Court Cost | # Issues/ Filed | Statute Reference | Detail of Amt Collected | GL Acct No. | Amt. Collected |
|---|--------------------|--|----------------------------|---------------------------|----------------|
| FINES: | | | | | |
| County Fines (Local Fine) | | LGC 113.004, PC 12.23 | | 1100-131-10-062-000-0-000 | \$ 31,034.46 |
| Texas Parks & Wildlife 85% Fine (State Fine) | | TPWC 12.107 | | 1100-207-20-000-012-0-000 | 593.30 |
| No Safety Belt 50% Fine (State Fine) | | TRC 545.412, 545.413 (i) | | 1100-207-20-000-028-0-000 | 301.00 |
| 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) | | 1100-207-20-000-005-0-000 | - |
| LOCAL COURT COSTS AND FEES: | | | | | |
| Courthouse Security Adm. Fee(\$3) | | C.C.P. Art. 102.017 (b) | | 1241-341-10-060-001-0-000 | 683.82 |
| Courthouse Security Fund JP (\$1) | | C.C.P. Art. 102.017 | | 1241-341-10-062-000-0-000 | - |
| Justice Court Technology Fund (\$4) | | C.C.P. Art. 102.0173 | | 1242-341-10-060-000-0-000 | 891.83 |
| Time Payment - @40% OF \$25.00 (\$10.00) | | LGC 133.103 (d) | | 1100-341-10-060-001-0-000 | 225.23 |
| Time Payment - @ 10% of \$25.00 (\$2.50) | | LGC 133.103 (e) | | 1100-341-10-060-002-0-000 | 410.97 |
| Administrative Local Transaction Fee (\$2) | | C.C.P. Art. 102.072 | | 1100-341-10-060-003-0-000 | 988.59 |
| Motor Vehicle Adm. Fee (\$10-\$20) (Dismissal 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 | - |
| Special Fees | | | | 1100-341-10-062-000-0-000 | 414.00 |
| Deferred Disposition | | C.C.P. Art. 45.051 | 454.00 | | |
| Administrative Fee - "Drivers Safety Course" (\$10) | | C.C.P. Art. 45.0511(f) | (40.00) | | |
| Support of Judiciary Fund (\$.60) | | LGC 133.105 | | 1100-341-10-060-009-0-000 | 127.75 |
| Traffic Fee (\$3) | | T.R.C. 342.403 | | 1100-341-10-062-000-0-000 | 767.65 |
| Child Safety (\$20-\$25) | | C.C.P. Art. 102.014 | | 1100-341-10-060-011-0-000 | - |
| Failure to Appear (\$4) | | TC 706.006/TC 706.007(d)(2) | | 1100-341-10-060-012-0-000 | 183.82 |
| Scottlaw Fee (\$20) | | TRC 502.010(a) | | 1100-341-10-140-049-0-000 | 5,941.18 |
| Truancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-341-10-060-013-0-000 | 152.68 |
| Local Consolidated Court Costs (\$14) | | LGC 134.103 | | 1100-227-30-000-035-0-000 | 3,342.93 |
| 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 | 281.54 |
| Juvenile Crime and Delinquency Fund (\$25, \$50) | | C.C.P. Art. 102.075(m) | | 1100-207-20-000-007-0-000 | 6.25 |
| 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 | 70.00 |
| Consolidated Court Costs Fund (\$17) | | CCP 102.075 (a) 3/ LGC 133.102 | | 1100-207-20-000-015-0-000 | 23,600.46 |
| Compensation Victims Of Crime Fund (\$3, \$5, \$15, \$35) | | C.C.P. Art. 56.55 (2) & (3) | | 1100-207-20-000-017-0-000 | 210.00 |
| Judicial & Court Personnel Training Fund (\$1, \$2) | | Govt. Code Sec. 36.001 (b) | | 1100-207-20-000-027-0-000 | 28.00 |
| 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 (\$5) | 140 | Govt. Code Sec. 101.141(2) (B) | | 1100-207-20-000-004-0-000 | 840.00 |
| State Traffic Fee-Subtitle C (\$30) (prior to Sept. 1, 2019) | | TRC Sec 542.4031 | | 1100-207-20-000-035-0-000 | 2,581.94 |
| State Traffic Fee- Subtitle C (\$50) (Sept. 1, 2019 fwd) | | TRC Sec 542.4031 | | 1100-207-20-000-079-0-000 | 8,296.84 |
| Jury Service Fee (\$4) | | C.C.P. Art. 102.0045 | | 1100-207-20-000-053-0-000 | 855.82 |
| Support of Judiciary Fund (\$5.40) | | LGC 133.105 | | 1100-207-20-000-054-0-000 | 1,131.96 |
| 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 (e-1) | | 1100-207-20-000-057-0-000 | - |
| Indigent Defense Representation Fund (\$2) | | LGC 133.107/KIC 102.023 | | 1100-207-20-000-059-0-000 | 407.92 |
| Moving Violation Fee (\$0.10) | | C.C.P. Art. 102.022(GC) | | 1100-207-20-000-061-0-000 | 13.06 |
| Safety Seat Violation Fee (\$0.15) | | TRC 545.412 (b-1) | | 1100-207-20-000-062-0-000 | 0.30 |
| Failure to Appear (\$20) | | TRC 706.006/TRC 706.007(d)(2) | | 1100-207-20-000-066-0-000 | 919.08 |
| Electronic Filing Fee - Civil (\$10) | | GC 101.141/GC 51.851 | | 1100-207-20-000-070-0-000 | 1,490.00 |
| Truancy Prevention and Diversion Fund (\$1) | | C.C.P. Art. 102.015 | | 1100-207-20-000-073-0-000 | 156.68 |
| 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) | 140 | GC 51.971 (a) | | 1100-207-20-000-076-0-000 | 700.00 |
| ARREST /WARRANT FEES: STATE | | | | | |
| D.P.S. (\$3, \$5, \$35, \$50) | | | | 1100-207-20-000-019-0-000 | 2,167.94 |
| 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 | 5.00 |
| ARREST /WARRANT/SERVICE FEES: COUNTY | | | | | |
| Sheriff Fees: HIDALGO COUNTY AUDITOR'S OFFICE | | LGC 118.131 | | 1100-342-10-060-001-0-000 | 68.59 |
| Constable Fees: | | | | 1100-342-10-291-000-0-000 | 8,179.85 |
| 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 | 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 | | | | 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/ Due to Others/ Restitutions | | | | 1100-202-00-062-019-0-000 | 20.00 |
| Failure to Appear- OmniBase (\$6) | | TRC 706.006/TRC 706.007(d)(2) | | 1100-202-00-000-004-0-000 | 275.72 |
| Delinquent Attorney Fee | | C.C.P. Art. 103.003(b) | | 1100-341-10-060-001-0-000 | 3,550.00 |
| Justice Fees (Local Fees) | | | | | |
| Small Claims/ Debt Claim Fee/ Landlord & Tenant Eviction (Court Filing \$25) | | LGC 118.121/118.122 | 3,500.00 | | |
| Transcript Fees (\$10) | | LGC 118.121/118.123 (b) | | | |
| Abstract Fees (\$3) | | LGC 118.121/118.123 (c) | 25.00 | | |
| Writ Filing Fee (\$3) | | LGC 118.121/118.123 (d) | 25.00 | | |
| 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) | | | |
| 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 (h) | | 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: \$ 102,851.42

1# x1, x2

x3

ACTION PLAN (AP)

| | |
|-----------------------------------|--|
| Audit Project | Monthly Fines and Fees Report for January 2021 through March 2021- J.P. Pct. 1, PL. 2 |
| Observation No. 1 | <p>We noted that 15 of 1,427 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.</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 January 2021 through March 2021- J.P. Pct. 1, PL. 2 |
| Observation No. 2 | Copies of the April 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). |
| 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

June 22, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Contreras:

We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 23 of 1,764 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. The February 2021 *Monthly Report* was submitted to the County Auditor's Office two days after the fifth day following the end of the month.
3. A mail log was not utilized during the months of January 2021 through March 2021 to record payments received through the mail.
4. 1 of 108 online credit card transactions for the month of January 2021, 7 of 114 online credit card transactions for the month of February 2021, and 2 of 206 online credit card transactions for the month of March 2021 were receipted 2 to 40 days after the date of transaction.
5. Procedures for the Scofflaw Program have not been properly implemented.

Repeat Observations:

1. Copies of the February 2013, September 2013, May 2014, and September 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of January 2021 through March 2021. The 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 M. SINGLETERRY JUDGE, 42ND D.C. FERNANDO MANCIAS JUDGE, 53RD D.C. J. R. "BOBBY" FLORES JUDGE, 128TH D.C. ROSE GUERRA REYNA JUDGE, 206TH D.C. MARLA CUELLAR JUDGE, 216TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 532ND D.C. NOE GONZALEZ JUDGE, 370TH D.C. LETICIA LOPEZ JUDGE, 389TH D.C. L. KENO VASQUEZ JUDGE, 389TH D.C. ISRAEL RAMON, JR. JUDGE, 439TH D.C. RENE R. BETANCOURT JUDGE, 448TH D.C. JOSE "JOE" RAMIREZ JUDGE, 464TH D.C.

Methodology:

In conducting the 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 voiding 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.
- 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$72,424.75, \$51,527.57, and \$117,500.09, respectively. Based on the 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 observations 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 23 of 1,764 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. According to staff, attempts are made to check the fines, fees, and court costs prior to issuing a receipt. In addition, due to a heavy workload and limited staff, the prior adjustments could not be completed.

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

HIDALGO COUNTY DISTRICT JUDGES

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:

The February 2021 *Monthly Report* was submitted to the County Auditor's Office two days after the fifth day following the end of the month. According to the Court Coordinator, the *Monthly Reports* were submitted late due to heavy workload.

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 Report* helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

Observation No. 3:

We noted that a mail log was not utilized during the months of January 2021 through March 2021. According to the Court Coordinator, a mail log was not prepared due to having limited staff and not enough 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 108 online credit card transactions for the month of January 2021, 7 of 114 online credit card transactions for the month of February 2021, and 2 of 206 online credit card transactions for the month of March 2021 were receipted 2 to 40 days after the date of transaction. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to staff, the credit card transactions were receipted late 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 the Court Coordinator verifies that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner. The Hamer Enterprises' Payment Report should be utilized to reconcile credit card payments receipted in *Odyssey* at the end of each day.

Observation No. 5:

We randomly selected 5 of 8 *Scofflaw Release Forms* for the month of January 2021. We noted that procedures for the Scofflaw Program have not been properly implemented as follows:

1. For 2 of 5 cases, the Scofflaw Release Form was signed and sealed (approved) by the authorized representative of the court before the receipt of the "motion/order to dismiss" form
2. For 3 of 5 cases, the *Scofflaw Release Forms* Payment Type and/or Case Disposition/Status were not selected.

According to the Court Coordinator, the procedures were not properly completed due to an oversight.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division. The following procedures should be implemented:

- a. The Scofflaw Release Form must be signed and sealed (approved) by the authorized representative of the court only after the receipt of the "motion/order to dismiss" form.
- b. The Scofflaw form must be filled out in its entirety.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Form* is properly completed and that the procedures for the Scofflaw program are properly followed. At a minimum, the procedures noted above should be implemented.

The observation below has been previously reported and has not been resolved.

Repeat Observation No. 1:

Copies of the June 2014 through August 2014 and April 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). According to Justice of the Peace staff, copies of the OCA Reports have not been submitted since the amounts identified on the reports are not correct. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

HIDALGO COUNTY DISTRICT JUDGES

Failure to ensure that the monthly court activity report is submitted to the OCA may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Please provide written management responses to the observations noted above by July 2, 2021.

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

cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator



HIDALGO COUNTY DISTRICT JUDGES

| | | | | | | | | | | | |
|---|--|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINOLETERRY JUDGE, 92 ND D.C. | FERNANDO MANCIAS JUDGE, 93 RD D.C. | J. R. "BOBBY" FLORES JUDGE, 138 TH D.C. | ROSE GUERRA REYNA JUDGE, 200 TH D.C. | MARLA CUELLAR 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, 389 TH D.C. | L. KENO VASQUEZ JUDGE, 398 TH D.C. | ISRAEL RAMON, JR. JUDGE, 436 TH D.C. | RENEE R. BETANCOURT JUDGE, 448 TH D.C. | JOSE "JOE" RAMIREZ JUDGE, 464 TH 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

June 17, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Muñoz:

We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 47 of 2,170 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. Collections for 41 of 58 days for January 2021 through March 2021 were deposited at the bank 2 to 5 days after collections were receipted.
3. 4 cases in which defendants satisfied outstanding fines, fees, and court costs by serving time at the Hidalgo County jail in the months of January 2020 (1), February 2020 (1), September 2020 (1), and February 2021 (1) did not have the jail time credit applied to the cases, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the case.
4. 1 of 127 online credit card transactions for the month of January 2021 and 1 of 139 online credit card transactions for the month of February 2021 were receipted 5 and 24 days after the date of transaction.
5. The "Schedules of Receipts and Deposits" were approved by an individual who did not have the authorization to do so based on the "Authorized Signatories Form" filed on May 30, 2017 with the County Auditor's Office.

Repeat Observations:

1. 1 cash bond 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.
2. Copies of the January 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of January 2021 through March 2021. The review was not designed nor intended to be a detailed study of every relevant

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 93RD D.C. J. R. "BOBBY" FLORES JUDGE, 119TH D.C. ROSE GUERRA REYNA JUDGE, 249TH 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, 388TH D.C. L. KENO VASQUEZ JUDGE, 396TH D.C. ISRAEL RAMON, JR. JUDGE, 450TH D.C. RENEE R. BETANCOURT JUDGE, 448TH D.C. JOSE "JOE" RAMIREZ JUDGE, 481ST D.C.

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 *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 voiding 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.
- 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 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$188,281.09, \$120,915.37, and \$242,493.17, respectively. Based on the 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 observations 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 47 of 2,170 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. 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.

HIDALGO COUNTY DISTRICT JUDGES

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 collections for 41 of 58 days for January 2021 through March 2021 were deposited at the bank 2 to 5 days after collections were receipted. According to the Court Coordinator, collections were not deposited timely due to having 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. A person should be designated to take the deposit to the bank regardless of the workload.

Observation No. 3:

We noted that 4 cases in which defendants satisfied outstanding fines, fees, and court costs by serving time at the Hidalgo County jail in the months of January 2020 (1), February 2020 (1), September 2020 (1), and February 2021 (1) did not have the jail time credit applied to the cases, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the case. According to the Court Coordinator, the cases were not closed due to oversight.

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..." The docket should reflect the jail time credit applied to the case.

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

Recommendation:

Management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; cash payments and/or jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 4:

We noted that 1 of 127 online credit card transactions for the month of January 2021 and 1 of 139 online credit card transactions for the month of February 2021 were receipted 5 and 24 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 a clerk oversight.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded with the correct payment method 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 and correctly receipted and case dispositions are entered in a timely manner. An employee should be designated to receipt credit card transactions on a daily basis.

Observation No. 5:

We noted that for the months of January 2021 through March 2021 the "Schedules of Receipts and Deposits" were approved by an individual who did not have the authorization to do so based on the "Authorized Signatories Form" filed on May 30, 2017 with the County Auditor's Office. According to the Court Coordinator, the individual approved the "Schedule of Receipts and Deposits" because it was believed that authorization had already been granted to approve the collections reports.

The County Auditor's office requires that a current "Authorized Signatories Form" be kept on file with employee's authorizations. Only those individuals who are expressly authorized to approve collections reports (which includes the "Schedule of Receipts and Deposits") on the "Authorized Signatories Form" should do so.

Failure to maintain on file a current "Authorized Signatories Form" may result in the delay of the review/audit of documents or invoices until the appropriate signature is obtained.

Recommendation:

Management should ensure that only those individuals who are authorized, approve the "Schedule of Receipts and Deposits". A revised "Authorized Signatories Form" should be submitted to the County Auditor's Office if a new individual is to be granted authorization to approve collection reports (which includes the "Schedule of Receipts and Deposits"). Please note that the revised form will supersede all authorizations and shall continue in force until a new authorization has been received by the County Auditor's Office.

The observations below have been previously reported and have not been resolved.

Repeat Observation No. 1:

We noted that 1 cash bond 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.

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.

Repeat Observation No. 2:

Copies of the January 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). 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.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Please provide written management responses for the observations noted above by June 18, 2021.

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

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

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

June 16, 2021

The Honorable Dr. Sonia M. Treviño
Hidalgo County Justice of the Peace Pct. 3, Pl. 1
730 N. Breyfogle, Suite C
Mission, Texas 78572

Re: *Monthly Fines and Fees Reports* for January 2021 through March 2021

Dear Judge Trevino:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 31 of 2,650 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. The February 2021 and March 2021 *Monthly Reports* were submitted to the County Auditor's Office 12 and 28 days after the fifth day following the end of the month.
3. 26 of 731 online credit card transactions during the months of January 2021 and March 2021 were received 2 to 8 days after the transaction date.
4. For 1 of 10 cases, the *Scofflaw Release Form* was not scanned and entered in Odyssey.

Repeat Observations:

1. Copies of the January 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 *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).

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, 206TH 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, 446TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

- 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 voiding 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.
- 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 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$98,164.95, \$78,063.86, and \$237,782.16, respectively. Based on the 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 observations 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 31 of 2,650 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; 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.

HIDALGO COUNTY DISTRICT JUDGES

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 the February 2021 and March 2021 *Monthly Reports* were submitted to the County Auditor's Office 12 and 28 days after the fifth day following the end of the month. According to the Court Coordinator, the *Monthly Reports* were submitted late due to heavy workload.

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 Report* helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

Observation No. 3:

We noted that 26 of 731 online credit card transactions during the months of January 2021 and March 2021 were receipted 2 to 8 days after the transaction date. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the 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 verify that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

Observation No. 4:

We randomly selected 10 of 29 *Scofflaw Release Forms* for the month of February 2021. We noted that procedures for the Scofflaw Program have not been properly implemented. For 1 of 10 cases, the *Scofflaw Release Form* was not scanned and entered in *Odyssey*. According to the Court Coordinator, the procedures were not properly completed due to an oversight.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division. The following procedures should be implemented:

HIDALGO COUNTY DISTRICT JUDGES

- a. The *Scofflaw Release Form* must be scanned and entered in Odyssey.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Form* is properly completed and that the procedures for the Scofflaw program are properly followed. At a minimum, the procedures noted above should be implemented.

The observation below has been previously reported and has not been resolved.

Repeat Observation No. 1:

Copies of the January 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). 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.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Please provide written management responses for the observations noted above by July 2, 2021.

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

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

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EDINBURG, TEXAS 78539

June 17, 2021

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 January 2021 through March 2021

Dear Judge Peña:

We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 152 of 2,276 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. 1 of 14 Close-out Reports for the month of February 2021 and 3 of 22 Close-out Reports for the month of March 2021 were submitted to the County Treasurer's Office 2 to 13 days after the bank deposits were made.
3. 16 cases in which the defendants satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time in the Hidalgo County jail did not have the cash payment and/or jail time credit applied to the case, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases.
4. Procedures for the Scofflaw Program were not properly implemented.
5. The March 2021 *Monthly Report* was submitted to the County Auditor's Office 11 days after the fifth day following the end of the month.

Repeat Observations:

1. Copies of the January 2014 through June 2014 and September 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).
2. 7 cash bonds posted in September 2015 (6) and October 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.

HIDALGO COUNTY DISTRICT JUDGES

LUIS H. SINGLETERRY JUDGE, 67th D.C. FERNANDO NANCIAS JUDGE, 97th 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, 332th 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, 430th D.C. RENE R. BETANCOURT JUDGE, 448th D.C. JOSE "JOE" RAMIREZ JUDGE, 464th D.C.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Reports* for the months of January 2021 through March 2021. The 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 *Monthly Reports* 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 Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Reports* by footing and cross-footing the reports.
- 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 voiding receipts were properly followed.
- Verified that collections per the *Monthly Reports* 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.
- 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 Reports* agreed to *Odyssey's* Receipt Journal Reports. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Reports and *Alio's* Undistributed Receipts general ledger account to determine if 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* forms, mail logs, Office of Court Administration's "Official Justice of the Peace Monthly Report" (OCA Report), and the *Monthly Reports*, 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$106,269.94, \$97,936.25, and \$218,137.90, respectively. Based on the 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 observations 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 152 of 2,276 transactions during the months of January 2021 through March 2021 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, we noted that adjustments for prior months have not been

HIDALGO COUNTY DISTRICT JUDGES

completed. The list of adjustments for prior months were previously provided. According to the Court Coordinator, she will be working adjustments monthly.

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.
- 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 14 Close-out Reports for the month of February 2021 and 3 of 22 Close-out Reports for the month of March 2021 were submitted to the County Treasurer's Office 2 to 13 days after the bank deposits were made. According to the Court Coordinator, the Close-out Reports were late in February 2021 since she was out of the office and in March 2021 due to an oversight.

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. 3:

We noted that 16 cases in which the defendants satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time in the Hidalgo County jail in November 2019 (1), December 2019 (2), January 2020 (2), February 2020 (2), March 2020 (1), June 2020 (1), July 2020 (1), August 2020 (1), November 2020 (1), December 2020 (2), January 2021 (1), and March 2021 (1) did not have the cash payment and/or jail time credit applied to the case, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases. According to the Court Coordinator, the last email received from Sheriff's Office was in January 2021.

HIDALGO COUNTY DISTRICT JUDGES

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..." The docket should reflect the jail time credit applied to the case.

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

Recommendation:

Management should continue to contact the Information Technology Department and request training on how to properly record jail time credit in *Odyssey*. In addition, management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; cash payments and/or jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

Observation No. 4:

We randomly selected 10 of 23 *Scofflaw Release Forms* for the month of February 2021. We noted that procedures for the Scofflaw Program have not been properly implemented as follows:

1. For 1 of 10 forms, the new outstanding balance was not handwritten and the form was not signed by the Justice of the Peace approving the change.
2. For 5 of 10 forms, the copy of the official County receipt was not attached to the *Scofflaw Release Form* as proof of payment.
3. For 1 of 10 forms, the bond and an event stating a pre-trial hearing was requested was not entered in *Odyssey*.
4. For 1 of 10 forms, the pre-trial hearing event did not contain the date on which the pre-trial hearing has been set.
5. For 1 of 10 forms, the *Scofflaw Release Form* was signed and sealed (approved) by the authorized representative of the court even though a bond for the outstanding balance was not receipted.
6. For 3 of 10 forms, the *Scofflaw Release Form* was signed and sealed (approved) by the authorized representative of the court without proper receipt of the "motion/order to dismiss" form.
7. For 3 of 10 forms, a copy of the signed "motion/order to dismiss" form was not attached to the *Scofflaw Release Form*.
8. For 5 of 10 forms, the outstanding balance was not zeroed out and a case disposition was not entered in *Odyssey* prior to approving the *Scofflaw Release Form*. The case disposition did not agree to the disposition entered on the *Scofflaw Release Form*.
9. For 1 of 10 forms, the proof of dismissal "motion/order to dismiss" form was not scanned and entered in *Odyssey*.
10. For 1 of 10 forms, the reason for dismissal of the case was not noted on the *Scofflaw Release Form*.
11. For 5 of 10 forms, the *Scofflaw Release Forms* Payment Type and/or Case Disposition/Status were not selected.

The Court Coordinator stated that the clerk is no longer part of the staff and will train new personnel on proper *Scofflaw Release Form* procedures.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division and the outstanding balance is paid in full. The following procedures should be implemented:

- a. If the Justice of the Peace exercises his discretion to reduce the outstanding fine, the new outstanding balance must be handwritten by the Justice of the Peace and his signature provided on the *Scofflaw Release Form* as approval of the change.
- b. The copy of the official County receipt must be attached to the *Scofflaw Release Form* as proof of payment. An approved *Scofflaw Release Form* without a copy of the official County receipt is not valid.

HIDALGO COUNTY DISTRICT JUDGES

- c. The bond and an event stating a pre-trial hearing was requested must be entered in *Odyssey*.
- d. The pre-trial hearing event must contain the date on which the pre-trial hearing has been set.
- e. The *Scofflaw Release Form* must be signed and sealed (approved) by the authorized representative of the court after issuance of an official County receipt for the amount of the bond.
- f. The *Scofflaw Release Form* must be signed and sealed (approved) by the authorized representative of the court only after receipt of the "motion/order to dismiss" form.
- g. A copy of the signed "motion/order to dismiss" form must be attached to the *Scofflaw Release Form*.
- h. The outstanding balance must be zeroed out and a case disposition must be entered in *Odyssey* prior to approving the *Scofflaw Release Form*. The case disposition must agree to the disposition entered on the *Scofflaw Release Form*.
- i. The proof of dismissal "motion/order to dismiss" form must be scanned and entered in *Odyssey*.
- j. The reason for dismissal of the case must be noted on the *Scofflaw Release Forms*.
- k. The Payment Type and/or Case Disposition/Status must be selected.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Forms* are properly completed and that the procedures for the Scofflaw Release program are properly followed. At a minimum, the procedures noted above should be implemented.

Observation No. 5:

The March 2021 *Monthly Report* was submitted to the County Auditor's Office 11 days after the fifth day following the end of the month. According to the Court Coordinator, the *Monthly Reports* were submitted late due to being short staffed.

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 Report* helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

The observations below have been previously reported and have not been resolved.

Repeat Observation No. 1:

Copies of the January 2014 through June 2014 and September 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). 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.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

HIDALGO COUNTY DISTRICT JUDGES

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Repeat Observation No. 2:

We noted that 7 cash bonds posted in September 2015 (6) and October 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. According to the Court Coordinator, the bonds have not been forfeited due to 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.

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.

Please provide written management responses for the observations noted above by July 2, 2021.

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

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

HIDALGO COUNTY DISTRICT JUDGES

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

BERNARDO MANCIAS
JUDGE, 97TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 119TH 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, 378TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 388TH D.C.

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

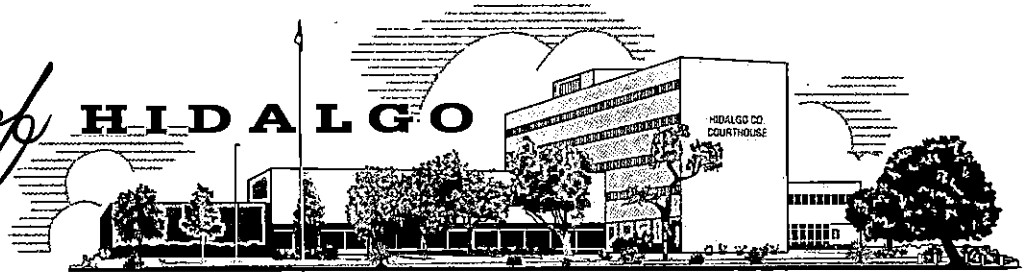
ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

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

JOSE "JOE" RAMIREZ
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

June 1, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Espinoza:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

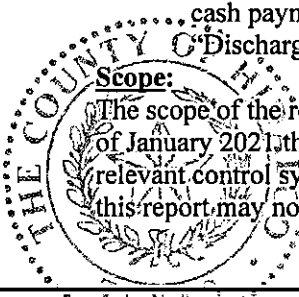
1. 69 of 3,557 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. A mail log was not utilized during the months of January 2021 through March 2021 to record payments received through the mail.
3. 49 of 743 online credit card transactions during the months of January 2021 and February 2021 were receipted 2 to 42 days after the transaction date.

Repeat Observations:

1. Copies of the February 2013, September 2013, May 2014, and September 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).
2. 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.
3. Five 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.
4. One case in which a defendant satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time at the Hidalgo County jail in the month of October 2019 did not have the cash payment and/or jail time credit applied to the case, the case status was not closed, and the Sheriff's "Discharge" receipt numbers was not referenced on the case.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 M. BRIOLETTY
JUDGE, 62ND D.C.

FERNANDO MANGAS
JUDGE, 63RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 131ST D.C.

ROSE GUERRA REYNA
JUDGE, 208TH D.C.

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MARIO E. RAMIREZ, JR.
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LETICIA LOPEZ
JUDGE, 383RD D.C.

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JUDGE, 398TH D.C.

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

RENEE R. BETANCOURT
JUDGE, 447TH D.C.

JOSE "JOE" RAMIREZ
JUDGE, 484TH D.C.

Methodology:

In conducting the 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 voiding 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.
- 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

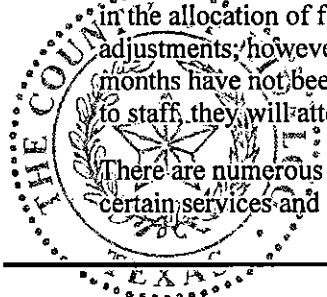
Collections for the months of January 2021 through March 2021 totaled \$160,895.09, \$134,700.95, and \$290,505.23, respectively. Based on the review, we concluded that fines, fees, and court costs were generally properly accounted and reported; however, the system of internal controls for the accounting and reporting of fines, fees, and court costs requires improvement as noted in the observations 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 69 of 3,557 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. 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



HIDALGO COUNTY DISTRICT JUDGES

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 a mail log was not utilized during the months of January 2021 through March 2021 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-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 regardless if the mail is opened by the Justice of the Peace. 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. 3:

We noted that 49 of 743 online credit card transactions during the months of January 2021 and February 2021 were receipted 2 to 42 days after the transaction date. Consequently, the applicable case dispositions were not recorded in *Odyssey* in a timely manner. According to the Court Coordinator, the transactions were not receipted timely due to an oversight.

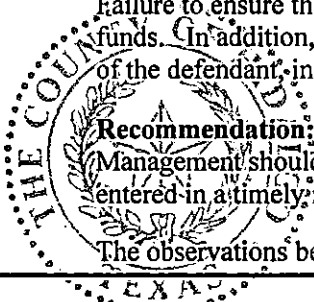
The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded and controlled using pre-numbered official County receipts. In addition, the case dispositions should be recorded in *Odyssey* upon receipt of payment.

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 verify that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

The observations below have been previously reported and have not been addressed.



HIDALGO COUNTY DISTRICT JUDGES

Repeat Observation No. 1:

Copies of the February 2013, September 2013, May 2014, and September 2014 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). According to Justice of the Peace staff, copies of the OCA Reports have not been submitted to the OCA since the amounts identified on the reports are not correct. Assistance from the Information Technology Department has been requested; however, the problem has not been resolved.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the Office of Court Administration (OCA). All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Repeat Observation No. 2:

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. According to the Court Coordinator, they will contact the County Clerk's Office to resolve the issue.

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.

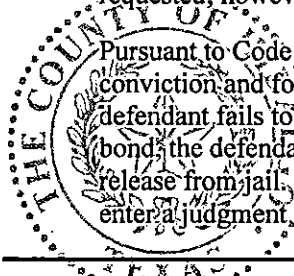
Recommendation:

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.

Repeat Observation No. 3:

We noted that five 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. According to the Justice of the Peace staff, the bonds have not been forfeited due to complications 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.



HIDALGO COUNTY DISTRICT JUDGES

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.

Repeat Observation No. 4:

We noted that one case in which a defendant satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time at the Hidalgo County jail in the month of October 2019 did not have the cash payment and/or jail time credit applied to the case, the case status was not closed, and the Sheriff's "Discharge" receipt numbers was not referenced on the case. According to the Court Coordinator, she does not have the information needed to close the case.

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..." The docket should reflect the jail time credit applied to the case.

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

Recommendation:

Management should contact the Sheriff's Department to request that the Jail "D" Report is sent to the Justice of the Peace Office on a monthly basis. In addition, management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; cash payments and/or jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

Please provide written management responses to the observations noted above by June 11, 2021.

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

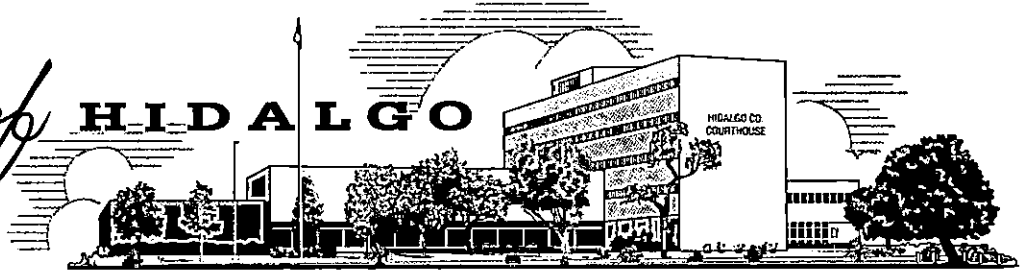
- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator



HIDALGO COUNTY DISTRICT JUDGES

COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE
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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

June 1, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Jasso:

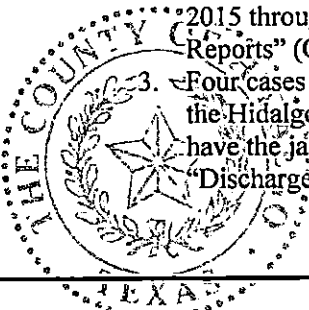
We conducted a limited scope review of the *Monthly Fines and Fees Reports (Monthly Reports)* and supporting documentation for the months of January 2021 through March 2021 pursuant to Local Government Code §115.002 (a) and (b) and Code of Criminal Procedure Article 103.011. The objective of the review 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.

Executive Summary:

1. 163 of 1,137 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. 20 of 57 online credit card transactions for the month of January 2021 and 1 of 66 online credit card transactions for the month of February 2021 were receipted 3 to 35 days after the date of transaction.
3. 9 of 17 Close-out Reports for the month of January 2021 and 1 of 17 Close-out Reports for the month of February 2021 were submitted to the County Treasurer's Office 2 to 9 days after the bank deposits were made.
4. The January 2021, February 2021, and March 2021 *Monthly Reports* were submitted to the County Auditor's Office 4 days, 4 days, and 1 day, respectively, after the fifth day following the end of the month.
5. Procedures for the Scofflaw Program have not been properly implemented.

Repeat Observations:

1. 23 cash bonds 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.
2. Copies of the November 2013 through February 2014, June 2014 through July 2015, and September 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA).
3. Four cases in which the defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail in September 2019 (1), October 2019 (2), and December 2019 (1) did not have the jail time credit applied to the case, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases.



HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY
JUDGE, 42ND D.C.

FERNANDO MANGAS
JUDGE, 53RD 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.

NOE GONZALEZ
JUDGE, 37TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 38TH D.C.

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

ISRAEL RAMON, JR.
JUDGE, 40TH D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 48TH D.C.

Scope:

The scope of the review was limited to collections reported by your office on the *Monthly Report* for the months of January 2021 through March 2021. The 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 *Monthly Reports* 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 Reports* were signed by an authorized signatory as documented on the "Authorized Signatories Form."
- Verified the mathematical accuracy of the *Monthly Reports* by footing and cross-footing the reports.
- 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 voiding receipts were properly followed.
- Verified that collections per the *Monthly Reports* agreed to: 1.) total receipts issued per *Odyssey's* Receipt Journal Reports, 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.
- 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 Reports* agreed to *Odyssey's* Receipt Journal Reports. In addition, verified that receipts were issued in sequential order.
- Compared the Hamer Enterprises Credit Card Payment Reports to *Odyssey's* Daily Balance Reports and *Alio's* Undistributed Receipts general ledger account to determine if 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* forms, mail logs, Office of Court Administration's "Official Justice of the Peace Monthly Report" (OCA Report), and the *Monthly Reports*, 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$28,513.77, \$33,634.40, and \$85,967.24, respectively. Based on the 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 observations 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 163 of 1,137 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs. Some of the errors resulted from the disposition date not being entered in

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANJAS
JUDGE, 15th D.C.

J.R. "BOBBY" FLORES
JUDGE, 15th D.C.

ROSE GUERRA REYNA
JUDGE, 20th D.C.

MARLA CUELLAR
JUDGE, 21st D.C.

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

NOE GONZALEZ
JUDGE, 37th D.C.
CMFRSFFP

LETICIA LOPEZ
JUDGE, 38th D.C.

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

ISRAEL RAMON, JR.
JUDGE, 40th D.C.

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

JOSE "JOE" RAMIREZ
JUDGE, 45th D.C.

Odyssey. The Justice of the Peace staff was notified of the required adjustments; however, the adjustments have not been completed. In addition, we noted that adjustments for prior months have not been completed. The lists of adjustments for prior months were previously provided. According to the Court Coordinator, he will try to work on 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. 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 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 20 of 57 online credit card transactions for the month of January 2021 and 1 of 66 online credit card transactions for the month of February 2021 were receipted 3 to 35 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 short staffed in January 2021 and clerk oversight in February 2021.

The County Auditor's Office requires that all collections (i.e., cash, checks, credit card payments, etc.) received be promptly recorded with the correct payment method 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.

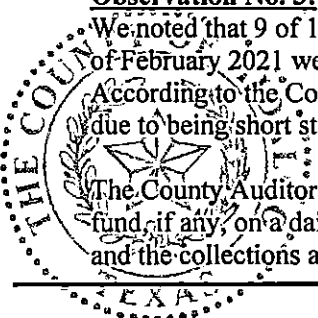
Recommendation:

Management should ensure that the Court Coordinator verifies that all credit card transactions are promptly and correctly receipted and case dispositions are entered in a timely manner. An employee should be designated to receipt credit card transactions on a daily basis.

Observation No. 3:

We noted that 9 of 17 Close-out Reports for the month of January 2021 and 1 of 17 Close-out Reports for the month of February 2021 were submitted to the County Treasurer's Office 2 to 9 days after the bank deposits were made. According to the Court Coordinator, the Close-out Reports were not submitted to the County Treasurer's Office daily due to being short staffed.

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



HIDALGO COUNTY DISTRICT JUDGES

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|--|---|---|--|--|--|---|--|--|--|--|---|
| LUIS M. SINGLETERY JUDGE, 67 th D.C. | FERNANDO MANGAS JUDGE, 67 th D.C. | J. R. "BOBBY" FLORES JUDGE, 138 th D.C. | ROSE GUERRA REYNA JUDGE, 208 th D.C. | MARLA CUELLAR JUDGE, 278 th D.C. | MARIO E. RAMIREZ, JR. JUDGE, 328 th D.C. | NOE GONZALEZ JUDGE, 378 th D.C. OVERSEER | LETICIA LOPEZ JUDGE, 388 th D.C. | L. KENO VASQUEZ JUDGE, 398 th D.C. | ISRAEL RAMON, JR. JUDGE, 408 th D.C. | RENEE R. BETANCOURT JUDGE, 408 th D.C. | JOSE "JOE" RAMIREZ JUDGE, 408 th D.C. |
|--|---|---|--|--|--|---|--|--|--|--|---|

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. 4:

The January 2021, February 2021 and March 2021 *Monthly Reports* were submitted to the County Auditor's Office 4 days, 4 days, and 1 day, respectively, after the fifth day following the end of the month. According to the Court Coordinator, the *Monthly Reports* were submitted late due to the Justice of the Peace being out of the office and unable to sign the *Monthly Reports*.

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 Report* helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

Observation No. 5:

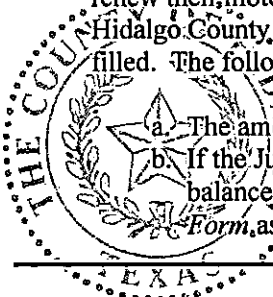
We selected all 6 *Scofflaw Release Forms* for the month of March 2021. We noted that procedures for the Scofflaw Program have not been properly implemented as follows:

1. For 2 of 6 cases, the amount receipted in *Odyssey* did not agree to the outstanding balance noted on the *Scofflaw Release Form*.
2. For 2 of 6 cases, the Justice of the Peace exercised his discretion to reduce the outstanding fine; however, the new outstanding balance was not handwritten by the Justice of the Peace and his signature was not provided on the *Scofflaw Release Form* as approval of the change.
3. For 3 of 6 cases, the case disposition did not agree to the disposition entered on the *Scofflaw Release Form*.
4. For 5 of 6 cases, the approved *Scofflaw Release Form* was not scanned and entered in *Odyssey*.
5. For 2 of 6 cases, the cases were not properly closed. The disposition date was not entered into *Odyssey*.
6. For 5 of 6 cases, the *Scofflaw Release Forms* Case Disposition/Status was not selected.

According to the Court Coordinator, court staff will be re-trained on the proper *Scofflaw Release Procedures*.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division. The *Scofflaw Release Form* must be completely filled. The following procedures should be implemented:

- a. The amount receipted in *Odyssey* must agree to the outstanding balance noted on the *Scofflaw Release Form*.
- b. If the Justice of the Peace exercises his discretion to reduce the outstanding fine, the new outstanding balance must be handwritten by the Justice of the Peace and his signature provided on the *Scofflaw Release Form* as approval of the change.



HIDALGO COUNTY DISTRICT JUDGES

- c. The case disposition must agree to the disposition entered on the *Scofflaw Release Form*.
- d. The approved *Scofflaw Release Form* must be scanned and entered in *Odyssey*.
- e. The case must have the disposition date entered and be properly closed in *Odyssey*.
- f. The case disposition/status should be selected.

Failure to properly complete the *Scofflaw Release Forms* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Forms* are properly completed and that the procedures for the Scofflaw program procedures are properly followed. At a minimum, the procedures noted above should be implemented.

The observations below have been previously reported and have not been addressed.

Repeat Observation No. 1:

We noted that 23 cash bonds 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.

Recommendation:

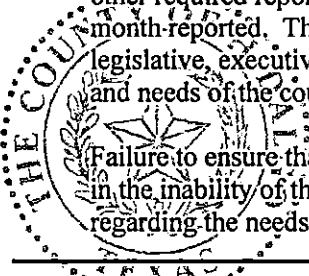
Management should ensure that cash bonds are liquidated in a timely manner. In addition, the continued assistance of the Information Technology Department should be requested until the problem has been resolved.

Repeat Observation No. 2:

Copies of the November 2013 through February 2014, June 2014 through July 2015, and September 2015 through March 2021 Office of Court Administration's "Official Justice of the Peace Monthly Reports" (OCA Reports) have not been submitted to the Office of Court Administration (OCA). 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.

Texas Administrative Code 171.2 requires justices of the peace to submit a summary-level court activity report and other required reports each month to the OCA. All reports are due no later than 20 days following the end of the month reported. The monthly report is designed to provide the information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

Failure to ensure that the monthly court activity report is submitted to the Office of Court Administration may result in the inability of the legislative, executive, and judicial branches of government to make informed decisions regarding the needs of the Hidalgo County court system.



HIDALGO COUNTY DISTRICT JUDGES

Recommendation:

The continued assistance of the Information Technology Department should be requested until the problem has been resolved. Management should ensure that a properly completed court activity report is submitted to the OCA and the County Auditor's Office within 20 days after the last day of each month.

Repeat Observation No. 3:

We noted that four cases in which the defendants satisfied outstanding fines, fees, and court costs by serving time in the Hidalgo County jail in September 2019 (1), October 2019 (2), and December 2019 (1) did not have the jail time credit applied to the case, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases. According to the Court Coordinator, he is waiting for the Information Technology Department to train him on how to receipt jail cases in *Odyssey*.

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..." The docket should reflect the jail time credit applied to the case.

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

Recommendation:

Management should continue to contact the Information Technology Department and request training on how to properly record jail time credit in *Odyssey*. In addition, management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; cash payments and/or jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

Please provide written management responses for the observations noted above by Friday June 11, 2021.

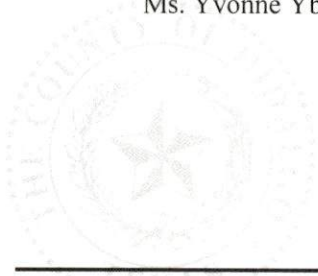
If you have any questions or would like to schedule a meeting to discuss the above noted observations, please contact Araceli A. Guillen, Internal Auditor I at (956) 318-2511 ext. 4649, Yvonne Torres, Revenue Audit Supervisor, at ext. 4642, Letty Chavez, Director of Audit Division, at ext. 4651, Linda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

Respectfully,



Maria Arcilia Duran, CPA
Hidalgo County Auditor

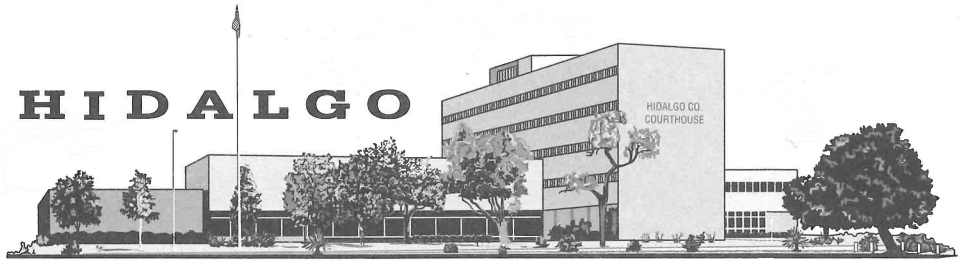
- cc: Mr. Valde Guerra, County Executive Officer
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department



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

June 16, 2021

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 Reports* for January 2021 through March 2021

Dear Judge Peña:

We conducted a limited scope review of the *Monthly Fines and Fees Report (Monthly Report)* and supporting documentation for the months of January 2021 through March 2021 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.

Executive Summary:

Based on the 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.

1. 10 of 227 transactions during the months of January 2021 through March 2021 contained errors in the allocation of fines, fees, and court costs.
2. The January 2021 through March 2021 *Monthly Reports* were submitted to the County Auditor's Office 22, 11, and 10 days, respectively, after the fifth day following the end of the month.
3. 12 of 15 online credit card transactions for the month of January 2021, 17 of 17 online credit card transactions for the month of February 2021, and 46 of 63 online credit card transactions for the month of March 2021 were receipted 2 to 35 days after the transaction date.
4. Procedures for the Scofflaw Program have not been properly implemented.
5. 31 of 52 Close-out Reports for the months of January 2021 through March 2021 were submitted to the County Treasurer's Office 2 to 8 days after the bank deposits were made.

Repeat Observations:

1. 10 cases in which a defendant satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time in the Hidalgo County jail did not have the cash payment and/or jail time credit applied to the cases, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases.

Scope:

The scope of the review was limited to collections generated from *Odyssey* for the months of January 2021 through March 2021. The review was not designed nor intended to be a detailed study of every relevant

HIDALGO COUNTY DISTRICT JUDGES

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

FERNANDO MANCIAS
JUDGE, 89TH 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, 332ND D.C.

NOE GONZALEZ
JUDGE, 376TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

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JUDGE, 398TH D.C.

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

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

JOSE "JOE" RAMIREZ
JUDGE, 464TH D.C.

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 *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 voiding 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.
- 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.
- Reviewed *Scofflaw Release Forms* submitted by defendants to the Motor Vehicle Department to determine if procedures for the Scofflaw Program were properly implemented.

Conclusion:

Collections for the months of January 2021 through March 2021 totaled \$18,284.03, \$13,295.32, and \$28,133.56, respectively. Based on the 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 observations 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 10 of 227 transactions during the months of February 2021 and March 2021 contained errors in the allocation of fines, fees, and court costs. The Justice of the Peace staff was notified of the required adjustments; 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.

HIDALGO COUNTY DISTRICT JUDGES

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 the January 2021 through March 2021 *Monthly Reports* were submitted to the County Auditor's Office 22, 11, and 10 days, respectively, after the fifth day following the end of the month. According to the Court Coordinator, the *Monthly Reports* were submitted late due to a heavy workload.

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 Report* helps ensure the proper accounting and accurate projection of county revenues.

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

Recommendation:

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

Observation No. 3:

We noted that 12 of 15 online credit card transactions for the month of January 2021, 17 of 17 online credit card transactions for the month of February 2021, and 46 of 63 online credit card transactions for the month of March 2021 were receipted 2 to 35 days after the transaction date. 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 verify that all credit card transactions are promptly receipted and case dispositions are entered in a timely manner.

HIDALGO COUNTY DISTRICT JUDGES

Observation No. 4:

We selected all two *Scofflaw Release Forms* for the month of February 2021 and noted that procedures for the Scofflaw Program have not been properly implemented. For 1 of 2 cases, the *Scofflaw Release Form* was signed before the motion/order to dismiss was signed. According to the Court Coordinator, the procedure was not properly completed due to an oversight.

On January 9, 2017, the County Auditor issued a letter to all the Justices of the Peace prescribing the procedures and implementing a revised *Scofflaw Release Form*. Individuals who are flagged "Scofflaw" are not able to register or renew their motor vehicle registration until a signed and sealed (approved) *Scofflaw Release Form* is received by the Hidalgo County Tax Assessor-Collector's Motor Vehicle Division. The following procedures should be implemented:

- a. A copy of the signed "motion/order to dismiss" form must be attached to the Scofflaw Release Form.

Failure to properly complete the *Scofflaw Release Form* and implement the procedures for the Scofflaw Program may result in the loss of County funds.

Recommendation:

Management should ensure that the *Scofflaw Release Form* is properly completed and that the procedures for the Scofflaw program are properly followed. At a minimum, the procedures noted above should be implemented.

Observation No. 5:

We noted that 31 of 52 Close-out Reports for the months of January 2021 through March 2021 were submitted to the County Treasurer's Office 2 to 8 days after the bank deposits were made. According to the Court Coordinator, the Close-Out Reports were not submitted timely due to an oversight.

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.

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.

The observation below has been previously reported and has not been resolved.

Repeat Observation No. 1:

We noted that 10 cases in which a defendant satisfied outstanding fines, fees, and court costs by making a cash payment and/or serving time in the Hidalgo County jail in October 2019 (2), February 2020 (1), March 2020 (3), June 2020 (1), July 2020 (2) and October 2020 (1) did not have the cash payment and/or jail time credit applied to the cases, the case statuses were not closed, and the Sheriff's "Discharge" receipt numbers were not referenced on the cases. According to the Court Coordinator she has not received the Jail "D" Report from the Sheriff's Department and was not trained on how to receipt them in *Odyssey*.

The County Auditor's Office requires that case dispositions be promptly recorded in *Odyssey*. In addition, pursuant to Code of Criminal Procedure Article 45.048, "a defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:(1) is too poor to pay the fine and costs; or (2) has remained in jail a sufficient length of time to satisfy the fine and costs..." The docket should reflect the jail time credit applied to the case.

Failure to timely enter proper case dispositions may result in the arrest of the defendant, in error.

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Recommendation:

Management should contact the Information Technology Department and request training on how to properly record jail time credit in *Odyssey*. In addition, management should contact the Sheriff's Department to request that the Jail "D" Report is sent to the Justice of the Peace Office on a monthly basis. Furthermore, management should ensure that proper case dispositions are entered in a timely manner (i.e., warrants are recalled; cash payments and/or jail time credits are timely applied; cases are timely closed; and Sheriff's "Discharge" receipt numbers are referenced) on cases in which defendants satisfied outstanding fines, fees, and court costs by making cash payments and/or serving time in the Hidalgo County jail.

Please provide written management responses for the observations noted above by July 2, 2021.

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

- cc: Mr. Valde Guerra, County Executive Officer
Mr. Daniel Salina, Director, Information Technology Department
Ms. Clarissa Longoria, CIJS Manager, Information Technology Department
Ms. Yvonne Ybarra, CIJS Support Specialist, Information Technology Department
Mr. Sergio Cruz, Director, Department of Budget and Management
Ms. Monica Salinas, Commissioners Court Administrator

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