

# GALVESTON COUNTY



## Office of County Auditor

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March 31, 2025

Honorable Mark A. Henry, County Judge, and  
Members of the Commissioners Court

Honorable Mark A. Henry and Members of the Court:

Attached to be received and filed is the internal audit report of the District Clerk's Fee Audit that covered the period February 1, 2024 through January 1, 2025. Also attached is the response letter from Honorable John D. Kinard, dated March 4, 2025.

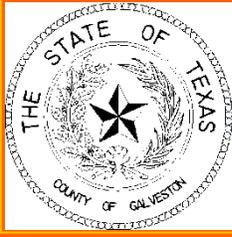
Sincerely,

*Madeline Walker CPA*

on behalf of  
Randall Rice CPA  
County Auditor

cc: Honorable John D. Kinard

Attachment: District Clerk Fee Audit Report  
Response Letter, Honorable John D. Kinard



# District Clerk's Fee Audit

February 17, 2025

Galveston  
County  
Internal Audit  
Division

Randall Rice CPA  
CITP CISA CIO CBM DABFA CGMA  
County Auditor

Executive Summary..... 1  
Introduction ..... 2  
Details ..... 3-5

# Executive Summary

## Reliability and Integrity of Information (page 3)

- Adequate controls are in place to ensure proper separation of duties relative to recording, authorizing and collecting.

## Safeguarding of Assets (page 4)

- Physical security over assets (collections) is adequate. All collections were accounted for during the surprise cash counts.

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

- Civil fees are appropriately assessed in the District Clerk's Office.
- No material discrepancies were noted in the testing of criminal fees.
- The District Clerk's Office is in compliance with Code of Criminal Procedure (CCP) §32.02, Dismissal by State's Attorney.
- No exceptions were noted in reviewing refunded payments.

## Introduction

The Internal Audit Division conducted an internal audit of the District Clerk's Office, in accordance with Local Government Code §115. The internal audit covered the period February 1, 2024 through January 31, 2025. The audit was performed from February 10, 2025 through February 17, 2025.

The primary objectives of the internal audit were to provide reasonable assurance concerning:

- Reliability and integrity of the information
- Safeguarding of assets
- Compliance with laws, regulations, contracts, policies, plans and procedures

The scope of the internal audit encompassed the financial records and administrative procedures related to the District Clerk's Office. The internal audit included, but was not limited to, the books, accounts, reports, dockets and records of the District Clerk's Office.

The internal audit included examining transactions on a test basis, and required exercising judgment in the selection of such tests. As the internal audit was not a detailed examination of all transactions, there is a risk that errors or fraud were not detected during the internal audit. The official therefore retains the responsibility for the accuracy and completeness of the financial information.

Because of certain statutory duties required of the County Auditor, we are not independent with regard to the Galveston County District Clerk's Office as defined by the AICPA professional standards. However, our internal audit was performed with objectivity and due professional care.

Cynthia Hicks, Internal Auditor, performed the audit.

## **Reliability and Integrity of Information**

Reliable information is accurate, timely, complete and useful. In order to achieve this, controls over record keeping and reporting must be adequate and effective.

### **Separation of Duties**

One of the most important controls is to have proper separation of duties. No one person should authorize a transaction, record the transaction and have custody of the assets.

#### **Criminal Court Division**

The office has instituted procedures to ensure separation of duties between authorizing, recording and collecting in the Criminal Court Division. The District Attorney's Office initiates the filings of the criminal charges. The District Clerk's Office records the criminal charges in Odyssey, the court's electronic record keeping system. The Court Collections Department collects the payments.

#### **Civil Court Division**

The office has instituted procedures to ensure separation of duties between authorizing, recording and collecting in the Civil Court Division. The court clerks record the civil suits in Odyssey; the cashiers collect the payments.

#### **Adjustments, Reversals and Voids**

Office policy limits the ability to process adjustments in Odyssey to those employees without a cash till. Office policy limits the ability to process reversals and voids in Odyssey to the Accounting Supervisor and Administrative Assistant. The Chief Deputy has rights to process all transactions as a backup. An explanation for the transaction is recorded in the 'comments' section of Odyssey and the clerk who initiated the void will immediately re-receipt the transaction, when applicable. A sample of adjustments, reversals and voids was tested for compliance with office policy. The District Clerk's Office is in compliance with office policy, and ensures a proper separation of duties.

# Safeguarding of Assets

Safeguarding of assets has three basic aspects: 1) physical security of assets, 2) minimal exposure to loss and 3) proper management of the assets.

## Physical Security - Collections

Physical security encompasses any method used to physically secure the collections from loss. Monies collected should be kept in a locked drawer or safe until ready for deposit.

Controls are in place to ensure the staff uses lockable drawers and a safe to secure the collections in the office until deposited.

As part of the audit, the auditor conducted surprise cash counts on February 13, 2025 at the Galveston office and at the League City office. All collections and change funds were accounted for at the time of the surprise cash counts.

## Minimizing Exposure to Loss

Daily deposit is one of the best methods of minimizing exposure of collections to loss as well as providing the county with maximum benefit of the collections.

The District Clerk's Office accepts cash, cashiers or attorney checks, money orders and credit cards. Checks and money orders are restrictively endorsed immediately upon receipt. A Sheriff's Deputy deposits the collections daily.

# Compliance with Statutes, Policies and Procedures

Texas statutes and local government codes dictate the amount of court costs and fees to be assessed and collected by the District Clerk's Office.

## Civil Fees

Basic civil filing fees are set by statute and configured in Odyssey to auto-populate the fee amounts when a new case is filed. The District Clerk's Office has a policy that protects these fees from being altered by unauthorized personnel. A sample of civil family, civil non-family and tax suit cases were tested for compliance with statute. The District Clerk's Office is assessing the appropriate civil fees.

## Criminal Fees

Criminal fees are set by statute and configured in Odyssey. When the court clerk records the conviction in Odyssey, the basic court costs are automatically assessed. Any additional court costs or fees must be added to the case by the court clerk (attorney fees, restitution, fines, crime stoppers, etc.). An Odyssey Bill of Costs is printed and signed by the defendant. The total on the Bill of Costs must agree with the Judgment Order, which is signed by the judge. A sample of criminal cases was tested for compliance with statute. No material discrepancies were noted.

## Felony Dismissals

CCP §32.02 Dismissal by State's Attorney states, "The attorney representing the State may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge." The District Clerk's Office is in compliance with CCP §32.02.

## Refunded Payments

Payments are refunded when money is collected for services not rendered or for overpayments. The District Clerk's Office will make an Odyssey adjustment to the "Overpayment Refund" for services not rendered. Office policy is to document an explanation for each adjustment. At the time an overpayment occurs the overpayment goes to "Overpayment Refund". Refunds are disbursed through Printech. A sample of transactions labeled "Overpayment Refund" were tested to verify the appropriate amount was disbursed. AP invoices are created for miscellaneous payments, such as passports or certified copies, since a case is not created in Odyssey. There were no purchase orders available for testing during the audit period. No exceptions were noted.



**COUNTY OF GALVESTON**  
**District Clerk**  
**JOHN D. KINARD**

March 4, 2025

Mr. Randall Rice  
722 Moody  
Galveston, Tx 77550

Re: District Clerk Response to the FY2025 DC Fees Audit Draft

Dear Mr. Rice

Our office has received and reviewed the FY2025 DC Fees Audit Draft dated February 1, 2024 through January 31, 2025. We concur with the District Clerk's Fee Audit.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me if you have any questions, or if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Kinard", is written over a horizontal line.

John D. Kinard  
District Clerk Galveston County