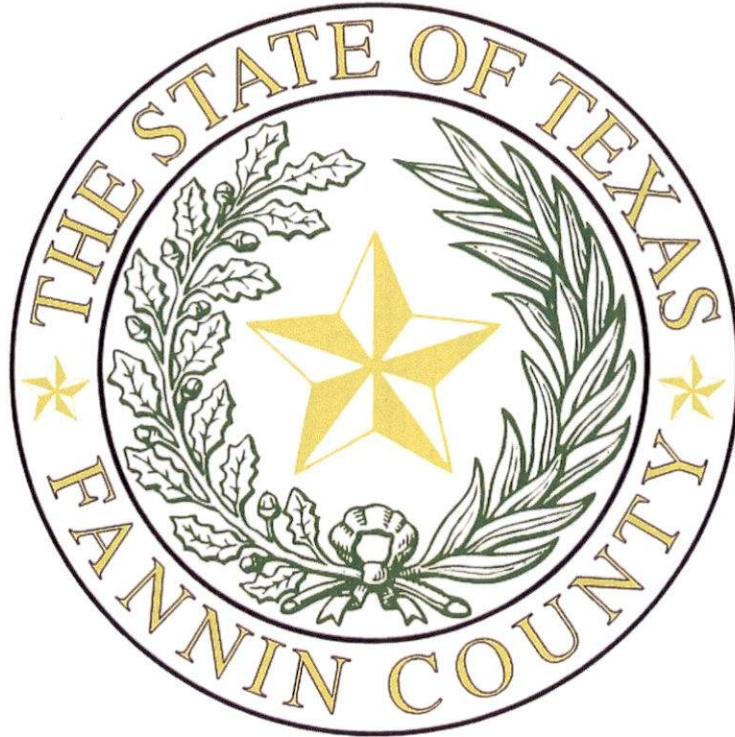


COUNTY INTERNAL AUDITOR'S REPORT

FANNIN COUNTY CLERK PROBATE & CIVIL DIVISION

October 1, 2023 - September 30, 2024



March 20, 2025

Alicia Whipple

Fannin County Auditor

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Internal Audits



OFFICE OF THE
COUNTY AUDITOR

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March 20, 2025

Honorable Jenny Garner, Fannin County Clerk
Honorable Judge Christina Tillett, District Judge
Honorable Commissioners Court of Fannin County, Texas

Re: Internal Auditor's Report – Review of Financial and System Controls, County Clerk Probate & Civil

INTRODUCTION

The financial and system controls in place for the fiscal year starting on October 1, 2023, and ending on September 30, 2024, have been reviewed in compliance with Local Government Code 112.006.

This audit's objectives are to:

1. Confirm that the reporting is accurate
2. Thoroughly examine the controls regarding asset protection
3. Verify adherence to the law's requirements
4. Analyze and assess internal controls

Data analysis, observations, and interviews with important process owners will all be part of the auditing process. Odyssey will be examined as the primary system.

BACKGROUND

The civil and probate courts' principal duty is to probate the will or the estate as well as to resolve property disputes. In addition, the probate courts oversee the administration of the estates of the deceased and the incompetent, and they create guardianships for minors and the disabled. However, a civil court may prevent an individual or company from engaging in a particular activity that frequently could result in irreversible harm or loss.

The County Clerk's Office is in charge of receiving applications for civil and probate cases, collecting the necessary fees, and keeping track of case files. The majority of applications and fees are filed using EFILETEXAS.gov. After receiving electronically submitted papers and processing and acceptance fees, clerks examine the documents, decide whether to accept them or return them for revision, and provide the filer an electronic timestamp notification for documents that are accepted.

The probate receipts from the County Clerk's Probate and Civil Office during the time I was reviewing totaled:

TOTAL FOR ALL TILLS						
Till Methods	Check	Cash	Money Order	Credit Card	EFTEFILE	
Till Totals	\$62,755.90	\$4,517.00	\$1,286.00	\$360.00	\$3,222.90	\$53,370.00
Transactions Totals	\$62,755.90	\$4,517.00	\$1,286.00	\$360.00	\$3,222.90	\$53,370.00
(short) / Over	0	0	0	0	0	
Overpayment Totals	0	0	0	0	0	
Transaction Totals	892	137	44	1	88	621

TOTALS FOR ALL TILLS	
Probate Transaction Totals	\$62,755.90
Transaction Totals	892

The civil receipts from the County Clerk's Probate and Civil Office during the time I was reviewing totaled

TOTAL FOR ALL TILLS					
Till Methods	Check	Cash	Credit Card	EFTEFILE	
Till Totals	\$54,762.00	\$7.00	\$350.00	\$1,035.00	\$53,370.00
Transactions Totals	\$54,762.00	\$7.00	\$350.00	\$1,035.00	\$53,370.00
(short) / Over	0	0	0	0	
Overpayment Totals	0	0	0	0	
Transaction Totals	628	1	1	5	621

TOTALS FOR ALL TILLS	
Civil Transaction Totals	\$54,762.00
Transaction Totals	628

OBSERVATIONS AND RECOMMENDATIONS

Processes that require improvement in the supervision and handling of financial transactions.

1. I requested Kristy Ellison to provide an explanations regarding the various types of probate bonds, their applications, refunds, and the distinctions among the different bond types. Kristy commenced detailing this procedure to me. I subsequently inquired whether she could generate a Registry of the Court report for the fiscal year corresponding to my audit of the bonds. After the report was generated, we commenced our review and observed that two checks in one particular case had not been recorded in the system's registry. Upon conducting a thorough investigation, we established

that the checks were indeed deposited into the trust at the designated bank; however, they were not recorded in the financial registry of the case. The checks were accurately scanned into case events. However, they were simply not recorded in the deposited Registry of the Court Account for the case. Sherry Zindars submitted a deposit slip. I noted the procedure Belen Leyva followed to open a Registry Till for the purpose of depositing the two checks into each minor's trust account. The checks were initially received and deposited into the Trust account at the bank in November 2024; however, they were not officially transferred to the Registry account in Odyssey until March 20, 2025.

This is a procedure that rarely occurs. Kristy Ellison continues to provide training to Belen Leyva regarding the responsibilities associated with this office. Kristy was unavailable in the office during the afternoon when these checks arrived. Belen scanned the checks under events in the case and subsequently delivered them to Chief Deputy Angela Frazier for deposit into the Trust Account at the bank. Kristy was unaware, until I prompted her to run the Registry of the Court report, that those two checks had not been entered. The audit was temporarily suspended to address this problem promptly.

RECOMMENDATION

Such transactions occur only once or twice a year. I recommend making a note to double-check your entries to ensure that transactions are recorded accurately, thereby preventing a recurrence of this issue.

2. Segregation of duties may not be feasible in an office environment with only two employees. This small office maintains a well-defined list of responsibilities assigned to each clerk. There are several areas where responsibilities intersect; however, I believe this is essential to manage the workload effectively in the office. The responsibilities encompass various tasks such as initiating new guardianship cases, appointing an attorney ad-litem, entering new cases into Odyssey, scanning documents into cases, and entering charges into cases, among others. This department is presently engaged in cross-training initiatives in anticipation of Kristy Ellison's upcoming retirement at the end of the year. Furthermore, Belen Leyva is developing comprehensive procedures for each step that she acquires. This is the initial department I have audited where I have observed the implementation of step-by-step procedures.

RECOMMENDATION

After Belen has completed her procedures, it would be advisable for Jenny Garner to request a copy of those and work on creating an official training document for that department.

3. Procedures concerning the roles and permissions of system users require enhancement, along with the training provided by Odyssey. During my conversation with Jenny Garner, I learned that she encounters challenges in determining the appropriate permissions to assign to newly hired employees. Employees encounter challenges in mastering their roles due to the absence of the appropriate Odyssey permissions. Furthermore, there has been a lack of proper training on Odyssey in Fannin County, resulting in the absence of a designated individual for inquiries and the unavailability of manuals.

RECOMMENDATION

I suggest we reach out to Tyler Technologies to request an on-site trainer for a minimum of two days.

4. In accordance with Section 171.2 of the Texas Administration Code, I have determined that our County Clerk Probate and Civil Office is compliant with the submission of a summary level of the Fannin County court activity report and other necessary reports to the Office of Court Administration (OCA) utilizing the mandated methods. These reports are submitted punctually, no later than the 20th day following the end of the reported month.
5. A random audit of approximately 75 probate and civil cases was conducted to verify whether the appropriate fees were being charged for these cases. Although I found it somewhat challenging, the comprehensive notes and documentation in the system were instrumental in enabling me to accurately identify the certified copy fee and the certificate issuance fee.

CLOSING REMARKS

The Fannin County Clerk's Office and the Commissions' Court are the only entities for which this information is meant. Throughout this test, I am really grateful for the assistance I have received from management and the County Clerk's office staff.

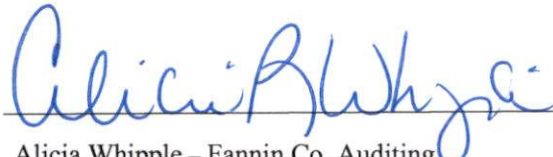
All things considered, the County Clerk's Probate and Civil office is performing admirably. Risky areas are reduced to a low level. Despite being new to her position, Mrs. Jenny Garner is doing an excellent job with her new employees and is well-versed in common processes. Mrs. Garner, Mrs. Ellison, and Mrs. Leyva were all very helpful and receptive to ideas on how to make the County Clerk's Probate and Civil office run more smoothly.

Report Distribution

- Christina Tillett, 336th District Judge
- Newt Cunningham, Fannin County Judge
- Troy Wagner, Commissioner, Precinct 1
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- Kurt Fogelberg, Commissioner, Precinct 3
- Doug Kopf, Commissioner, Precinct 4



Toni McGehee – Asst. Auditor - Internal Auditing 3/24/25
Date



Alicia Whipple – Fannin Co. Auditing 3/24/25
Date