Report No. 2019-19

TO: David Bateman, Director
    Court and Operational Services Division

FROM: Hector Collazo Jr., Inspector General/Chief Audit Executive
      Division of Inspector General

DIST: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller
      Teresa Del Rio, Executive Director, Court and Operational Services Division
      Claretha Harris, Chief Deputy Director, Finance Division
      Jeanette Phillips, Director, Finance Division
      Cynthia Haumann, Manager, Civil Court Records Department

SUBJECT: Unannounced Audit of the Civil Court Records Department Imprest Funds
         and Notary Journals

DATE: July 2, 2019

This letter serves to inform you that the Division of Inspector General has completed an
unannounced audit of the Civil Court Records Department Change Fund, Juror Fund, and
Notary Journals on June 12, 2019.

The objectives of our audit were to:

1. Reconcile the Change and Juror Funds, and ascertain that the appropriate internal
   controls, safeguards, and policies and procedures are being followed, safeguarding the county funds under your departmental control.

2. Sample Notary Journals to ascertain that notaries are logging notarial acts, completing all Notary Journal fields, and not improperly using Deputy Clerk stamps in lieu of Notary stamps in accordance with established policies and procedures.

Our audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing and the Principles and Standards for Offices of
Inspector General, and accordingly, included such tests of records and other auditing procedures as we considered necessary in the circumstances.

The Civil Court Records Change and Juror Funds reconciled to the authorized amounts. The department’s internal controls and safeguarding of these funds are adequate, and the policies and procedures are being followed.

The audit did note non-compliance issues in regards to existing documented policies and procedures for notaries. The issue is noted below.

1. Notary Journal Entries Are Incomplete.

We reviewed the Notary Journal records, on a sample basis, to determine if all required fields were completed. The sample selection for the notary testing consisted of a review of all current journal records for three of the seven notaries in the Civil Court Records Department. Our review of the sample indicated that Notary Journal records were not complete for all three employees. The incomplete fields and number of instances for the sampled employees are summarized in the following table:

<table>
<thead>
<tr>
<th>Incomplete Fields</th>
<th>Number Of Instances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signer’s Representative Capacity</td>
<td>17</td>
</tr>
<tr>
<td>Time</td>
<td>5</td>
</tr>
<tr>
<td>Receipt #</td>
<td>3</td>
</tr>
<tr>
<td>Fee Charge</td>
<td>3</td>
</tr>
<tr>
<td>Title or Type of Document</td>
<td>2</td>
</tr>
<tr>
<td>Form of Identification</td>
<td>1</td>
</tr>
<tr>
<td>Signer’s Printed Name</td>
<td>1</td>
</tr>
</tbody>
</table>

The Clerk’s Notary Journal and Reference Guide states that, “As a Notary Public employed by the Clerk of the Circuit Court, you are required to complete a journal entry each time you perform a Notary Act.”

The Clerk’s Notary Checklist states that, “Signer(s) and you complete journal entry (make sure you have all information completed in your journal).”

The National Notary Association states the notation record, “…can protect Notaries if they are ever accused of misconduct or sued.”

Staff are not completing all required information for the Notary Journal record. Incomplete Notary Journal records create non-compliance issues with the Clerk’s Notary Journal and Reference Guide and the Clerk’s Notary Checklist. In addition, an incomplete Notary Journal record can potentially create liability issues for the notary.
We recommend Management:

A. Instruct notaries to complete all sections/fields of the Notary Journal record for all notarial acts provided.

B. Periodically review staff Notary Journals for completeness and provide instruction when deficiencies are found.

Management Response:

A. Management Concurs. The supervisor met with the audit staff at the completion of their review. After being advised of the discrepancies found that day, the supervisor immediately met with the front counter staff and explained the need to fully complete the Notary Journal, focusing on the fields identified by the audit staff. Additional refresher training is also being coordinated.

B. Management Concurs. Management will implement more frequent and random reviews of the Notary Journals to ensure compliance with the statutes and established procedures.

We appreciate your staff’s cooperation during this audit.