

**ROBERT L. HUDSON
DISTRICT ATTORNEY, DISTRICT 9
STATUTORY REPORT
PROPERTY FORFEITURE FUND
FOR THE YEAR ENDED
JUNE 30, 2007**

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STATE OF OKLAHOMA
OFFICE OF THE AUDITOR AND INSPECTOR

Steve Burrage, CPA
State Auditor and Inspector

August 7, 2008

Robert L. Hudson, District Attorney
District 9

Transmitted herewith is the statutory report for the District Attorney of District 9, Logan County and Payne County, Oklahoma (the District), for the fiscal year ended June 30, 2007. A report of this type is critical in nature; however, we do not intend to imply that there were not commendable features in the present accounting and operating procedures of the District.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during the conduct of our procedures.

The Office of the State Auditor and Inspector is committed to serve the public interest by providing independent oversight and to issue reports that serve as a management tool to the state to ensure a government which is accountable to the people of the State of Oklahoma.

Sincerely,

A handwritten signature in blue ink that reads "Michelle R. Day".

MICHELLE R. DAY, Esq.
Deputy State Auditor and Inspector

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INTRODUCTORY INFORMATION

Most district attorneys in the state have a Property Forfeiture Fund. The fund is not subject to fiscal year limitations and is to be used for enforcement of controlled dangerous substances laws, drug abuse prevention and education, and is maintained by the District Attorney to be used at his or her discretion for those purposes. The revenues for said fund come from the proceeds of forfeited assets.

Any cash, vehicles, real property, or other assets used in the commission of or acquired as a result of a crime as described in the Uniform Controlled Dangerous Substances Act is presumed to be forfeitable.

Asset forfeiture is an effective law enforcement tool used by local district attorneys to deprive criminals of their ill-gotten gains by seizing the proceeds of criminal activity and property used to facilitate crime. The proceeds of seized, forfeited assets make a substantial contribution to the investigation and prosecution of drug related offenses.



STATE OF OKLAHOMA
OFFICE OF THE AUDITOR AND INSPECTOR

Steve Burrage, CPA
State Auditor and Inspector

Statutory Report

Mr. Robert L. Hudson
District Attorney, District 9
301 E. Harrison
Guthrie, Oklahoma 73044

For the purpose of complying with 74 O.S. §212 (E) and 63 O.S. §2-506, we have performed each of the following procedures as it relates to the records of the Property Forfeiture Fund for the fiscal year 2007:

- Examine a group of receipts and deposit slips for propriety.
- Review sale documentation for selected cases to determine whether forfeited assets were sold after due notice at public auction to the highest bidder in accordance with 63 O.S. §2-508.C.3.
- Review the distribution of proceeds of the sale for selected cases to determine the distribution was in accordance with Court order pursuant to 63 O.S. §2-506.K.
- Determine whether expenditures tested were supported by approved claims, invoices, and independent verification that goods or services paid for were received in accordance with 63 O.S. §2-508.C.3.
- Determine whether the District Attorney prepared and submitted an annual report to the Board of County Commissioners showing the total deposits, total expenditures, beginning and ending balances in accordance with 63 O.S. §2-506.L.3.
- Determine whether expenditures were properly classified and whether the District Attorney reconciles the balance with the County Treasurer monthly in accordance with 63 O.S. §2-508.C.3.

Our engagement was limited to the procedures performed above and was less in scope than an audit performed in accordance with accounting standards generally accepted in the United States of America. Accordingly, we do not express an opinion on any general-purpose financial statements of Logan County or Payne County.

Based on our procedures performed, the District was properly receipting and depositing the proceeds of forfeitures; forfeited assets were sold after proper notice at public auction to the highest bidder; the proceeds of forfeitures were distributed as directed by Court orders; expenditures were supported by approved claims, invoices, and independent verification that goods or services paid for were received; the District Attorney prepared and submitted an annual report to the Board of County Commissioners; and expenditures were properly classified. With respect to the reconciliation with the County Treasurer, our finding is included in the schedule of findings and responses.

We have included in this report a detailed analysis of the Property Forfeiture Fund, which is presented following this report.

This report is intended for the information and use of the District Attorney and Logan and Payne County officials. However, this report is a matter of public record and its distribution is not limited.

Sincerely,



MICHELLE R. DAY, Esq.
Deputy State Auditor and Inspector

May 5, 2008

**ROBERT L. HUDSON, DISTRICT ATTORNEY
DISTRICT 9
STATUTORY REPORT
JUNE 30, 2007**

PROPERTY FORFEITURE FUND ANALYSIS

BEGINNING CASH BALANCE ON JULY 1, 2006 \$ 124,599

INCOME

Cash forfeited	16,395
Court ordered assessments	112,529
Other	<u>48,940</u>

TOTAL INCOME (before distributions) 177,864

DISTRIBUTION TO OTHER AGENCIES

Cash returned to other agencies	<u>24,732</u>
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TOTAL DISTRIBUTIONS 24,732

EXPENDITURES BY DISTRICT ATTORNEY

Personnel and benefits	68,600
Confidential informants	1,269
Education/prevention	250
Treasurer's error (Logan County) FY07	237
Other	<u>47,152</u>

TOTAL EXPENDITURES 117,508

ENDING CASH BALANCE ON JUNE 30, 2007 \$ 160,223

Finding 2007-01—Reconciliation of Ledgers – Logan County – Payne County

Criteria: Accountability and stewardship are overall goals of governmental entities. To help ensure a proper accounting of funds, reconciliations between the District Attorney's Office Property Forfeiture account and the County Treasurer should be performed monthly.

Condition: Based on observations and inquiry, it appears a reconciliation between the District Attorney's Office Property Forfeiture account and the County Treasurer for Logan and Payne County is not being performed.

Effect: This condition could result in unrecorded transactions and undetected errors.

Recommendation: We recommend management implement monthly reconciliation procedures with the County Treasurer.

Views of responsible officials and planned corrective actions: We concur with the State Auditor's findings and will implement procedures to correct this issue.



**OFFICE OF THE STATE AUDITOR AND INSPECTOR
2300 N. LINCOLN BOULEVARD, ROOM 100
OKLAHOMA CITY, OK 73105-4896**

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