

**JOHN WAMPLER  
DISTRICT ATTORNEY, DISTRICT 3  
STATUTORY REPORT  
BOGUS CHECK RESTITUTION FUND  
FOR THE YEAR ENDED  
JUNE 30, 2003**

---

This publication is printed and issued by the State Auditor and Inspector as authorized by 74 O.S. § 212 (E) and 22 O.S. § 114. Pursuant to 74 O.S. § 3105 (B), 6 copies have been prepared and distributed at a cost of \$5.52. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries.



STATE OF OKLAHOMA  
OFFICE OF THE AUDITOR AND INSPECTOR

JEFF A. McMAHAN  
State Auditor and Inspector

January 21, 2004

John Wampler, District Attorney  
District 3

Transmitted herewith is the statutory report for the District Attorney of District 3, Jackson, Tillman, Kiowa, Harmon, and Greer Counties, Oklahoma, (the District) for the fiscal year ended June 30, 2003.

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 cursive script that reads "Jeff A. McMahan".

JEFF A. McMAHAN  
State Auditor and Inspector

**TABLE OF CONTENTS**

Introductory Information.....ii  
Statutory Report of State Auditor and Inspector ..... 1  
Schedule of Findings and Recommendations .....3  
Bogus Check Restitution Account Analysis .....4  
Response .....5

## **INTRODUCTORY INFORMATION**

The bogus check program was created by the Oklahoma Legislature in 1982 as a special type of deferred prosecution program, and every District Attorney is required to operate a bogus check program. The program provides an alternative way to handle bogus check cases without any additional cost to courts, prosecutors, or the state prison system. The primary emphasis of the program is collecting restitution for the victim of the crime, rather than punishing the offender.

Bogus checks are a significant cost to business, a cost that is passed on to the consumer and paid by all citizens and taxpayers in the state. The bogus check program has been an effective way to address the economic problem caused by bogus checks. The program offers a way to address criminal conduct without sending a large number of offenders to state correctional facilities.



STATE OF OKLAHOMA  
OFFICE OF THE AUDITOR AND INSPECTOR

JEFF A. McMAHAN  
State Auditor and Inspector

**Statutory Report**

Mr. John Wampler  
District Attorney, District 3  
Jackson County Courthouse  
Altus, Oklahoma 73521

For the purpose of complying with 74 O.S. § 212 (E) and 22 O.S. § 114, we have performed each of the following procedures as they relate to the records of the Bogus Check Restitution Fund for the fiscal year June 30, 2003.

- We examined fees to determine that the correct fees were assessed, receipted, and deposited in compliance with 28 O.S. § 153.
- We determined whether expenditures were used to defray lawful expenses of the District Attorney's office in accordance with 22 O.S. § 114; whether expenditures were supported by invoices and approved claims; and that goods or services paid for were received.
- We reconciled the fund to the County Treasurer's records.
- We determined that the District Attorney prepared and submitted an annual report to the District Attorney's Council showing the total deposits and total expenditures and that expenditures were properly classified and presented.

All information included in the financial records of the bogus check restitution program is the representation of the District Attorney for their respective district.

Our engagement was limited to the procedures performed above and was less in scope than an audit performed in accordance with auditing standards generally accepted in the United States of America. Accordingly, we do not express an opinion on any general-purpose financial statements of Jackson, Tillman, Kiowa, Harmon, or Greer Counties.

Based on our procedures performed; District 3 is properly assessing, receipting, and depositing the correct fees in compliance with 28 O.S. § 153; expenditures were used to defray lawful expenses of the District Attorney's office in accordance with 22 O.S. § 114; expenditures were supported by invoices and claims; goods or services paid for were received; the fund balance reconciles to the County Treasurer's records; the District Attorney prepared and submitted an annual report to the District Attorney's Council; and expenditures were properly classified and presented.

Also, with respect to Bogus Check Restitution agreements, our findings and recommendations are included in the Schedule of Findings and Recommendations.

We have prepared a detailed analysis of the Bogus Check Restitution Fund, which is presented following this report.

This report is intended for the information and use of the District Attorney and Jackson, Tillman, Kiowa, Harmon, and Greer County officials. However, this report is a matter of public record and its distribution is not limited.

Sincerely,

A handwritten signature in black ink that reads "JEFF A. McMAHAN". The signature is written in a cursive, flowing style.

JEFF A. McMAHAN  
State Auditor and Inspector

November 10, 2003

**SCHEDULE OF FINDINGS AND RECOMMENDATIONS**

Finding 2003-1 – Restitution Agreements

Criteria: Title 22 O.S. 2001, § 114 A. states, “The district attorney may enter into a written restitution agreement with the defendant to defer prosecution on a false or bogus check for a period to be determined by the district attorney, not to exceed two (2) years, pending restitution being made to the victim of the bogus check as provided in this section.”

Condition: While testing bogus check offender files, it was noted that:

Eight of the 27 files tested did not contain a restitution agreement signed by the offender. The offender in each case failed to make full restitution on fees and checks. In four of these eight instances, the District Attorney subsequently filed criminal charges in the cases. However, for the following cases, no criminal charges have been filed.

Bogus Check #'s	
1102	587
1304	516
1050	755
1035	2133

Recommendation: We recommend the District Attorney implement policies and procedures to comply with Title 22 O.S. 2001, § 114A and obtain a restitution agreement to defer prosecution of the defendant for offenders “making payments” on bogus checks. Additionally, we recommend when no payments have been made for restitution and fees, the District Attorney consider filing criminal charges.

**BOGUS CHECK RESTITUTION ACCOUNT ANALYSIS**

**COLLECTION INFORMATION**

Number of checks received from merchants	<u>3,998</u>	
Dollar amount of checks received		<u>\$ 274,494</u>

**RESTITUTION INFORMATION**

Beginning restitution account balance at July 1, 2002		\$ 22,327
Number of restitution checks collected	<u>4,082</u>	
Amount in restitution collected for merchants		242,940
Amount inrRestitution paid to merchants		<u>245,558</u>
Ending restitution balance at June 30, 2003		<u>\$ 19,709</u>

**FEE AND EXPENDITURES INFORMATION**

Beginning District Attorney fee balance at July 1, 2002		\$ 289,700
Amount of District Attorney fees collected during the period		314,301
Expenditures:		
Personnel costs	288,750	
Maintenance and operations costs	58,913	
Other expenses	<u>6,563</u>	
Total expenditures		<u>354,226</u>
Ending District Attorney fee balance at June 30, 2003		<u>\$ 249,775</u>

Room 104  
Jackson County Courthouse  
Altus, Oklahoma 73521  
Telephone: (580) 482-5334  
Fax: (580) 482-5346



FIRST ASSISTANT:  
JAN WARREN

ASSISTANTS:  
MATHEW SALTER  
REBECCA BEASON

**JOHN M. WAMPLER**  
DISTRICT ATTORNEY  
THIRD JUDICIAL DISTRICT

January 14, 2004

Honorable Jeff McMahan  
State Auditor & Inspector  
1401 Lera, Suite 9  
Weatherford, OK 73096  
Attn: Sherri Merle

RE: Audit of Bogus Check fund  
06/30/2003

Dear Mr. McMahan:

I am in receipt of your letter dated December 1, 2003, pertaining to the above audit of my Bogus Check funds. As to reportable condition, Finding #2003-1, please be advised that we always strive to obtain a restitution agreement in every case we file. However, due to the nature of our Bogus Check collection procedures, it is not always possible to get one.

Our primary focus is to collect the restitution owed to our merchants and then the statutory fees. Often the restitution is paid in full but not all the fees are paid. We then have to decide if it is feasible or practical to go after the defendant for a small amount of fees. Sometimes the defendant resides outside the state and we cannot extradite them back to Oklahoma on a misdemeanor charge.

However, we will do everything we can in the future to get a restitution agreement signed by the defendant.

Sincerely,

A handwritten signature in black ink that reads "John M. Wampler".

John M. Wampler  
District Attorney

JMW/md