



Office of Pasco County Clerk & Comptroller

INTRAOFFICE MEMORANDUM

DATE: September 17, 2020

TO: Nikki Alvarez-Sowles, Esq., Clerk & Comptroller

FROM: Patrice Monaco, McBride, Inspector General *pm*

DEPARTMENT: DEPARTMENT OF INSPECTOR GENERAL

SUBJECT: 2020-05 Audit of the Deposit Will Process

Enclosed is Audit Report No. 2020-05. As requested by management, the Department of Inspector General (IG) conducted an audit of the deposit will process. The overall objective of this audit was to determine if the internal controls were adequate to provide reasonable assurance records and documents were safeguarded to prevent and detect inaccuracies and premature destruction.

Based on the results of the completed audit, six opportunities for improvement were identified. All improvement opportunities and recommendations were discussed with management and their verbatim responses were included in this report. The results of the audit were identified as follows:

Compliance:

1. Instances of noncompliance with procedures were identified.

Control:

2. Documented policies and procedures did not provide current, complete, or detailed guidance for some steps.
3. Segregation of duties was not effective for the verification process.
4. Inconsistencies between Dade City and New Port Richey.
5. The requirement for deposit will verification was not consistent throughout the Office.
6. Documentation of deposited wills verified prior to destruction was not maintained.

We appreciate the cooperation and professional courtesy received from the Clerk & Comptroller teams during this audit.

We request the Clerk & Comptroller acknowledge and accept this report.

Please indicate, in an email, your acknowledgment and formal acceptance of this report.

cc: Kimberly Thompson, Chief Operations Officer
Dr. Jerome Jordan, Director of Civil Courts
Jo Ploettner, Civil Courts Operations Manager

Office of Nikki Alvarez-Sowles, Esq.

Clerk & Comptroller

Pasco County, Florida

AUDIT OF THE DEPOSIT WILL PROCESS

September 30, 2020



Department of Inspector General

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Report No. 2020-05

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Executive Summary

Background Information

As requested by the Director of Civil Courts, the Department of Inspector General (IG) conducted an audit of the deposit will process. The purpose of this audit was to evaluate the internal controls over the deposit will process related to the Civil Courts Probate Division. This request was in response to the testing of deposit wills during the Clerk Transition project (#2019-05).

Depositing a will meant to place an original will and testament (will) with the Office of the Clerk & Comptroller (Clerk) for safekeeping and future reference. There was not a fee to deposit a will with the Clerk's office. In Florida, wills could not be placed on deposit prior to the death of an individual. In the county where the testator's estate was located, the will custodian was required by Florida Statute to deposit the will with the Clerk's office within 10 days after the testator's death. The custodian of the will was required to supply, upon deposit, the testator's date of death or the last four of their Social Security number.

The Clerk's Office was required to retain a will in its original form for 20 years regardless if the will was or was not admitted to probate or if the probate proceedings were terminated. If the probate of a will was initiated, the original will was maintained by the Clerk with the other pleadings in the estate case file during the pendency of the proceedings.

Probating a will meant to take legal steps necessary to ensure a will was valid and to admit the will to probate. Probate provided a method of converting assets to cash to be distributed to beneficiaries or to pay creditors and/or taxes. Also, probate legally transferred ownership of real property.

Deposited and probated wills were processed by the Civil Courts Probate Division (Probate) and case information was maintained in Clericus. The case types reflected in Clericus for deposit wills and probated wills were "DW" and "CP," respectively. There were two Probate locations within the Clerk's Office: Dade City (DC) and New Port Richey (NPR).

On March 23, 2020, the audit was placed on hold due to the COVID-19 pandemic. The audit resumed July 6, 2020.

Objectives

The audit objectives were to:

- Determine if internal controls over the deposit wills process were adequate and effective to ensure data reflected in case management systems were accurate and reliable.
- Determine if internal controls over probated wills were sufficient to ensure compliance with Florida Statutes and regulations.

Scope and Methodology

The audit period was as of January 22, 2020. The requested and agreed upon scope was a detailed review of Probate's policies and procedures related to deposit wills. The audit was

neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. The purpose of this report was to provide independent and objective analyses, recommendations to make improvements, and information concerning the activities reviewed; it was not an appraisal or rating of management.

Although the audit team exercised due professional care in the performance of this audit, this does not mean that unreported noncompliance or irregularities did not exist. The deterrence of fraud and employee abuse was the responsibility of management. The audit procedures alone, even when carried out with due professional care, could not guarantee that fraud, waste, or abuse would be detected.

The IG team planned and performed the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the opportunities for improvement and conclusions based on the audit objectives. The evidence and documentation obtained during the audit provided this reasonable basis. To achieve the objectives, the procedures performed included, but were not limited to, the following:

- Developed an understanding of procedures and controls for the deposit will process. Information obtained and reviewed included documented policies and procedures.
- Observed and interviewed Probate teammates in DC and NPR to verify the procedures for the deposit will process.
- Compared observations to documented policies and procedures.
- Identified and documented discrepancies and opportunities for improvement.

Statutory and Pasco County Guidelines

To conduct this audit, the IG team relied on the following authoritative guideline to serve as criteria:

- Chapter 732.901, Florida Statutes – Production of Wills
- CV-PR001 – Deposit Wills Procedure, dated May 22, 2020
- CV-PR007 – Verification procedures, dated April 8, 2020
- Deposit Wills (DW) Pre-Destruction, dated June 25, 2020

Conclusion

Overall, the internal controls over the deposit will process required improvement to promote the accuracy and reliability of data reflected in case management systems. Specifically, the existing policies and procedures did not promote a clear and consistent understanding of the required polices related to the deposit will process. This resulted in inconsistent practices and issues regarding segregation of duties and documentation.

All recommendations made in this report were offered to strengthen the control environment. All comments and recommendations were discussed with management and their verbatim responses were included in this report.

The Department of Inspector General commends the Probate team for their professionalism, cooperation, and responsiveness during the audit.

Based on the documentation reviewed and audit procedures performed, the IG team identified six opportunities for improvement:

No.	Description	Page Reference
Compliance:		
1.	Instances of noncompliance with procedures were identified.	5
Control:		
2.	Documented policies and procedures did not provide current, complete, or detailed guidance for some steps.	6
3.	Segregation of duties was not effective for the verification process.	8
4.	Inconsistencies between DC and NPR.	9
5.	The requirement for deposit will verification was not consistent throughout the Office.	10
6.	Documentation of deposited wills verified prior to destruction was not maintained.	11

Audit Comments & Recommendations

Compliance Activities: Since compliance with agreements, contracts, laws, rules, regulations, policies, and procedures was expected, recommendations were not provided.

1. Instances of noncompliance with procedures were identified.

According to the Deposit Will procedure, if there were matching criteria from an identity search, the intake clerk was to update the matching criteria with the date of death before proceeding with creating the DW case.

- In DC, the person processing the will entered each decedent as a new person because the amount of information required made it difficult to be certain if an identity in the system was the same as a decedent.
- In NPR, if a CP case related to the decedent existed, the intake clerk would not create a DW case; instead they would place the will directly into the existing CP case.

Recommendation:

Since compliance with agreements, contracts, laws, rules, regulation, policies, and procedures is expected, a recommendation was not provided.

Management Response: [Management concurs with the finding.](#)

Corrective Action Plan: Discussed issues with the team. Management will follow through to ensure compliance with business procedures and consistency in DC and NPR.

Target Implementation Date: Addressed immediately.

<p>Control Activities: Listed below were comments that represented opportunities to strengthen the internal controls. For each comment, a recommendation was included.</p>

2. Documented policies and procedures did not provide current, complete, or detailed guidance for some steps.

The existing policies and procedures related to the deposit will intake, verification, and probating processes contained limited guidance and did not reflect all key steps that were observed and described by the Probate team. The following steps were not documented in the procedures:

Intake

- The intake clerk verified the originality of the will to be deposited and ensured all information (decedent's name and date of death or the last four of their social security number) necessary to process the will was provided prior to hand-stamping the will as "received."
- The intake clerk requested the information necessary to process a will from the filer when a will was received in person.
- How to handle a will received via mail when all of the information necessary to process the will was not provided.
- When there was a CP case related to the will, they did not create a DW case. Instead, they placed the will directly into the CP case.
- The intake clerk handwrote the DW case number on the back of the will once the case number was created and populated in Clericus.
- The intake clerk physically placed the will and supporting documentation in the verifier's tray once the processing of the will was complete.

Docketing

- The intake clerk scanned and docketed the will and other supporting documentation provided. However, the procedures reflected that a docket clerk was to conduct this portion of the procedure.
- All pages scanned were required to be combined.
- Check-in the image(s) after adding the case number to the docket.

- The date of the will entered in the docket comment was the date the will was signed.

Verification:

- The verifier could not label the DW envelope with the barcoded label from Trakman or check out the DW envelope to Archived Records until the next day. This was due to the amount of time it took information to be uploaded from Clericus to Trakman.
- The verifier was to physically place the will into a DW envelope, how to print the barcode sticker, where to affix the barcode sticker, and to date and initial the envelope appropriately to document the verification of the will.
- To prevent future errors, the verifier was to discuss errors identified with the intake clerk.
- Use a docket code to document the verification process.

Post Deposit Will Process

- How to associate a DW case and other filings related to the will to a CP case.
- An image of the will was electronically sent to Official Records to be recorded with a book and page number utilizing the File and Serve system.
- The information reflected on the will to be probated was compared to CP case information to ensure the correct will was received from the Records Center.
- When the original will was received from the Records Center, the CP case number was written on top of the will before the will was physically moved into the CP case file.
- Any receipts, cover letters, codicil, and/or separate writings were to remain in the DW envelope and were not to be transferred to the CP envelope with the probated will.
- After moving the will from the DW envelope to the CP case file, the clerk was required to stamp the DW envelope and write the following information: CP case number, clerk who completed the move, date it was moved, whether it was East or West, and the appropriate division/section.
- A report of new CP cases created was received every morning. The IG team could not determine the teammate(s) responsible for creating and opening CP cases.
- The will was electronically transferred from the DW case in Clericus into the File and Serve System.
- Eastside CP case files were stored in a filing cabinet near a workstation and West-side CP cases were stored on a reserved shelf in the Probate division.

Policies and procedures governing the deposit will must be comprehensive to ensure all wills are handled efficiently, effectively, and responsibly. By having comprehensive policies and procedures, teammates will have the ability to follow proper procedures and

rules and promote a clear and consistent understanding to the required policies related to the deposit will process.

Recommendation: Update, revise, and make additions to the documented policies and procedures that adequately safeguard and promote consistency of the deposit will process, verification, and probating. These updates, revisions, and additions must consider all items mentioned in the statement of condition section above. Communicate revisions, updates, and additions to teammates to ensure they are aware of the changes.

Management Response: Management concurs with the recommendation. The team will work on resolving inconsistencies. Business Procedures will be updated to include the verification and transferring processes.

Corrective Action Plan: Revise business procedures to include recommendation provided by IG. Upon completion, provide training to teammates responsible for processing deposit wills to ensure deposit will intake, verification, and transferring of will into estate case process consistency.

Target Implementation Date: October 1, 2020

3. Segregation of duties was not effective for the verification process.

During the audit, the following concerns were noted:

- According to a record clerk in DC, the same person who inputted the deposit will into Clericus could verify their own work as long as they waited 24 hours. The documented policies and procedures did not specifically require verification of the deposit will process to be completed by a separate teammate.
- According to the Deposit Will Verification procedure, the verifier was required to make corrections as necessary. This step effectively removed the segregation of duty control over data inputted by the intake clerk.

An important basic of internal controls is adequate segregation of duties. The same individual should not complete all the transactions relative to a process. Assigning responsibilities to multiple individuals creates an appropriate level of checks and balances.

Recommendation: To ensure an appropriate level of checks and balances and to mitigate the risk of error, revise the existing verification procedure to include a clear policy which promotes segregation of duties. Specifically, prohibit the:

- Teammate completing the intake procedures from verifying their own work.
- Verifier from making changes.

Communicate revisions, updates, and additions to teammates to ensure they are aware of the changes.

Management Response: Management concurs with the recommendation to ensure checks and balances are completed by different teammates per task to mitigate the risk error.

Corrective Action Plan: Revise business procedure to clearly reflect a division of duties in the docketing and verification. The functions will be completed by different teammates. Upon completion, training will be provided to teammates responsible for processing deposit wills to ensure compliance. The importance of the docketing and verification processes will be communicated to the team.

Target Implementation Date: October 1, 2020

4. Inconsistencies between DC and NPR

There were inconsistencies noted between DC and NPR for processing, verifying, and probating wills. The following was noted:

- According to both DC and NPR teammates, if a will, received through the mail, did not include the necessary information to process, the Probate team sent correspondence via U.S. Mail to obtain the required information. However, each location physically handled the will differently:
 - In DC, the will was sent back to the individual or law office with the correspondence.
 - In NPR, the will was placed in the department safe until the information was obtained to process the will.
- The verification process was not performed consistently:
 - In DC, to document the verification, the verifier docketed the verification in Clericus using docket code 1567.
 - In NPR, the verifier did not document verification in Clericus using a docket code.
 - In DC, verification of information entered by the intake clerk did not occur until 24 hours after the will was inputted into Clericus. According to the teammate, this was due to the time it took Clericus to upload data into Trakman.
 - In NPR, verification of the will inputted into Clericus could occur immediately if the verifier had the availability to do so. A requirement to wait 24 hours to verify the information was not in place.
- Linking cases associated with probated wills was performed differently. When a new CP case was created for a probated will:
 - The DC teammate linked case numbers from caveat or trust related cases.
 - The NPR teammate linked the DW case only to the newly created CP case.

- Transferring the will from DW case to CP case was performed differently:
 - In DC, the scanned and docketed will was saved as a PDF file and was uploaded into the File and Serve system.
 - In NPR, the image of the will was uploaded from the DW case to the CP case in Clericus.

Recommendation: Revise, update, and make additions to the existing policies and procedures to provide guidance for all steps within the deposit will process. Ensure these additions promote consistency throughout the Office and address each issue mentioned in the statement of condition above. Communicate revisions, updates, and additions to teammates to ensure they are aware of the changes.

Management Response: Management concurs with the recommendation to address inconsistencies. Business Procedure will be updated to address missteps on processing Wills. Probate team is aware that estate case is the only case that can be linked with the DW case for asset distribution and personal representative nomination purposes.

Corrective Action Plan: Update business procedures to address inconsistencies and communicate the issues with the team. Upon completion, provide training to teammates responsible for processing deposit wills to ensure deposit will intake, verification, and transferring of will into estate case process consistency.

Target Implementation Date: October 1, 2020

5. The requirement for deposit will verification was not consistent throughout the office.

According to the Deposit Will Verification procedure, the frequency of the verification process was to occur weekly (every Friday). However, the documented policies and procedures were not consistent with statements made by the teammates observed. It was stated that the verification process occurred within two to three days from when the will was received and entered into Clericus. The teammates did not indicate that they verified only on Fridays.

Recommendation: Revise the verification frequency policy to reflect a timeframe that is practical to coincide with the workflow and lifecycle of the deposit will process.

Management Response: Management concurs with the recommendation. The business procedure will be revised to reflect clear instruction when identifying verification time.

Corrective Action Plan: Modify business procedure to reflect correct language when identifying "verification schedule". Once business procedures have been updated, provide training to teammates responsible for processing deposit wills.

Target Implementation Date: October 1, 2020

6. Documentation of deposited wills verified prior to destruction was not maintained.

According to management, a random sample (10%) of deposited wills that met its retention date was verified prior to destruction. However, documentation was not maintained to support that this requirement was completed and the IG team was unable to confirm that the verification occurred. Additionally, Probate did not have documented procedures that provided detailed guidance for verifying deposit wills prior to destruction and maintaining documentation of the sample verified.

Recommendation: Create a separate procedure for the Probate team that describes the steps required to complete the process of verifying 10% of deposited wills that have met their retention date, including wills that were transferred to an estate file (CP case). Include in the procedures that documentation from the verification process would be maintained to support that the requirement was completed.

Management Response: Management concurs with the recommendation to create a separate business procedure for this task.

Corrective Action Plan: Business procedure will be created for this task prior to the actual verification process. Once the pre-destruction verification documentation business procedure has been created, training will be provided to the teammates responsible for deposit will destruction verification, to ensure consistency and compliance. Business procedure will be modified as needed to include necessary changes during the actual verification implementation.

Target Implementation Date: October 1, 2020