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## **ORANGE COUNTY DISTRICT** ATTORNEY'S OFFICE AUDIT OF **WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM**

FOR THE FISCAL YEAR ENDED **JUNE 30, 2010** 

We found the financial statement presents fairly, in all material respects, the revenues and expenditures of the District Attorney's Office Compensation Workers' Insurance Program, for the fiscal year ended June 30, 2010. Grant budget and expenditures incurred for FY 2010 were \$3,122,522 \$3,288,645, and respectively.

**AUDIT No: 1009** 

REPORT DATE: DECEMBER 16, 2010

Director: Peter Hughes, Ph.D., CPA, CIA Deputy Director: Eli Littner, CPA, CIA Senior Audit Manager: Alan Marcum, MBA, CPA Senior Internal Auditor: Abdul Khan, CPA, CIA

#### **RISK BASED AUDITING**

GAO & IIA Peer Review Compliant - 2001, 2004, 2007, 2010

AICPA American Institute of Certified Public Accountants Award to Dr. Peter Hughes as 2010 Outstanding CPA of the Year for Local Government

> 2009 Association of Certified Fraud Examiners' Hubbard Award to Dr. Peter Hughes for the Most Outstanding Article of the Year - Ethics Pays

2008 Association of Local Government Auditors' Bronze Website Award

2005 Institute of Internal Auditors' Award to IAD for Recognition of Commitment to Professional Excellence, Quality, and Outreach



GAO & IIA Peer Review Compliant - 2001, 2004, 2007, 2010

**Providing Facts and Perspectives Countywide** 

#### **RISK BASED AUDITING**

Dr. Peter Hughes Ph.D., MBA, CPA, CCEP, CITP, CIA, CFE, CFF

Director Certified Compliance & Ethics Professional (CCEP)

Certified Information Technology Professional (CITP)

Certified Internal Auditor (CIA)
Certified Fraud Examiner (CFE)
Certified in Financial Forensics (CFF)

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Eli Littner CPA, CIA, CFE, CFS, CISA

Deputy Director Certified Fraud Specialist (CFS)

Certified Information Systems Auditor (CISA)

Michael J. Goodwin CPA, CIA

Senior Audit Manager

Alan Marcum MBA, CPA, CIA, CFE

Senior Audit Manager

Autumn McKinney CPA, CIA, CISA, CGFM

Senior Audit Manager Certified Government Financial Manager (CGFM)

#### Hall of Finance & Records

12 Civic Center Plaza, Room 232 Santa Ana, CA 92701

Phone: (714) 834-5475 Fax: (714) 834-2880

To access and view audit reports or obtain additional information about the OC Internal Audit Department, visit our website: www.ocgov.com/audit



OC Fraud Hotline (714) 834-3608

### Letter from Dr. Peter Hughes, CPA



#### **Transmittal Letter**

Audit No. 1009 December 16, 2010

TO: Tony Rackauckas, District Attorney

FROM: Dr. Peter Hughes, CPA, Director

Internal Audit Department

**SUBJECT:** Orange County District Attorney's

Office Audit of Workers' Compensation

Insurance Fraud Program

Attached is our report on Audit of the Orange County District Attorney's Workers' Compensation Insurance Fraud Program for the fiscal year ended June 30, 2010. Please forward to the State of California Department of Insurance as required by the grant documents.

Each month I submit an **Audit Status Report** to the Board of Supervisors (BOS) where I detail any material and significant audit findings released in reports during the prior month and the implementation status of audit recommendations as disclosed by our Follow-Up Audits. Accordingly, the results of this audit will be included in a future status report to the BOS.

Additionally, we will request your department complete a **Customer Survey** of Audit Services. You will receive the survey shortly after the distribution of our final report.

#### **Attachments**

Other recipients of this report listed on the Independent Auditor's Report on page 2.

### **Table of Contents**



Orange County District Attorney's Office Audit of the Workers' Compensation Insurance Fraud Program Audit No. 1009

For the Fiscal Year Ended June 30, 2010

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December 16, 2010 Audit No. 1009

State of California
Department of Insurance
Fraud Division
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

We have audited the accompanying Statement of Revenues and Expenditures - Budget and Actual, of the County of Orange District Attorney's Office (District Attorney) Workers' Compensation Insurance Fraud Program for the year ended June 30, 2010. This financial statement is the responsibility of the District Attorney's management. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in <u>Government Auditing Standards</u>, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues and expenditures of the District Attorney's Workers' Compensation Insurance Fraud Program for the year ended June 30, 2010, in conformity with the basis described in Note 2.

In accordance with <u>Government Auditing Standards</u> issued by the Comptroller General of the United States, we have also issued our report dated December 16, 2010 on our consideration of the District Attorney's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with <u>Government Auditing Standards</u> and should be considered in assessing the results of our audit.

This report is intended solely for the information and use of management of the County of Orange District Attorney's Office, the Audit Committee and for filing with the State of California Department of Insurance and is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit the distribution of this report, which is a matter of public record.



Respectfully Submitted,

Dr. Peter Hughes, CPA, Director Internal Audit Department

Distribution Pursuant to Audit Oversight Committee Procedure No. 1:

Members, Board of Supervisors
Members, Audit Oversight Committee
Thomas G. Mauk, County Executive Officer
Lisa Bohan-Johnston, Director, District Attorney Administrative Services
Foreperson, Grand Jury
Darlene J. Bloom, Clerk of the Board of Supervisors



### **ORANGE COUNTY**

#### **DISTRICT ATTORNEY'S OFFICE**

#### **WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM**

### STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL

FOR THE FISCAL YEAR ENDED JUNE 30, 2010

Revenues:	Budget	Actual	Variance Favorable (Unfavorable)
California Department of Insurance Grant Receipts (Note 4)	\$ 3,114,894	\$ 3,114,894	\$ -
Interest Income: Fiscal Year 2007-08 (Note 6) Fiscal Year 2009-10 (Note 6)	7,628	7,628 632	632
Total Interest Income	\$ 7,628	\$ 8,260	\$ 632
Total Revenue	\$ 3,122,522	\$ 3,123,154	\$ 632
Expenditures:			
Salaries and Benefits (Note 3.A) Operating Expenditures (Note 3.B) Equipment (Note 3.C)	\$ 2,706,709 400,919 14,894	\$ 2,801,941 471,805 14,899	(95,232) (70,886) (5)
Total Expenditures	\$ 3,122,522	\$ 3,288,645	\$ (166,123)
Excess (Deficiency) of Revenues Over Expenditures (Note 5)		\$ (165,491)	\$ (165,491)

See Independent Auditor's Report and Notes to Financial Statement.



#### **ORANGE COUNTY**

#### **DISTRICT ATTORNEY'S OFFICE**

#### **WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM**

#### NOTES TO FINANCIAL STATEMENT

#### FOR THE FISCAL YEAR ENDED JUNE 30, 2010

#### **NOTE 1 – BACKGROUND**

The Orange County District Attorney's (OCDA) Workers' Compensation Insurance Fraud Unit (Unit) utilizes various forms of investigative techniques and scientific aids in order to detect, investigate, and bring to justice perpetrators of workers' compensation insurance fraud in Orange County. The Orange County District Attorney (OCDA) applied for and was awarded funding for the Workers' Compensation Insurance Fraud Program (Program) by the California Department of Insurance (CDI) for the period July 1, 2009 through June 30, 2010. The Program funds provide for enhanced investigation and prosecution of fraudulent workers' compensation insurance claims. The funds are available to local district attorneys under provisions of Section 1872.83 of the California Insurance Code.

#### NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The OCDA presents its revenues and expenditures on an accrual basis in accordance with State of California, Department of Insurance, Insurance Fraud Grant Financial Audit Guidelines. Revenues are recognized when earned and expenditures are recognized when incurred. The accompanying financial statement is not intended to present the financial position and results of the Orange County District Attorney's operations.

#### **NOTE 3 – EXPENDITURES**

Expenditures were made for the purposes of the program as specified in Section 1872.83 of the Insurance Code and California Code of Regulations, Subchapter 9, Article 3, Sections 2698.53, 2698.54, and 2698.57, and the County Requirements Upon Award of Grant, Section II, in the Request for Application.

#### A. Salaries and Benefits

Expenditures charged to the Program are limited to personnel funded by the grant. These expenditures include salaries and benefits of attorneys and investigators directly involved with the Program. Also included are the salaries and benefits of support personnel (administrative, investigative, paralegal, and clerical). County of Orange policies and procedures were used to verify the appropriateness of personnel costs. Personnel time charged to the Program was appropriately certified by Program personnel.

See Independent Auditor's Report



#### **B.** Operating Expenditures

Operating expenditures include transportation supplemental/allowance, travel/training/transportation, building lease, office supplies, communication charges, case related expenses, audit cost, contract services, and indirect costs. A flat indirect cost rate of ten (10) percent was used for the year ended June 30, 2010. Indirect costs were calculated by applying the indirect cost rate to direct salaries. Direct charges to the program are not included in the calculation of indirect costs charged to the program.

Operating expenditures also include expenses for undercover operations that were not in the budget due to insufficient grant funding and were absorbed by the OCDA.

#### C. Equipment

The following equipment was purchased for the purpose of the Program:

2 TALON-SA On-Site Imaging Equipment \$5,329

3 Mobile Forensic Review Stations 9,570

Total \$ 14,899

#### **NOTE 4 – FUNDING AMOUNTS**

The OCDA was awarded \$3,114,894 from CDI and received the full award amount in two (2) distributions: \$1,083,930 on February 24, 2010 and \$2,030,964 on May 21, 2010. In addition, interest income of \$7,628 from fiscal year 2007-08 was approved by CDI to further Program expenditures. Further, interest income for fiscal year 2009-10 for \$632 was allocated back to the program. Total base program funding was \$3,123,154.

#### NOTE 5 – EXCESS OF EXPENDITURES OVER FUNDING

Current year's excess expenditures over funding: \$165,491

The net expenditures in excess of revenue as of June 30, 2010 cannot be applied toward future years' grant revenue. Therefore, the excess expenditures are absorbed by the OCDA.

See Independent Auditor's Report



#### **NOTE 6 - INTEREST INCOME**

The interest income of \$7,628 from fiscal year 2007-08 was approved by CDI to be used in the current fiscal year.

The interest income of \$632 for the current fiscal year was allocated back to fund further Program expenditures.

See Independent Auditor's Report



**OTHER REPORTS** 



# INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF A FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

December 16, 2010

State of California
Department of Insurance
Fraud Division
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

We have audited the Statement of Revenues and Expenditures - Budget and Actual, of the County of Orange District Attorney's Office (District Attorney) Workers' Compensation Insurance Fraud Program, for the year ended June 30, 2010, and have issued our report thereon dated December 16, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in <u>Government Auditing Standards</u>, issued by the Comptroller General of the United States.

In planning and performing our audit of the Statement of Revenues and Expenditures - Budget and Actual, of the County of Orange District Attorney's Office Workers' Compensation Insurance Fraud Program for the year ended June 30, 2010, we considered the District Attorney's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the District Attorney's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the District Attorney's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the second paragraph above and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above.



This report is intended solely for the information and use of management of the District Attorney, the Audit Committee, and the California Department of Insurance and is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

Sincerely,

Dr. Peter Hughes, CPA, Director

Internal Audit Department



## INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF A FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

December 16, 2010

State of California
Department of Insurance
Fraud Division
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

We have audited the Statement of Revenues and Expenditures - Budget and Actual, of the County of Orange District Attorney's Office (District Attorney) Workers' Compensation Insurance Fraud Program, for the year ended June 30, 2010, and have issued our report thereon dated December 16, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in <u>Government Auditing Standards</u>, issued by the Comptroller General of the United States.

As part of obtaining reasonable assurance about whether the District Attorney's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under <u>Government Auditing Standards</u>.

This report is intended solely for the information and use of management of the District Attorney, the Audit Committee, and the California Department of Insurance and is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

Sincerely,

Dr. Peter Hughes, CPA, Director

Internal Audit Department