

Internal Audit Department

O R A N G E C O U N T Y
6th Largest County in the USA

FINANCIAL STATEMENT AUDIT ORANGE COUNTY DISTRICT ATTORNEY'S WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM

FOR THE FISCAL YEAR ENDED
JUNE 30, 2012

We found the financial statement presents fairly, in all material respects, the revenues and expenditures of the District Attorney's Workers' Compensation Insurance Fraud Program, for the fiscal year ended June 30, 2012. Grant revenues and expenditures incurred for FY 2012 were \$3,500,000 and \$3,554,753, respectively.

AUDIT No: 1210
REPORT DATE: OCTOBER 30, 2012

Director: [Dr. Peter Hughes, MBA, CPA, CIA](#)
Deputy Director: [Eli Littner, CPA, CIA](#)
Senior Audit Manager: [Alan Marcum, MBA, CPA, CIA](#)
Senior Internal Auditor: [Abdul Khan, CPA, CIA](#)

RISK BASED AUDITING

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



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

GRC (Government, Risk & Compliance) Group 2010 Award to IAD as MVP in Risk Management



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 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

Director

Ph.D., MBA, CPA, CCEP, CITP, CIA, CFE, CFF, CGMA

Certified Compliance & Ethics Professional (CCEP)

Certified Information Technology Professional (CITP)

Certified Internal Auditor (CIA)

Certified Fraud Examiner (CFE)

Certified in Financial Forensics (CFF)

Chartered Global Management Accountant (CGMA)

E-mail: peter.hughes@iad.ocgov.com

Eli Littner

Deputy Director

CPA, CIA, CFE, CFS, CISA

Certified Fraud Specialist (CFS)

Certified Information Systems Auditor (CISA)

Michael Goodwin

Senior Audit Manager

CPA, CIA

Alan Marcum

Senior Audit Manager

MBA, CPA, CIA, CFE

Autumn McKinney

Senior Audit Manager

CPA, CIA, CISA, CGFM

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



Transmittal Letter



Audit No. 1210 October 30, 2012

TO: Tony Rackauckas
District Attorney

FROM: Dr. Peter Hughes, CPA, Director
Internal Audit Department

SUBJECT: Financial Statement Audit: Orange County
District Attorney's Workers' Compensation
Insurance Fraud Program

Attached is our report on the Audit of the Orange County District Attorney's Workers' Compensation Insurance Fraud Program for the fiscal year ended June 30, 2012.

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.

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Orange County District Attorney's
Workers' Compensation Insurance Fraud Program
Audit No. 1210

For the Fiscal Year Ended
June 30, 2012

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Independent Auditor's Report



October 30, 2012

Audit No. 1210

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 Orange County District Attorney's (OCDA) Workers' Compensation Insurance Fraud Program for the fiscal year ended June 30, 2012. This financial statement is the responsibility of the OCDA'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 Government Auditing Standards, 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 OCDA's Workers' Compensation Insurance Fraud Program for the fiscal year ended June 30, 2012, in conformity with the basis described in Note 2.

In accordance with Government Auditing Standards issued by the Comptroller General of the United States, we have also issued our report dated October 30, 2012 on our consideration of the OCDA's internal control over financial reporting and on our tests of their 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 Government Auditing Standards 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 OCDA, the Audit Oversight Committee and for filing with 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.

Independent Auditor's Report



Respectfully Submitted,

A handwritten signature in blue ink that reads "Peter Hughes".

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
Robert J. Franz, Interim County Executive Officer
Lisa Bohan-Johnston, Director, District Attorney Administrative Services
Foreperson, Grand Jury
Susan Novak, Clerk of the Board of Supervisors



ORANGE COUNTY DISTRICT ATTORNEY'S
WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM
STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FOR THE FISCAL YEAR ENDED JUNE 30, 2012

<u>Revenues:</u>	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
California Department of Insurance Grant Receipts (Note 4)	\$ 3,500,000	\$3,500,000	-
Total Revenues	<u>\$3,500,000</u>	<u>\$ 3,500,000</u>	<u>-</u>
<u>Expenditures:</u>			
Salaries and Benefits (Note 3.A)	2,993,853	3,006,433	(12,580)
Operating Expenditures (Note 3.B)	499,651	541,824	(42,173)
Equipment (Note 3.C)	6,496	6,496	-
Total Expenditures	<u>\$3,500,000</u>	<u>\$ 3,554,753</u>	<u>\$ (54,753)</u>
Excess (Deficiency) of Revenues Over Expenditures (Note 5)		<u>\$ (54,753)</u>	<u>\$ (54,753)</u>

See Independent Auditor's Report and Notes to Financial Statement



ORANGE COUNTY DISTRICT ATTORNEY'S
WORKERS' COMPENSATION INSURANCE FRAUD PROGRAM
NOTES TO FINANCIAL STATEMENT
FOR THE FISCAL YEAR ENDED JUNE 30, 2012

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 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, 2011 through June 30, 2012. 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 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 OCDA's operations.

NOTE 3 – EXPENDITURES

Expenditures were made for the purposes of the program as specified in Section 1872.83 of the California Insurance Code and California Code of Regulations, Title 10, Sections 2698.50 et. seq., 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 (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

Independent Auditor's Report



B. Operating Expenditures

Operating expenditures include transportation supplement/allowance, travel/transportation/training, communication expenses, building lease to house program staff, office supplies, contract services, audit costs, other expenses, and indirect costs. A flat indirect cost rate of ten (10) percent was used for the year ended June 30, 2012. 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.

C. Equipment

During the audit period, following equipment was purchased for the Program:

1 Canon DR - 9050C Color Duplex Scanner	\$6,496
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NOTE 4 – FUNDING AMOUNTS

The OCDA was awarded \$3,500,000 from CDI and received the full award amount in three (3) distributions (\$1,249,261 on February 28, 2012, \$1,523,454 on June 4, 2012, and \$727,285 on August 2, 2012).

NOTE 5 – EXCESS OF EXPENDITURES OVER REVENUES

Current year's excess expenditures over revenues:	\$54,753
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The net expenditures in excess of revenues as of June 30, 2012 cannot be applied toward future year's grant revenue. Therefore, the excess expenditures will be absorbed by the OCDA.

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

October 30, 2012

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 Orange County District Attorney's (OCDA) Workers' Compensation Insurance Fraud Program, for the fiscal year ended June 30, 2012 and have issued our report thereon dated October 30, 2012. 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 Government Auditing Standards, 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 OCDA's Workers' Compensation Insurance Fraud Program for the year ended June 30, 2012 we considered the OCDA'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 OCDA's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the OCDA'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.

Independent Auditor's Report



This report is intended solely for the information and use of management of the OCDA, the Audit Oversight 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,

A handwritten signature in blue ink that reads "Peter Hughes".

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**

October 30, 2012

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 Orange County District Attorney's (OCDA) Workers' Compensation Insurance Fraud Program, for the fiscal year ended June 30, 2012 and have issued our report thereon dated October 30, 2012. 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 Government Auditing Standards, issued by the Comptroller General of the United States.

As part of obtaining reasonable assurance about whether the OCDA's financial statement is free of material misstatement, we performed tests of their 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 Government Auditing Standards.

This report is intended solely for the information and use of management of the OCDA, the Audit Oversight 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,

A handwritten signature in blue ink, reading "Peter Hughes", is positioned above the printed name.

Dr. Peter Hughes, CPA, Director
Internal Audit Department